

By the Committees on Rules; Governmental Oversight and Accountability; and Criminal Justice; and Senator Flores

595-04602-13

20131734c3

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.; providing an exception, providing for  
7           future legislative review and repeal of the exemption  
8           under the Open Government Sunset Review Act; providing  
9           a statement of public necessity; providing an  
10          effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Subsection (9) of section 943.0583, Florida  
15 Statutes, is created to read:

16           943.0583 Human trafficking victim expunction.—

17           (9) (a) A criminal history record ordered expunged under  
18 this section that is retained by the department is confidential  
19 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution, except that the record shall be made available to  
21 criminal justice agencies for their respective criminal justice  
22 purposes. Otherwise, such record shall not be disclosed to any  
23 person or entity except upon order of a court of competent  
24 jurisdiction. A criminal justice agency may retain a notation  
25 indicating compliance with an order to expunge.

26           (b) This subsection is subject to the Open Government  
27 Sunset Review Act in accordance with s. 119.15 and shall stand  
28 repealed on October 2, 2018, unless reviewed and saved from  
29 repeal through reenactment by the Legislature.

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30           Section 2. The Legislature finds that it is a public  
31 necessity that a criminal history record ordered expunged under  
32 s. 943.0583, Florida Statutes, that is retained by the  
33 Department of Law Enforcement be made confidential and exempt  
34 from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the  
35 State Constitution. Persons who are victims of human trafficking  
36 and who have been convicted of crimes committed at the behest of  
37 their traffickers are themselves victims of crimes. Such victims  
38 face barriers to employment and other life opportunities as long  
39 as these criminal convictions remain on record and accessible to  
40 potential employers and others. It is necessary that these  
41 records be made confidential in order for human trafficking  
42 victims to have the chance to rebuild their lives and reenter  
43 society.

44           Section 3. This act shall take effect on the same date that  
45 SB 1644 or similar legislation takes effect, if such legislation  
46 is adopted in the same legislative session or an extension  
47 thereof and becomes law.

48           Section 4. This act shall take effect July 1, 2013.