

By Senator Flores

37-01921-14

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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 investigative information
5 relating to criminal history records of human
6 trafficking victims that have been ordered expunged;
7 providing for future legislative review and repeal of
8 the exemption; providing a statement of public
9 necessity; providing a contingent effective date.

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

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13 Section 1. Subsection (10) of section 943.0583, Florida
14 Statutes, is amended to read:

15 943.0583 Human trafficking victim expunction.—

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

27 (b) This subsection is subject to the Open Government
28 Sunset Review Act in accordance with s. 119.15 and shall stand
29 repealed on October 2, 2019 ~~2018~~, unless reviewed and saved from

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30 repeal through reenactment by the Legislature.

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

46 Section 3. This act shall take effect on the same date that
47 SB ____ or similar legislation relating to human trafficking
48 takes effect, if such legislation is adopted in the same
49 legislative session or an extension thereof and becomes a law.