

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 943.0517, F.S.; providing that expunged criminal
 4 history records of juveniles and certain information
 5 concerning such records are confidential and exempt
 6 from s. 119.07(1), F.S., and s. 24(a), Art. I of the
 7 State Constitution; providing for future legislative
 8 review and repeal of the exemption; providing a
 9 statement of public necessity; providing a contingent
 10 effective date.

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

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 14 Section 1. Paragraph (a) of subsection (6) of section
 15 943.0517, Florida Statutes, as created by HB 1481, is amended,
 16 and paragraph (d) is added to that subsection, to read:

17 943.0517 Expunction of records for offenders under the age
 18 of 18 at the time of commission of certain offenses upon
 19 completion of the sentence.—

20 (6) (a) Any criminal history record which is ordered
 21 expunged by a court of competent jurisdiction pursuant to this
 22 section must be physically destroyed or obliterated by any
 23 criminal justice agency having custody of such record, except
 24 that any criminal history record in the custody of the
 25 department must be retained in all cases. A criminal history

26 record ordered expunged which is retained by the department is
27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution and not available to any person or
29 entity except upon order of a court of competent jurisdiction. A
30 criminal justice agency may retain a notation indicating
31 compliance with an order to expunge. The public records
32 exemption in this paragraph is subject to the Open Government
33 Sunset Review Act in accordance with s. 119.15 and shall stand
34 repealed on October 2, 2027, unless reviewed and saved from
35 repeal through reenactment by the Legislature.

36 (d) Information relating to the existence of an expunged
37 criminal history record which is provided in accordance with
38 paragraph (a) is confidential and exempt from s. 119.07(1) and
39 s. 24(a), Art. I of the State Constitution, except that the
40 department shall disclose the existence of a criminal history
41 record ordered expunged to the entities set forth in
42 subparagraphs (b)1. and 4.-8. for their respective licensing,
43 access authorization, and employment purposes and to criminal
44 justice agencies for their respective criminal justice purposes.
45 It is unlawful for any employee of an entity set forth in
46 subparagraph (b)1., subparagraph (b)4., subparagraph (b)5.,
47 subparagraph (b)6., subparagraph (b)7., or subparagraph (b)8. to
48 disclose information relating to the existence of an expunged
49 criminal history record of a person seeking employment, access
50 authorization, or licensure with such entity or contractor,

51 except to the person to whom the criminal history record relates
52 or to persons having direct responsibility for employment,
53 access authorization, or licensure decisions. This paragraph is
54 subject to the Open Government Sunset Review Act in accordance
55 with s. 119.15 and shall stand repealed on October 2, 2027,
56 unless reviewed and saved from repeal through reenactment by the
57 Legislature.

58 Section 2. The Legislature finds that it is a public
59 necessity that the criminal history records of juveniles for
60 offenses that were committed when they were under age 18 that
61 have been expunged be made confidential and exempt from s.
62 119.07(1), Florida Statutes, and s. 24(a), Article I of the
63 State Constitution under ss. 985.04 and 943.053, Florida
64 Statutes. The presence of an arrest or a criminal record in
65 these individuals' juvenile past and certain criminal history
66 information relating to a juvenile creates an unnecessary
67 barrier to becoming productive members of society, thus
68 frustrating the rehabilitative purpose of the juvenile system.
69 The Legislature therefore finds that it is in the best interest
70 of the public that individuals with juvenile records are given
71 the opportunity to become contributing members of society.
72 Therefore, prohibiting the unfettered release of information
73 concerning juveniles whose offenses have been expunged is of
74 greater importance than any public benefit that may be derived
75 from the full disclosure and release of such arrest records and

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76 | information.

77 | Section 3. This act shall take effect on the same date
78 | that HB 1481 or similar legislation takes effect, if such
79 | legislation is adopted in the same legislative session or an
80 | extension thereof and becomes a law.