

1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.0583, F.S.; providing for future repeal of
4 expanded exemptions; providing for the reversion of
5 specified provisions if the exemptions are not saved
6 from repeal; providing that a petition for human
7 trafficking victim expunction and all pleadings and
8 documents related to the petition are confidential and
9 exempt from public records requirements; providing for
10 future legislative review and repeal under the Open
11 Government Sunset Review Act; providing a statement of
12 public necessity; providing a contingent effective
13 date.

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

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17 Section 1. Subsections (12) and (13) are added to section
18 943.0583, Florida Statutes, and subsections (10) and (11) of
19 that section are republished, to read:

20 943.0583 Human trafficking victim expunction.—

21 (10)(a) A criminal history record ordered expunged under
22 this section that is retained by the department is confidential
23 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution, except that the record shall be made available:

25 1. To criminal justice agencies for their respective

26 | criminal justice purposes.

27 | 2. To any governmental agency that is authorized by state
28 | or federal law to determine eligibility to purchase or possess a
29 | firearm or to carry a concealed firearm for use in the course of
30 | such agency's official duties.

31 | 3. Upon order of a court of competent jurisdiction.

32 | (b) A criminal justice agency may retain a notation
33 | indicating compliance with an order to expunge.

34 | (11) (a) The following criminal intelligence information or
35 | criminal investigative information is confidential and exempt
36 | from s. 119.07(1) and s. 24(a), Art. I of the State
37 | Constitution:

38 | 1. Any information that reveals the identity of a person
39 | who is a victim of human trafficking whose criminal history
40 | record has been expunged under this section.

41 | 2. Any information that may reveal the identity of a
42 | person who is a victim of human trafficking whose criminal
43 | history record has been ordered expunged under this section.

44 | (b) Criminal investigative information and criminal
45 | intelligence information made confidential and exempt under this
46 | subsection may be disclosed by a law enforcement agency:

47 | 1. In the furtherance of its official duties and
48 | responsibilities.

49 | 2. For print, publication, or broadcast if the law
50 | enforcement agency determines that such release would assist in

51 locating or identifying a person that the agency believes to be
52 missing or endangered. The information provided should be
53 limited to that needed to identify or locate the victim.

54 3. To another governmental agency in the furtherance of
55 its official duties and responsibilities.

56 (c) This exemption applies to such confidential and exempt
57 criminal intelligence information or criminal investigative
58 information held by a law enforcement agency before, on, or
59 after the effective date of the exemption.

60 (12) The expansion of the public records exemptions in
61 subsections (10) and (11) pursuant to paragraph (3) (b) to allow
62 for the expunction of certain criminal history records related
63 to an offense listed in s. 775.084(1) (b)1. is subject to the
64 Open Government Sunset Review Act in accordance with s. 119.15
65 and shall stand repealed on October 2, 2027, unless reviewed and
66 saved from repeal through reenactment by the Legislature. If the
67 expansion of the exemptions pursuant to paragraph (3) (b) is not
68 saved from repeal, this section shall revert to that in
69 existence on June 30, 2022, except that any amendment to this
70 section other than by this act shall be preserved and continue
71 to operate to the extent that such amendments are not dependent
72 upon the portions of this section that are repealed pursuant to
73 this subsection.

74 (13) (a) A petition filed under this section and all
75 pleadings and documents related to the petition are confidential

76 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
77 Constitution.

78 (b) This subsection is subject to the Open Government
79 Sunset Review Act in accordance with s. 119.15 and shall stand
80 repealed on October 2, 2027, unless reviewed and saved from
81 repeal through reenactment by the Legislature.

82 Section 2. The Legislature finds that it is a public
83 necessity that criminal history records of human trafficking
84 victims related to any offense listed in s. 775.084(1)(b)1.,
85 Florida Statutes, which were dismissed or nolle prosequi by the
86 state attorney or statewide prosecutor or dismissed by a court
87 of competent jurisdiction, or for which a judgment of acquittal
88 was rendered by a judge or a verdict of not guilty was rendered
89 by a judge or jury, which records are ordered to be expunged
90 under s. 943.0583, Florida Statutes, be made confidential and
91 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
92 Article I of the State Constitution. Further, the Legislature
93 finds that it is a public necessity that a petition filed under
94 s. 943.0583, Florida Statutes, and all pleadings and documents
95 related to the petition be made confidential and exempt from s.
96 119.07(1), Florida Statutes, and s. 24(a), Article I of the
97 State Constitution. Persons who are victims of human trafficking
98 and who have been arrested for offenses committed, or reported
99 to have been committed, as a result of being trafficked are
100 themselves victims of crimes. These victims face barriers to

CS/HB 1441

2022

101 employment and loss of other life opportunities, and the fact
102 that the victims are seeking expungement, as well as the
103 information contained in related pleadings and documents, would
104 expose these victims to possible discrimination due to details
105 of their past lives becoming public knowledge. Therefore, it is
106 necessary that these petitions, pleadings, and related documents
107 be made confidential in order for human trafficking victims to
108 have the chance to rebuild their lives and reenter society.

109 Section 3. This act shall take effect on the same date
110 that HB 1439 or similar legislation takes effect, if such
111 legislation is adopted in the same legislative session or an
112 extension thereof and becomes a law.