

By Senator Flores

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.0583, F.S.; providing an exemption from public
4 records requirements for criminal history records of
5 victims of human trafficking expunged under s.
6 943.0583, F.S., and information relating to the
7 existence of such an expunged criminal history record
8 that is provided in accordance with specified
9 provisions; prohibiting violations relating to certain
10 confidential information; providing criminal
11 penalties; providing for future legislative review and
12 repeal of the exemption under the Open Government
13 Sunset Review Act; providing a statement of public
14 necessity; providing a contingent effective date.

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

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18 Section 1. Subsection (9) is added to section 943.0583,
19 Florida Statutes, to read:

20 943.0583 Human trafficking victim expunction.—

21 (9) (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 and shall not be disclosed to any person or entity
25 except upon order of a court of competent jurisdiction. A
26 criminal justice agency may retain a notation indicating
27 compliance with an order to expunge.

28 (b) Information relating to the existence of an expunged
29 criminal history record that is provided in accordance with

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30 paragraph (8) (b) is confidential and exempt from s. 119.07(1)
31 and s. 24(a), Art. I of the State Constitution, except that the
32 department shall disclose the existence of a criminal history
33 record ordered expunged to the entities set forth in
34 subparagraphs (8) (b)1., 4., 5., 6., and 7. for their respective
35 licensing, access authorization, and employment purposes, and to
36 criminal justice agencies for their respective criminal justice
37 purposes. It is unlawful for any employee of an entity or
38 contractor set forth in subparagraph (8) (b)1., subparagraph
39 (8) (b)4., subparagraph (8) (b)5., subparagraph (8) (b)6., or
40 subparagraph (8) (b)7. to disclose information relating to the
41 existence of an expunged criminal history record of a person
42 seeking employment, access authorization, or licensure with such
43 entity or contractor, except to the person to whom the criminal
44 history record relates or to persons having direct
45 responsibility for employment, access authorization, or
46 licensure decisions. Any person who violates this paragraph
47 commits a misdemeanor of the first degree, punishable as
48 provided in s. 775.082 or s. 775.083.

49 (c) This subsection is subject to the Open Government
50 Sunset Review Act in accordance with s. 119.15 and shall stand
51 repealed on October 2, 2018, unless reviewed and saved from
52 repeal through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public
54 necessity that persons who are victims of human trafficking and
55 who have been convicted of crimes committed at the behest of
56 their traffickers are themselves victims of crimes. Such victims
57 face barriers to employment and other life opportunities as long
58 as these criminal convictions remain on record and accessible to

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59 potential employers and others. It is necessary that these
60 records and information concerning these convictions be made
61 confidential in order for human trafficking victims to have the
62 chance to rebuild their lives and reenter society.

63 Section 3. This act shall take effect, on the same date
64 that SB _____ or similar legislation takes effect, if such
65 legislation is adopted in the same legislative session or an
66 extension thereof and becomes law.