

1                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           943.0586, F.S.; providing an exemption from public  
 4           records requirements for specified expunged criminal  
 5           history records; providing for future legislative  
 6           review and repeal of the exemption; providing a  
 7           statement of public necessity; providing a contingent  
 8           effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Subsection (9) is added to section 943.0586,  
 13 Florida Statutes, as created by HB 189 or similar legislation,  
 14 2021 Regular Session, to read:

15           943.0586 Expunction of qualifying cannabis offenses.—

16           (9) A criminal history record ordered expunged under this  
 17 section which is retained by the department is confidential and  
 18 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 19 Constitution. This section is subject to the Open Government  
 20 Sunset Review Act in accordance with s. 119.15 and shall stand  
 21 repealed on October 2, 2025, unless reviewed and saved from  
 22 repeal through reenactment by the Legislature.

23           Section 2. The Legislature finds that it is a public  
 24 necessity that individuals who petition a court and are granted  
 25 expunction of certain low-level and nonviolent criminal history

26 | records have such criminal history records made confidential and  
27 | exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
28 | Article I of the State Constitution. The Legislature recognizes  
29 | the disproportionate harm that criminalizing the purchase or  
30 | possession of small amounts of cannabis has had on minorities  
31 | and disadvantaged communities. The Legislature further  
32 | recognizes the trends in this state, and nationally, of counties  
33 | and localities decriminalizing the purchase or possession of  
34 | small amounts of cannabis. Without this public records  
35 | exemption, individuals with such low-level and nonviolent  
36 | criminal history records who are granted expunction of such  
37 | records might not be able to seek gainful employment and become  
38 | productive, contributing members of this state. For these  
39 | reasons, the Legislature finds that it is a public necessity  
40 | that such records be made confidential and exempt.

41 | Section 3. This act shall take effect on the same date  
42 | that HB 189 or similar legislation takes effect, if such  
43 | legislation is adopted in the same legislative session or an  
44 | extension thereof and becomes a law.