

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to expunction of records of victims of
3 human trafficking; amending s. 943.0583, F.S.;
4 revising the definition of the term "official
5 documentation"; requiring a court vacating one or more
6 certain convictions to include in its order to expunge
7 an order for the return of all fines, fees, and
8 restitution paid by the petitioner; requiring the
9 clerk of the court, upon receipt of such an order, to
10 return all such amounts to the petitioner; deleting a
11 provision requiring a certain standard of proof for a
12 determination made without certain official
13 documentation; providing an effective date.

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

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17 Section 1. Paragraph (b) of subsection (1) and subsections
18 (3) and (5) of section 943.0583, Florida Statutes, are amended
19 to read:

20 943.0583 Human trafficking victim expunction.—

21 (1) As used in this section, the term:

22 (b) "Official documentation" includes, but is not limited
23 to, all of the following:

24 1. means Any documentation issued by a federal, state, or
25 local agency tending to show a person's status as a victim of
26 human trafficking.

27 2. An affidavit, a letter, or sworn testimony from a
28 medical professional, a member of a victim services
29 organization, or a certified, licensed, or registered

40-01248-24

20241736__

30 professional from whom the defendant has sought assistance,
31 counseling, or legal counsel related to his or her
32 victimization.

33 (3) (a) A person who is a victim of human trafficking may
34 petition for the expunction of a criminal history record
35 resulting from the arrest or filing of charges for one or more
36 offenses committed or reported to have been committed while the
37 person was a victim of human trafficking, which offense was
38 committed or reported to have been committed as a part of the
39 human trafficking scheme of which the person was a victim or at
40 the direction of an operator of the scheme, including, but not
41 limited to, violations under chapters 796 and 847, without
42 regard to the disposition of the arrest or of any charges.

43 (b) ~~However,~~ This section does not apply to any offense
44 listed in s. 775.084(1)(b)1.

45 (c) Determination of the petition under this section should
46 be by a preponderance of the evidence. A conviction expunged
47 under this section is deemed to have been vacated due to a
48 substantive defect in the underlying criminal proceedings. If a
49 person is adjudicated not guilty by reason of insanity or is
50 found to be incompetent to stand trial for any such charge, the
51 expunction of the criminal history record may not prevent the
52 entry of the judgment or finding in state and national databases
53 for use in determining eligibility to purchase or possess a
54 firearm or to carry a concealed firearm, as authorized in s.
55 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent
56 any governmental agency that is authorized by state or federal
57 law to determine eligibility to purchase or possess a firearm or
58 to carry a concealed firearm from accessing or using the record

40-01248-24

20241736__

59 of the judgment or finding in the course of such agency's
60 official duties.

61 (d) For any conviction vacated pursuant to this subsection,
62 the court vacating such conviction or convictions must include
63 in the order to expunge an order for the return of all fines,
64 fees, and restitution paid by the petitioner as a result of his
65 or her conviction or convictions. The clerk of the court must,
66 upon receipt of such order to expunge containing an order for
67 the return of all fines, fees, and restitution, return to the
68 petitioner all such amounts.

69 (5) Official documentation of the victim's status creates a
70 presumption that his or her participation in the offense was a
71 result of having been a victim of human trafficking but is not
72 required for granting a petition under this section. ~~A~~
73 ~~determination made without such official documentation must be~~
74 ~~made by a showing of clear and convincing evidence.~~

75 Section 2. This act shall take effect July 1, 2024.