

1 A bill to be entitled
2 An act relating to public records; reenacting and
3 amending s. 943.059, F.S.; expanding an existing
4 public records exemption to include sealed criminal
5 history records of persons adjudicated guilty of
6 certain nonviolent misdemeanor offenses; providing for
7 future review and repeal of the expanded exemption;
8 providing for reversion of specified language if the
9 exemption is not saved from repeal; providing a
10 statement of public necessity; providing a contingent
11 effective date.

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

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15 **Section 1. Paragraphs (a) and (d) of subsection (6) of**
16 **section 943.059, Florida Statutes, are reenacted, and a new**
17 **paragraph (e) is added to that subsection, to read:**

18 943.059 Court-ordered sealing of criminal history
19 records.—

20 (6) EFFECT OF ORDER.—

21 (a) A criminal history record of a minor or an adult which
22 is ordered sealed by a court pursuant to this section is
23 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
24 of the State Constitution and is available only to the following
25 persons:

26 1. The subject of the record;
27 2. The subject's attorney;
28 3. Criminal justice agencies for their respective criminal
29 justice purposes, which include conducting a criminal history
30 background check for approval of firearms purchases or transfers
31 as authorized by state or federal law;
32 4. Judges in the state courts system for the purpose of
33 assisting them in their case-related decisionmaking
34 responsibilities, as set forth in s. 943.053(5); or
35 5. To those entities set forth in subparagraphs (b)1., 4.-
36 6., and 8.-10. for their respective licensing access
37 authorization and employment purposes.
38 (d) Information relating to the existence of a sealed
39 criminal history record provided in accordance with paragraph
40 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),
41 Art. I of the State Constitution, except that the department
42 shall disclose the sealed criminal history record to the
43 entities set forth in subparagraphs (b)1., 4.-6., and 8.-10. for
44 their respective licensing, access authorization, and employment
45 purposes. An employee of an entity set forth in subparagraph
46 (b)1., subparagraph (b)4., subparagraph (b)5., subparagraph
47 (b)6., subparagraph (b)8., subparagraph (b)9., or subparagraph
48 (b)10. may not disclose information relating to the existence of
49 a sealed criminal history record of a person seeking employment,
50 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 violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The expansion of the public records exemption under this subsection to include criminal history records described in subparagraph (1)(b)2. is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. If the expansion of the exemption is not saved from repeal, this subsection shall revert to that in existence on June 30, 2026, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this paragraph.

Section 2. The Legislature finds that it is a public necessity that a criminal history record described in s. 943.059(1)(b)2. which is sealed be made confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and only be made available in accordance with the provisions of s. 943.059(6). If a sealed criminal history record remains accessible to potential employers, landlords, and other

76 members of the public, the person who obtained the sealing of
77 the record faces barriers to obtaining work, housing, or other
78 resources necessary to be a productive member of society.
79 Increasing opportunities for persons to seal a criminal history
80 record promotes economic stability, reduces crime and
81 recidivism, and makes communities safer. For these reasons, the
82 Legislature finds that it is a public necessity that the
83 criminal history record of persons adjudicated guilty of certain
84 nonviolent misdemeanor offenses be confidential and exempt from
85 public records requirements.

86 **Section 3.** This act shall take effect on the same date
87 that HB 745 or similar legislation takes effect, if such
88 legislation is adopted in the same legislative session or an
89 extension thereof and becomes law.