

By the Committee on Criminal Justice; and Senator Simon

591-02059-26

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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 acts or nonviolent misdemeanor offenses; authorizing disclosure of criminal history records to a state attorney for a specified purpose; providing for future review and repeal of the expanded exemption; providing for reversion to specified statutory text if the exemption is not saved from repeal; providing for expiration; providing a directive to the Division of Law Revision; 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, paragraph (a) of that subsection is reenacted and amended, and paragraph (d) of that subsection is 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:

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30 1. The subject of the record;

31 2. The subject's attorney;

32 3. Criminal justice agencies for their respective criminal
33 justice purposes, which include conducting a criminal history
34 background check for approval of firearms purchases or transfers
35 as authorized by state or federal law;

36 4. A state attorney for the purpose of prosecuting any
37 subsequent cases.

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

41 6.5. To those entities set forth in subparagraphs (b)1.,
42 4.-6., and 8.-10. for their respective licensing access
43 authorization and employment purposes.

44 (d) Information relating to the existence of a sealed
45 criminal history record provided in accordance with paragraph
46 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),
47 Art. I of the State Constitution, except that the department
48 shall disclose the sealed criminal history record to the
49 entities set forth in subparagraphs (b)1., 4.-6., and 8.-10. for
50 their respective licensing, access authorization, and employment
51 purposes. An employee of an entity set forth in subparagraph
52 (b)1., subparagraph (b)4., subparagraph (b)5., subparagraph
53 (b)6., subparagraph (b)8., subparagraph (b)9., or subparagraph
54 (b)10. may not disclose information relating to the existence of
55 a sealed criminal history record of a person seeking employment,
56 access authorization, or licensure with such entity or
57 contractor, except to the person to whom the criminal history
58 record relates or to persons having direct responsibility for

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59 employment, access authorization, or licensure decisions. A
60 person who violates this paragraph commits a misdemeanor of the
61 first degree, punishable as provided in s. 775.082 or s.
62 775.083.

63 (e) The expansion of the public records exemption under
64 this subsection to include criminal history records described in
65 paragraph (1)(b) is subject to the Open Government Sunset Review
66 Act in accordance with s. 119.15, and that paragraph shall stand
67 repealed on October 2, 2031, unless reviewed and saved from
68 repeal through reenactment by the Legislature. If the expansion
69 of the exemption is not saved from repeal, paragraph (1)(b)
70 reverts to that in existence on June 30, 2026, except that any
71 amendments to such text enacted other than by SB 810, 2026
72 Regular Session, are preserved and continue to operate to the
73 extent that such amendments are not dependent upon the portions
74 of text which expire pursuant to this paragraph. This paragraph
75 expires October 31, 2031.

76 Section 2. The Division of Law Revision is directed to
77 replace the phrase "SB 810, 2026 Regular Session" wherever it
78 occurs in this act with the assigned chapter number of that act.

79 Section 3. The Legislature finds that it is a public
80 necessity that a criminal history record described in s.
81 943.059(1)(b), Florida Statutes, which is sealed be made
82 confidential and exempt from s. 119.07(1), Florida Statutes, and
83 s. 24(a), Article I of the State Constitution, and be made
84 available only in accordance with s. 943.059(6), Florida
85 Statutes. If a sealed criminal history record remains accessible
86 to potential employers, landlords, and other members of the
87 public, the person who obtained the sealing of the record faces

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88 barriers to obtaining work, housing, or other resources
89 necessary to be a productive member of society. Increasing
90 opportunities for persons to seal a criminal history record
91 promotes economic stability, reduces crime and recidivism, and
92 makes communities safer. For these reasons, the Legislature
93 finds that it is a public necessity that the criminal history
94 record of persons adjudicated guilty of certain nonviolent
95 misdemeanor offenses be confidential and exempt from public
96 records requirements.

97 Section 4. This act shall take effect on the same date that
98 SB 810 or similar legislation takes effect, if such legislation
99 is adopted in the same legislative session or an extension
100 thereof and becomes a law.