

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 747](#)

**TITLE:** Pub. Rec./Sealing of Criminal History Records

**SPONSOR(S):** Koster

**COMPANION BILL:** [CS/SB 812](#) (Simon)

**LINKED BILLS:** [CS/HB 745](#) Koster

**RELATED BILLS:** None

### Committee References

[Criminal Justice](#)

15 Y, 2 N



[Government Operations](#)

14 Y, 0 N



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

The bill expands the current public records exemption related to sealed criminal history records to also include records made newly eligible for sealing by [CS/HB 745](#), to which this bill is linked. Specifically, the expanded exemption applies to sealed criminal history records related to a nonviolent misdemeanor offense for which a person was adjudicated guilty. Specified misdemeanor records remain ineligible for such sealing, including those related to:

- Domestic violence and other specified related crimes;
- Unlawful sexual conduct; or
- Driving under the influence.

The bill provides for repeal of the exemption on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

### Fiscal or Economic Impact:

The bill will likely have an insignificant, negative fiscal impact on the state and local governments, which can be absorbed within existing resources.

### Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill expands the current [public records](#) exemption related to sealed [criminal history records](#) to also include records made newly eligible for sealing by [CS/HB 745](#), to which this bill is linked. Specifically, the expanded exemption applies to sealed criminal history records related to a nonviolent misdemeanor offense for which a person was adjudicated guilty. Specified misdemeanor records remain ineligible for such sealing, including those related to:

- Domestic violence and other specified related crimes;
- Unlawful sexual conduct; or
- Driving under the influence. (Section [1](#))

The bill includes a public necessity statement that specifies it is necessary for the criminal history record of persons adjudicated guilty of certain nonviolent misdemeanor offenses to be [confidential and exempt](#) from public records requirements due to barriers that a person who obtains the sealing of such record may face in obtaining

**STORAGE NAME:** h0747c.GOS

**DATE:** 1/29/2026

work, housing, or other resources necessary to be a productive member of society, if such record remains accessible to potential employers, landlords, and other members of the public. (Section [2](#))

The bill provides for repeal of the exemption on October 2, 2031, pursuant to the [Open Government Sunset Review Act](#), unless reviewed and saved from repeal through reenactment by the Legislature. (Section [1](#))

[Article I, s. 24\(c\) of the Florida Constitution](#) requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption and thus requires a two-thirds vote for final passage.

The bill will take effect on the same date that HB 745 (2026) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law. (Section [3](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill could have a minimal fiscal impact on agencies because agency staff responsible for complying with public record requests may require training related to implementing the public record exemption. In addition, agencies could incur costs associated with redacting the exempt information before releasing a record. The costs, however, would be absorbed as they are part of the day-to-day responsibilities of agencies.

### **LOCAL GOVERNMENT:**

The bill could have a minimal fiscal impact on agencies because agency staff responsible for complying with public record requests may require training related to implementing the public record exemption. In addition, agencies could incur costs associated with redacting the exempt information before releasing a record. The costs, however, would be absorbed as they are part of the day-to-day responsibilities of agencies.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **[Public Records](#)**

The Florida Constitution sets forth the state's public policy regarding access to government records, guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.<sup>1</sup> The Legislature, however, may provide by general law an exemption from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.<sup>2</sup>

Current law also addresses the public policy regarding access to government records, guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.<sup>3</sup> Furthermore, the [Open Government Sunset Review Act](#)<sup>4</sup> (OGSR Act) provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.<sup>5</sup> An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;

<sup>1</sup> [Art. I, s. 24\(a\), FLA. CONST.](#)

<sup>2</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>3</sup> [S. 119.01\(1\), F.S.](#)

<sup>4</sup> [S. 119.15, F.S.](#)

<sup>5</sup> [S. 119.15\(6\)\(b\), F.S.](#)

- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only information that would identify the individual may be exempted under this provision; or
- Protects trade or business secrets.<sup>6</sup>

Pursuant to the OGSR Act, a new public record exemption, or the substantial amendment of an existing public record exemption, is repealed on October 2<sup>nd</sup> of the fifth year following enactment, unless the Legislature reenacts the exemption.<sup>7</sup>

Furthermore, there is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute.<sup>8</sup>

### Public Record Exemptions Related to Criminal History Records

Under [s. 943.059\(6\)\(d\), F.S.](#), information relating to the existence of a sealed criminal history record provided in accordance with [s. 943.059\(6\)\(b\), F.S.](#), is confidential and exempt from [s. 119.07\(1\), F.S.](#), and [s. 24\(a\), Art. I of the Florida Constitution](#), except that the Florida Department of Law Enforcement must disclose the sealed criminal history record to specified entities for respective licensing, access authorization, and employment purposes.<sup>9</sup> The following persons and entities may access a sealed criminal history record:

- The subject of the record;
- His or her attorney;
- Criminal justice agencies for criminal justice purposes;
- Judges in the state courts system for assisting in their case-related decision-making responsibilities; and
- Certain enumerated entities<sup>10</sup> for licensing access authorization and employment purposes.<sup>11</sup>

An employee of a specified entity<sup>12</sup> may not disclose information relating to the existence of a sealed criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. A person who unlawfully discloses such information commits a first degree misdemeanor.<sup>13</sup>

### CS/HB 745

CS/HB 745, to which this bill is linked, expands eligibility for court-ordered sealing of criminal history records, which currently only applies to specified withheld adjudications of guilt, by authorizing an otherwise eligible

<sup>6</sup> *Id.*

<sup>7</sup> [S. 119.15\(3\), F.S.](#)

<sup>8</sup> See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991); Op. Att'y Gen. Fla. 04- 09 (2004).

<sup>9</sup> [S. 943.059\(6\)\(b\)1., 4.-6., and 8.-10, F.S.](#)

<sup>10</sup> Enumerated entities include criminal justice agencies, The Florida Bar, Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elder Affairs, Department of Juvenile Justice, the Department of Education, a district school board, a university laboratory school, the Florida School for the Deaf and the Blind, the Florida Virtual school, a virtual instruction program, a charter school, a private or parochial school, a local governmental entity that licenses child care facilities, the Division of Insurance Agent and Agency Services within the Department of Financial Services, and the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services.

<sup>11</sup> [S. 943.059\(6\)\(a\), F.S.](#)

<sup>12</sup> *Supra* note 9.

<sup>13</sup> A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082 and 775.083, F.S.](#)

person to petition a court to seal a criminal history record related to a nonviolent misdemeanor offense for which the person was adjudicated guilty. A person remains ineligible for such sealing if the misdemeanor is related to:

- Domestic violence and other specified related crimes;
- Unlawful sexual conduct; or
- Driving under the influence.

CS/HB 745 revises the current one-time limitation for court-ordered sealing of a criminal history record, by authorizing a person to petition to seal:

- Subsequent withheld adjudications of guilt, if he or she has maintained a conviction-free record for three years.
- A specified misdemeanor adjudication of guilt, if he or she has maintained a conviction-free record for five years, except the court may seal more than one adjudication of guilt if the additional adjudications directly relate to the original arrest, incident of criminal activity, or adjudication of guilt.

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	15 Y, 2 N	1/20/2026	Hall	Butcher
<a href="#">Government Operations Subcommittee</a>	14 Y, 0 N	1/29/2026	Toliver	Lines
<a href="#">Judiciary Committee</a>				