

By Senator Simon

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

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

Section 1. Paragraph (e) is added to subsection (6) of
section 943.059, Florida Statutes, and paragraphs (a) and (d) of
that subsection are reenacted, to read:

943.059 Court-ordered sealing of criminal history records.—

(6) EFFECT OF ORDER.—

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

1. The subject of the record;
2. The subject's attorney;
3. Criminal justice agencies for their respective criminal
justice purposes, which include conducting a criminal history
background check for approval of firearms purchases or transfers

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as authorized by state or federal law;

4. Judges in the state courts system for the purpose of assisting them in their case-related decisionmaking responsibilities, as set forth in s. 943.053(5); or

5. To those entities set forth in subparagraphs (b)1., 4.-6., and 8.-10. for their respective licensing access authorization and employment purposes.

(d) Information relating to the existence of a sealed criminal history record provided in accordance with paragraph (b) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the sealed criminal history record to the entities set forth in subparagraphs (b)1., 4.-6., and 8.-10. for their respective licensing, access authorization, and employment purposes. An employee of an entity set forth in subparagraph (b)1., subparagraph (b)4., subparagraph (b)5., subparagraph (b)6., subparagraph (b)8., subparagraph (b)9., or subparagraph (b)10. 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 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

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Review Act in accordance with s. 119.15 and that subparagraph 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., Florida Statutes, which is sealed be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, and be made available only in accordance with s. 943.059(6), Florida Statutes. If a sealed criminal history record remains accessible to potential employers, landlords, and other members of the public, the person who obtained the sealing of the record faces barriers to obtaining work, housing, or other resources necessary to be a productive member of society. Increasing opportunities for persons to seal a criminal history record promotes economic stability, reduces crime and recidivism, and makes communities safer. For these reasons, the Legislature finds that it is a public necessity that the criminal history record of persons adjudicated guilty of certain nonviolent misdemeanor offenses be confidential and exempt from public records requirements.

Section 3. This act shall take effect on the same date that SB 810 or similar legislation takes effect, if such legislation

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88 is adopted in the same legislative session or an extension
89 thereof and becomes a law.