

By the Committee on Governmental Oversight and Accountability;
and Senator Flores

585-03193-15

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; revising an exemption from public
4 records requirements for certain criminal intelligence
5 and investigative information to exempt information
6 that reveals the identity of a victim of certain human
7 trafficking offenses; amending s. 943.0583, F.S.;
8 providing an exemption from public records
9 requirements for investigative information relating to
10 criminal history records of human trafficking victims
11 that have been ordered expunged; providing for future
12 legislative review and repeal of the exemption;
13 providing a statement of public necessity; providing
14 an effective date.

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

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18 Section 1. Paragraph (h) of subsection (2) of section
19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying of
21 public records.—

22 (2) AGENCY INVESTIGATIONS.—

23 (h)1. The following criminal intelligence information or
24 criminal investigative information is confidential and exempt
25 from s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution:

27 a. Any information that, ~~including the photograph, name,~~
28 ~~address, or other fact, which~~ reveals the identity of the victim
29 of the crime of child abuse as defined by chapter 827 or that

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30 reveals the identity of a person under the age of 18 who is the
31 victim of the crime of human trafficking proscribed in s.
32 787.06(3)(a).

33 b. Any information that ~~which~~ may reveal the identity of a
34 person who is a victim of any sexual offense, including a sexual
35 offense proscribed in s. 787.06(3)(b), (d), (f), or (g), chapter
36 794, chapter 796, chapter 800, chapter 827, or chapter 847.

37 c. A photograph, videotape, or image of any part of the
38 body of the victim of a sexual offense prohibited under s.
39 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796,
40 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless
41 of whether the photograph, videotape, or image identifies the
42 victim.

43 2. Criminal investigative information and criminal
44 intelligence information made confidential and exempt under this
45 paragraph may be disclosed by a law enforcement agency:

46 a. In the furtherance of its official duties and
47 responsibilities.

48 b. For print, publication, or broadcast if the law
49 enforcement agency determines that such release would assist in
50 locating or identifying a person that such agency believes to be
51 missing or endangered. The information provided should be
52 limited to that needed to identify or locate the victim and not
53 include the sexual nature of the offense committed against the
54 person.

55 c. To another governmental agency in the furtherance of its
56 official duties and responsibilities.

57 3. This exemption applies to such confidential and exempt
58 criminal intelligence information or criminal investigative

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59 information held by a law enforcement agency before, on, or
60 after the effective date of the exemption.

61 4. This paragraph is subject to the Open Government Sunset
62 Review Act in accordance with s. 119.15, and shall stand
63 repealed on October 2, 2020 ~~2016~~, unless reviewed and saved from
64 repeal through reenactment by the Legislature.

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

67 943.0583 Human trafficking victim expunction.—

68 (11) (a) The following criminal intelligence information or
69 criminal investigative information is confidential and exempt
70 from s. 119.07(1) and s. 24(a), Art. I of the State
71 Constitution:

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

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

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

81 1. In the furtherance of its official duties and
82 responsibilities.

83 2. For print, publication, or broadcast if the law
84 enforcement agency determines that such release would assist in
85 locating or identifying a person that the agency believes to be
86 missing or endangered. The information provided should be
87 limited to that needed to identify or locate the victim.

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88 3. To another governmental agency in the furtherance of its
89 official duties and responsibilities.

90 (c) This exemption applies to such confidential and exempt
91 criminal intelligence information or criminal investigative
92 information held by a law enforcement agency before, on, or
93 after the effective date of the exemption.

94 (d) This subsection is subject to the Open Government
95 Sunset Review Act in accordance with s. 119.15 and shall stand
96 repealed on October 2, 2020, unless reviewed and saved from
97 repeal through reenactment by the Legislature.

98 Section 3. The Legislature finds that it is a public
99 necessity to make confidential and exempt from public records
100 requirements certain criminal intelligence information or
101 criminal investigative information that reveals the identity of
102 a victim of the crime of human trafficking of a minor for labor
103 or any victim of human trafficking for commercial sexual
104 activity. The Legislature finds that it is important to
105 strengthen the protections afforded victims of human trafficking
106 for labor who are minors and victims of human trafficking for
107 commercial sexual activity, regardless of age, in order to
108 ensure their privacy and to prevent their revictimization by
109 making such information confidential and exempt. The identity of
110 these victims is information of a sensitive personal nature. As
111 such, this exemption serves to minimize the trauma to victims
112 because the release of such information would compound the
113 tragedy already visited upon their lives and would be defamatory
114 to or cause unwarranted damage to the good name or reputation of
115 the victims. Protecting the release of identifying information
116 of such victims protects them from further embarrassment,

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117 harassment, or injury. The Legislature also finds that it is a
118 public necessity that information in the investigative or
119 intelligence records related to a criminal history record
120 ordered expunged under s. 943.0583, Florida Statutes, which
121 would or could reasonably be expected to reveal the identity of
122 a person who is a victim of human trafficking whose criminal
123 history record has been ordered expunged under s. 943.0583,
124 Florida Statutes, be made confidential and exempt from s.
125 119.07(1), Florida Statutes, and s. 24(a), Article I of the
126 State Constitution. Persons who are victims of human trafficking
127 and who have been charged with crimes allegedly committed at the
128 behest of their traffickers are themselves victims of crimes.
129 Such victims face barriers to employment and other life
130 opportunities as long as these criminal charges remain on record
131 and accessible to potential employers and others. Therefore, it
132 is necessary that these records be made confidential and exempt
133 in order for human trafficking victims to have the chance to
134 rebuild their lives and reenter society.

135 Section 4. This act shall take effect October 1, 2015.