

1 A bill to be entitled
 2 An act relating to public records; amending s. 901.40,
 3 F.S.; providing that the personal identifying
 4 information of an adult who participates in a civil
 5 citation or similar prearrest diversion program is
 6 exempt from public record requirements; providing for
 7 future review and repeal of the exemption; providing
 8 an exception; providing a statement of public
 9 necessity; 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. Subsection (6) is added to section 901.40,
 14 Florida Statutes, as created by HB 367, 2017 Regular Session, to
 15 read:

16 901.40 Prearrest diversion programs.—

17 (6) PUBLIC RECORDS EXEMPTION.—The personal identifying
 18 information of an adult who participates in a civil citation or
 19 similar prearrest diversion program, as encouraged by this
 20 section, is exempt from s. 119.07(1), and s. 24(a), Art. I of
 21 the State Constitution. This subsection is subject to the Open
 22 Government Sunset Review Act in accordance with s. 119.15 and
 23 shall stand repealed on October 2, 2022, unless reviewed and
 24 saved from such repeal through reenactment by the Legislature.

25 Section 2. The Legislature finds that it is a public

26 | necessity that the personal identifying information of an adult
27 | who participates in a civil citation or similar prearrest
28 | diversion program be exempt from s. 119.07(1), Florida Statutes,
29 | and s. 24(a), Article I of the State Constitution. The goal of
30 | such programs is to give a second chance to adults who commit
31 | misdemeanor offenses and allow them the opportunity to avoid
32 | having an arrest record. If the personal identifying information
33 | of such adults were not exempt from disclosure, it would defeat
34 | the program's goal of giving adults who commit misdemeanor
35 | offenses a means to avoid the negative consequences of an arrest
36 | and prosecution. If such information were able to be obtained by
37 | the public, the disclosure might negatively impact the
38 | effectiveness of the program. For these reasons, the Legislature
39 | finds that it is a public necessity that the personal
40 | identifying information of an adult who participates in a civil
41 | citation or similar prearrest diversion program be exempt from
42 | public records requirements.

43 | Section 3. This act shall take effect on the same date
44 | that HB 367 or similar legislation takes effect, if such
45 | legislation is adopted in the same legislative session or an
46 | extension thereof and becomes a law.