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LEGISLATIVE ACTION

Senate

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House

Floor: 2/AD/2R

04/14/2021 06:13 PM

Senator Diaz moved the following:

Senate Amendment (with title amendment)

Between lines 180 and 181

insert:

Section 3. Subsections (2) and (3) and paragraph (a) of subsection (6) of section 943.0583, Florida Statutes, are amended to read:

943.0583 Human trafficking victim expunction.—

(2) Notwithstanding any other provision of law, upon the filing of a petition as provided in this section, any court in the circuit in which the petitioner was arrested, so long as the



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12 court has jurisdiction over the class of offense or offenses
13 sought to be expunged, may order a criminal justice agency to
14 expunge the criminal history record of a victim of human
15 trafficking who complies with the requirements of this section.
16 A petition need not be filed in the court where the petitioner's
17 criminal proceeding or proceedings originally occurred. This
18 section does not confer any right to the expunction of any
19 criminal history record, and any request for expunction of a
20 criminal history record may be denied at the discretion of the
21 court. The clerk of the court may not charge a filing fee,
22 service charge, or copy fee or any other charge for a petition
23 filed under this section. The clerk of the court shall treat a
24 petition seeking to expunge more than one eligible case as a
25 single petition.

26 (3) A person who is a victim of human trafficking may
27 petition for the expunction of a criminal history record
28 resulting from the arrest or filing of charges for one or more
29 offenses ~~an offense~~ committed or reported to have been committed
30 while the person was a victim of human trafficking, which
31 offense was committed or reported to have been committed as a
32 part of the human trafficking scheme of which the person was a
33 victim or at the direction of an operator of the scheme,
34 including, but not limited to, violations under chapters 796 and
35 847, without regard to the disposition of the arrest or of any
36 charges. However, this section does not apply to any offense
37 listed in s. 775.084(1)(b)1. Determination of the petition under
38 this section should be by a preponderance of the evidence. A
39 conviction expunged under this section is deemed to have been
40 vacated due to a substantive defect in the underlying criminal



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41 proceedings. If a person is adjudicated not guilty by reason of
42 insanity or is found to be incompetent to stand trial for any
43 such charge, the expunction of the criminal history record may
44 not prevent the entry of the judgment or finding in state and
45 national databases for use in determining eligibility to
46 purchase or possess a firearm or to carry a concealed firearm,
47 as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t),
48 nor shall it prevent any governmental agency that is authorized
49 by state or federal law to determine eligibility to purchase or
50 possess a firearm or to carry a concealed firearm from accessing
51 or using the record of the judgment or finding in the course of
52 such agency's official duties.

53 (6) Each petition to a court to expunge a criminal history
54 record is complete only when accompanied by:

55 (a) The petitioner's sworn statement attesting that the
56 petitioner is eligible for such an expunction to the best of his
57 or her knowledge or belief ~~and does not have any other petition~~
58 ~~to expunge or any petition to seal pending before any court.~~

59
60 Any person who knowingly provides false information on such
61 sworn statement to the court commits a felony of the third
62 degree, punishable as provided in s. 775.082, s. 775.083, or s.
63 775.084.

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Between lines 16 and 17

68 insert:

69 amending s. 943.0583, F.S.; prohibiting a clerk of the



70 court from charging certain fees for petitions for
71 expunction of human trafficking victim criminal
72 history records; providing that a petition seeking
73 expunction of more than one case is a single petition;
74 deleting a requirement that a petitioner under this
75 section have no other expunction or any sealing
76 petitions pending;