

By Senator Brandes

24-02086-20

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.0587, F.S.; providing a public records exemption
4 to include the expunction of specified convictions of
5 certain persons convicted of driving while license
6 suspended, revoked, canceled, or disqualified;
7 providing for legislative review and repeal of the
8 exemption; providing a statement of public necessity;
9 providing a contingent effective date.

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

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13 Section 1. Paragraphs (c) and (d) are added to subsection
14 (8) of section 943.0587, Florida Statutes, as created by SB ____
15 Regular Session, to read:

16 943.0587 Driving while license suspended, revoked,
17 canceled, or disqualified expunction.—

18 (8) EFFECT OF EXPUNCTION ORDER.—

19 (c) Any criminal history record of a person which is
20 ordered expunged by a court of competent jurisdiction pursuant
21 to this section must be physically destroyed or obliterated by
22 any criminal justice agency having custody of such record,
23 except that any criminal history record in the custody of the
24 department must be retained in all cases. A criminal history
25 record ordered expunged which is retained by the department is
26 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
27 of the State Constitution and not available to any person or
28 entity except upon order of a court of competent jurisdiction. A
29 criminal justice agency may retain a notation indicating

24-02086-20

20201506__

30 compliance with an order to expunge. This paragraph is subject
31 to the Open Government Sunset Review Act in accordance with s.
32 119.15 and shall stand repealed on October 2, 2025, unless
33 reviewed and saved from such repeal through reenactment by the
34 Legislature.

35 (d) Information relating to the existence of an expunged
36 criminal history record which is provided in accordance with
37 paragraph (c) is confidential and exempt from s. 119.07(1) and
38 s. 24(a), Art. I of the State Constitution, except that the
39 department shall disclose the existence of a criminal history
40 record ordered expunged to the entities set forth in
41 subparagraph (a)1. for their respective licensing, access
42 authorization, and employment purposes and to criminal justice
43 agencies for their respective criminal justice purposes. It is
44 unlawful for any employee of an entity set forth in subparagraph
45 (a)1., subparagraph (a)4., subparagraph (a)5., subparagraph
46 (a)6., subparagraph (a)7., or subparagraph (a)8. to disclose
47 information relating to the existence of an expunged criminal
48 history record of a person seeking employment, access
49 authorization, or licensure with such entity or contractor,
50 except to the person to whom the criminal history record relates
51 or to persons having direct responsibility for employment,
52 access authorization, or licensure decisions. This paragraph is
53 subject to the Open Government Sunset Review Act in accordance
54 with s. 119.15 and shall stand repealed on October 2, 2025,
55 unless reviewed and saved from such repeal through reenactment
56 by the Legislature.

57 Section 2. The Legislature finds that it is a public
58 necessity that the criminal history records of a person who has

24-02086-20

20201506__

59 been convicted of a felony offense of driving while license
60 suspended, revoked, canceled, or disqualified which is no longer
61 classified as a felony be made confidential and exempt from s.
62 119.07(1), Florida Statutes, and s. 24(a), Article I of the
63 State Constitution. The Legislature further finds that any
64 information relating to the existence of an expunged criminal
65 history record resulting from a felony offense of driving while
66 license suspended, revoked, canceled, or disqualified which is
67 no longer classified as a felony be made confidential and exempt
68 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
69 the State Constitution. The presence of a criminal history
70 record in a person's past can jeopardize his or her ability to
71 obtain education, employment, and other opportunities. The
72 presence of such a criminal history record in these individuals'
73 past creates an unnecessary barrier to becoming productive,
74 contributing, self-sustaining members of society and can
75 jeopardize individuals' ability to achieve a safe livelihood.
76 The Legislature therefore finds that it is in the best interest
77 of the public that such individuals are given the opportunity to
78 become contributing members of society.

79 Section 3. This act shall take effect on the same date as
80 SB __ or similar legislation takes effect, if such legislation
81 is adopted in the same legislative session or an extension
82 thereof and becomes a law.