

By Senator Bracy

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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 SB ____ 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21 repealed on October 2, 2025, unless reviewed and saved from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

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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 that
42 SB ___ or similar legislation takes effect, if such legislation
43 is adopted in the same legislative session or an extension
44 thereof and becomes a law.