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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
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The Committee on Criminal Justice (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(2) AGENCY INVESTIGATIONS.—

(h)1. The following criminal intelligence information or



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11 criminal investigative information is confidential and exempt
12 from s. 119.07(1) and s. 24(a), Art. I of the State
13 Constitution:

14 a. Any information that, ~~including the photograph, name,~~
15 ~~address, or other fact, which~~ reveals the identity of the victim
16 of the crime of child abuse as defined by chapter 827 or that
17 reveals the identity of a person under the age of 18 who is the
18 victim of the crime of human trafficking proscribed in s.
19 787.06(3)(a).

20 b. Any information that ~~which~~ may reveal the identity of a
21 person who is a victim of any sexual offense, including a sexual
22 offense proscribed in s. 787.06(3)(b), (d), (f), (g), or (h),
23 chapter 794, chapter 796, chapter 800, chapter 827, or chapter
24 847.

25 c. A photograph, videotape, or image of any part of the
26 body of the victim of a sexual offense prohibited under s.
27 787.06(3)(b), (d), (f), (g), or (h), chapter 794, chapter 796,
28 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless
29 of whether the photograph, videotape, or image identifies the
30 victim.

31 2. Criminal investigative information and criminal
32 intelligence information made confidential and exempt under this
33 paragraph may be disclosed by a law enforcement agency:

34 a. In the furtherance of its official duties and
35 responsibilities.

36 b. For print, publication, or broadcast if the law
37 enforcement agency determines that such release would assist in
38 locating or identifying a person that such agency believes to be
39 missing or endangered. The information provided should be



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40 limited to that needed to identify or locate the victim and not
41 include the sexual nature of the offense committed against the
42 person.

43 c. To another governmental agency in the furtherance of its
44 official duties and responsibilities.

45 3. This exemption applies to such confidential and exempt
46 criminal intelligence information or criminal investigative
47 information held by a law enforcement agency before, on, or
48 after the effective date of the exemption.

49 4. This paragraph is subject to the Open Government Sunset
50 Review Act in accordance with s. 119.15, and shall stand
51 repealed on October 2, 2019 ~~2016~~, unless reviewed and saved from
52 repeal through reenactment by the Legislature.

53 Section 2. Subsection (11) is added to section 943.0583,
54 Florida Statutes, to read:

55 943.0583 Human trafficking victim expunction.—

56 (11) (a) The following criminal intelligence information or
57 criminal investigative information is confidential and exempt
58 from s. 119.07(1) and s. 24(a), Art. I of the State
59 Constitution:

60 1. Any information that reveals the identity of a person
61 who is a victim of human trafficking whose criminal history
62 record has been expunged under this section.

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

66 (b) Criminal investigative information and criminal
67 intelligence information made confidential and exempt under this
68 subsection may be disclosed by a law enforcement agency:



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69 1. In the furtherance of its official duties and
70 responsibilities.

71 2. For print, publication, or broadcast if the law
72 enforcement agency determines that such release would assist in
73 locating or identifying a person that the agency believes to be
74 missing or endangered. The information provided should be
75 limited to that needed to identify or locate the victim.

76 3. To another governmental agency in the furtherance of its
77 official duties and responsibilities.

78 (c) This exemption applies to such confidential and exempt
79 criminal intelligence information or criminal investigative
80 information held by a law enforcement agency before, on, or
81 after the effective date of the exemption.

82 (d) This subsection is subject to the Open Government
83 Sunset Review Act in accordance with s. 119.15 and shall stand
84 repealed on October 2, 2019, unless reviewed and saved from
85 repeal through reenactment by the Legislature.

86 Section 3. The Legislature finds that it is a public
87 necessity to make confidential and exempt from public records
88 requirements certain criminal intelligence information or
89 criminal investigative information that reveals the identity of
90 a victim of the crime of human trafficking of a minor for labor
91 or any victim of human trafficking for commercial sexual
92 activity. The Legislature finds that it is important to
93 strengthen the protections afforded victims of human trafficking
94 for labor who are minors and victims of human trafficking for
95 commercial sexual activity, regardless of age, in order to
96 ensure their privacy and to prevent their revictimization by
97 making such information confidential and exempt. The identity of



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98 these victims is information of a sensitive personal nature. As
99 such, this exemption serves to minimize the trauma to victims
100 because the release of such information would compound the
101 tragedy already visited upon their lives and would be defamatory
102 to or cause unwarranted damage to the good name or reputation of
103 the victims. Protecting the release of identifying information
104 of such victims protects them from further embarrassment,
105 harassment, or injury. The Legislature also finds that it is a
106 public necessity that information in the investigative or
107 intelligence records related to a criminal history record
108 ordered expunged under s. 943.0583, Florida Statutes, which
109 would or could reasonably be expected to reveal the identity of
110 a person who is a victim of human trafficking whose criminal
111 history record has been ordered expunged under s. 943.0583,
112 Florida Statutes, be made confidential and exempt from s.
113 119.07(1), Florida Statutes, and s. 24(a), Article I of the
114 State Constitution. Persons who are victims of human trafficking
115 and who have been charged with crimes allegedly committed at the
116 behest of their traffickers are themselves victims of crimes.
117 Such victims face barriers to employment and other life
118 opportunities as long as these criminal charges remain on record
119 and accessible to potential employers and others. It is
120 necessary that these records be made confidential and exempt in
121 order for human trafficking victims to have the chance to
122 rebuild their lives and reenter society.

123 Section 4. This act shall take effect on the same date that
124 SB 1440 or similar legislation relating to human trafficking
125 takes effect, if such legislation is adopted in the same
126 legislative session or an extension thereof and becomes a law.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public records; amending s.
119.071, F.S.; revising an exemption from public
records requirements for certain criminal intelligence
and investigative information to exempt information
that reveals the identity of a victim of certain human
trafficking offenses; amending s. 943.0583, F.S.;
providing an exemption from public records
requirements for investigative information relating to
criminal history records of human trafficking victims
that have been ordered expunged; providing for future
legislative review and repeal of the exemption;
providing a statement of public necessity; providing a
contingent effective date.