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HB 467

2015 Legislature

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 2 An act relating to public records; amending s.  
 3 119.071, F.S.; revising an exemption from public  
 4 records requirements for certain criminal intelligence  
 5 and investigative information to exempt information  
 6 that reveals the identity of a victim of certain human  
 7 trafficking offenses; amending s. 943.0583, F.S.;  
 8 providing an exemption from public records  
 9 requirements for investigative information relating to  
 10 criminal history records of human trafficking victims  
 11 that have been ordered expunged; providing for future  
 12 legislative review and repeal of the exemption;  
 13 providing a statement of public necessity; providing a  
 14 contingent effective date.

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

17  
 18 Section 1. Paragraph (h) of subsection (2) of section  
 19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying of  
 21 public records.—

22 (2) AGENCY INVESTIGATIONS.—

23 (h)1. The following criminal intelligence information or  
 24 criminal investigative information is confidential and exempt  
 25 from s. 119.07(1) and s. 24(a), Art. I of the State  
 26 Constitution:

ENROLLED

HB 467

2015 Legislature

27 a. Any information that, ~~including the photograph, name,~~  
 28 ~~address, or other fact, which~~ reveals the identity of the victim  
 29 of the crime of child abuse as defined by chapter 827 or that  
 30 reveals the identity of a person under the age of 18 who is the  
 31 victim of the crime of human trafficking proscribed in s.  
 32 787.06(3)(a).

33 b. Any information that ~~which~~ may reveal the identity of a  
 34 person who is a victim of any sexual offense, including a sexual  
 35 offense proscribed in s. 787.06(3)(b), (d), (f), or (g), chapter  
 36 794, chapter 796, chapter 800, chapter 827, or chapter 847.

37 c. A photograph, videotape, or image of any part of the  
 38 body of the victim of a sexual offense prohibited under s.  
 39 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796,  
 40 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless  
 41 of whether the photograph, videotape, or image identifies the  
 42 victim.

43 2. Criminal investigative information and criminal  
 44 intelligence information made confidential and exempt under this  
 45 paragraph may be disclosed by a law enforcement agency:

46 a. In the furtherance of its official duties and  
 47 responsibilities.

48 b. For print, publication, or broadcast if the law  
 49 enforcement agency determines that such release would assist in  
 50 locating or identifying a person that such agency believes to be  
 51 missing or endangered. The information provided should be  
 52 limited to that needed to identify or locate the victim and not

ENROLLED

HB 467

2015 Legislature

53 | include the sexual nature of the offense committed against the  
 54 | person.

55 |       c. To another governmental agency in the furtherance of  
 56 | its official duties and responsibilities.

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

61 |       4. This paragraph is subject to the Open Government Sunset  
 62 | Review Act in accordance with s. 119.15, and shall stand  
 63 | repealed on October 2, 2020 ~~2016~~, unless reviewed and saved from  
 64 | repeal through reenactment by the Legislature.

65 |       Section 2. Subsection (11) is added to section 943.0583,  
 66 | Florida Statutes, to read:

67 |       943.0583 Human trafficking victim expunction.—

68 |       (11) (a) The following criminal intelligence information or  
 69 | criminal investigative information is confidential and exempt  
 70 | from s. 119.07(1) and s. 24(a), Art. I of the State  
 71 | Constitution:

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

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

78 |       (b) Criminal investigative information and criminal

ENROLLED

HB 467

2015 Legislature

79 intelligence information made confidential and exempt under this  
80 subsection may be disclosed by a law enforcement agency:

81 1. In the furtherance of its official duties and  
82 responsibilities.

83 2. For print, publication, or broadcast if the law  
84 enforcement agency determines that such release would assist in  
85 locating or identifying a person that the agency believes to be  
86 missing or endangered. The information provided should be  
87 limited to that needed to identify or locate the victim.

88 3. To another governmental agency in the furtherance of  
89 its official duties and responsibilities.

90 (c) This exemption applies to such confidential and exempt  
91 criminal intelligence information or criminal investigative  
92 information held by a law enforcement agency before, on, or  
93 after the effective date of the exemption.

94 (d) This subsection is subject to the Open Government  
95 Sunset Review Act in accordance with s. 119.15 and shall stand  
96 repealed on October 2, 2020, unless reviewed and saved from  
97 repeal through reenactment by the Legislature.

98 Section 3. The Legislature finds that it is a public  
99 necessity to make confidential and exempt from public records  
100 requirements certain criminal intelligence information or  
101 criminal investigative information that reveals the identity of  
102 a victim of the crime of human trafficking of a minor for labor  
103 or any victim of human trafficking for commercial sexual  
104 activity. The Legislature finds that it is important to

ENROLLED

HB 467

2015 Legislature

105 strengthen the protections afforded victims of human trafficking  
106 for labor who are minors and victims of human trafficking for  
107 commercial sexual activity, regardless of age, in order to  
108 ensure their privacy and to prevent their revictimization by  
109 making such information confidential and exempt. The identity of  
110 these victims is information of a sensitive personal nature. As  
111 such, this exemption serves to minimize the trauma to victims  
112 because the release of such information would compound the  
113 tragedy already visited upon their lives and would be defamatory  
114 to or cause unwarranted damage to the good name or reputation of  
115 the victims. Protecting the release of identifying information  
116 of such victims protects them from further embarrassment,  
117 harassment, or injury. The Legislature also finds that it is a  
118 public necessity that information in the investigative or  
119 intelligence records related to a criminal history record  
120 ordered expunged under s. 943.0583, Florida Statutes, which  
121 would or could reasonably be expected to reveal the identity of  
122 a person who is a victim of human trafficking whose criminal  
123 history record has been ordered expunged under s. 943.0583,  
124 Florida Statutes, be made confidential and exempt from s.  
125 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
126 State Constitution. Persons who are victims of human trafficking  
127 and who have been charged with crimes allegedly committed at the  
128 behest of their traffickers are themselves victims of crimes.  
129 Such victims face barriers to employment and other life  
130 opportunities as long as these criminal charges remain on record

ENROLLED

HB 467

2015 Legislature

131 and accessible to potential employers and others. Therefore, it  
132 is necessary that these records be made confidential and exempt  
133 in order for human trafficking victims to have the chance to  
134 rebuild their lives and reenter society.

135 Section 4. This act shall take effect on the same date  
136 that HB 465 or similar legislation relating to human trafficking  
137 takes effect, if such legislation is adopted in the same  
138 legislative session or an extension thereof and becomes a law.