

26 | expunge the criminal history record of a victim of human
 27 | trafficking who complies with the requirements of this section.
 28 | A petition need not be filed in the court where the petitioner's
 29 | criminal proceeding or proceedings originally occurred. This
 30 | section does not confer any right to the expunction of any
 31 | criminal history record, and any request for expunction of a
 32 | criminal history record may be denied at the discretion of the
 33 | court. The clerk of the court may not charge a filing fee,
 34 | service charge, or copy fee or any other charge for a petition
 35 | filed under this section. The clerk of the court shall treat a
 36 | petition seeking to expunge more than one eligible case as a
 37 | single petition.

38 | (b) A petition filed under this section and all pleadings
 39 | and documents related to the petition are confidential and
 40 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 41 | Constitution. This paragraph is subject to the Open Government
 42 | Sunset Review Act in accordance with s. 119.15 and is repealed
 43 | on October 2, 2028, unless reviewed and saved from repeal
 44 | through reenactment by the Legislature.

45 | (3) A person who is a victim of human trafficking may
 46 | petition for the expunction of a criminal history record
 47 | resulting from the arrest or filing of charges for one or more
 48 | offenses committed or reported to have been committed while the
 49 | person was a victim of human trafficking, which offense was
 50 | directly related to ~~committed or reported to have been committed~~

51 | ~~as a part of~~ the human trafficking scheme of which the person
52 | was a victim or at the direction of an operator of the scheme,
53 | including, but not limited to, violations under chapters 796 and
54 | 847, without regard to the disposition of the arrest or of any
55 | charges. However, this section does not apply to any offense
56 | listed in s. 775.084(1)(b)1. Determination of the petition under
57 | this section should be by a preponderance of the evidence. A
58 | conviction expunged under this section is deemed to have been
59 | vacated due to a substantive defect in the underlying criminal
60 | proceedings. If a person is adjudicated not guilty by reason of
61 | insanity or is found to be incompetent to stand trial for any
62 | such charge, the expunction of the criminal history record may
63 | not prevent the entry of the judgment or finding in state and
64 | national databases for use in determining eligibility to
65 | purchase or possess a firearm or to carry a concealed firearm,
66 | as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t),
67 | nor shall it prevent any governmental agency that is authorized
68 | by state or federal law to determine eligibility to purchase or
69 | possess a firearm or to carry a concealed firearm from accessing
70 | or using the record of the judgment or finding in the course of
71 | such agency's official duties.

72 | (6) Each petition to a court to expunge a criminal history
73 | record is complete only when accompanied by:

74 | (a) The petitioner's sworn statement attesting that the
75 | petitioner is eligible for such an expunction to the best of his

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76 | or her knowledge or belief.

77 | (b) Official documentation of the petitioner's status as a
78 | victim of human trafficking, if any exists.

79 |
80 | Any person who knowingly provides false information on such
81 | sworn statement to the court commits a felony of the second
82 | ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083,
83 | or s. 775.084.

84 | Section 2. The Legislature finds that it is a public
85 | necessity that a petition filed under s. 943.0583, Florida
86 | Statutes, and all pleadings and documents related to the
87 | petition be made confidential and exempt from s. 119.07(1),
88 | Florida Statutes, and s. 24(a), Article I of the State
89 | Constitution. Persons who are victims of human trafficking and
90 | who have been arrested for offenses committed, or reported to
91 | have been committed, as a result of being trafficked are
92 | themselves victims of crimes. These victims face barriers to
93 | employment and loss of other life opportunities, and the fact
94 | that the victims are seeking expungement, as well as the
95 | information contained in related pleadings and documents, would
96 | expose these victims to possible discrimination due to details
97 | of their past lives becoming public knowledge. Therefore, it is
98 | necessary that these petitions, pleadings, and related documents
99 | be made confidential in order for human trafficking victims to
100 | have the chance to rebuild their lives and reenter society.

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101 | Section 3. This act shall take effect October 1, 2023. |