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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2022	.	
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The Committee on Children, Families, and Elder Affairs (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 15 - 42

and insert:

Section 1. Subsection (3) of section 943.0583, Florida Statutes, is amended, and subsection (12) is added to that section, and subsections (10) and (11) of that section are republished, to read:

943.0583 Human trafficking victim expunction.—

(3) (a) A person who is a victim of human trafficking may



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11 petition for the expunction of a criminal history record
12 resulting from the arrest or filing of charges for one or more
13 offenses committed or reported to have been committed while the
14 person was a victim of human trafficking, which offense was
15 committed or reported to have been committed as a part of the
16 human trafficking scheme of which the person was a victim or at
17 the direction of an operator of the scheme, including, but not
18 limited to, violations under chapters 796 and 847, without
19 regard to the disposition of the arrest or of any charges.

20 (b) ~~However,~~This section does not apply to any offense
21 listed in s. 775.084(1)(b)1. if the defendant was found guilty
22 of, or pled guilty or nolo contendere to, any such offense.

23 (c) Determination of the petition under this section should
24 be by a preponderance of the evidence. A conviction expunged
25 under this section is deemed to have been vacated due to a
26 substantive defect in the underlying criminal proceedings. If a
27 person is adjudicated not guilty by reason of insanity or is
28 found to be incompetent to stand trial for any such charge, the
29 expunction of the criminal history record may not prevent the
30 entry of the judgment or finding in state and national databases
31 for use in determining eligibility to purchase or possess a
32 firearm or to carry a concealed firearm, as authorized in s.
33 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent
34 any governmental agency that is authorized by state or federal
35 law to determine eligibility to purchase or possess a firearm or
36 to carry a concealed firearm from accessing or using the record
37 of the judgment or finding in the course of such agency's
38 official duties.

39 (d) The expansion of public records exemption in paragraph



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40 (b) to allow for the expunction of certain criminal history
41 records related to an offense listed in s. 775.084(1)(b)1. is
42 subject to the Open Government Sunset Review Act in accordance
43 with s. 119.15 and shall stand repealed on October 2, 2027,
44 unless reviewed and saved from repeal through reenactment by the
45 Legislature. If the expansion of the exemption is not saved from
46 repeal, this subsection shall revert to that in existence on
47 June 30, 2022, except that any amendments to this subsection
48 other than by this act shall be preserved and continue to
49 operate to the extent that such amendments are not dependent
50 upon the portions of this subsection which expire pursuant to
51 this paragraph.

52 (10) (a) A criminal history record ordered expunged under
53 this section that is retained by the department is confidential
54 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
55 Constitution, except that the record shall be made available:

56 1. To criminal justice agencies for their respective
57 criminal justice purposes.

58 2. To any governmental agency that is authorized by state
59 or federal law to determine eligibility to purchase or possess a
60 firearm or to carry a concealed firearm for use in the course of
61 such agency's official duties.

62 3. Upon order of a court of competent jurisdiction.

63 (b) A criminal justice agency may retain a notation
64 indicating compliance with an order to expunge.

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



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

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

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

78 1. In the furtherance of its official duties and
79 responsibilities.

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

85 3. To another governmental agency in the furtherance of its
86 official duties and responsibilities.

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

91 (12) (a) A petition filed under this section and all
92 pleadings and documents related to the petition are confidential
93 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
94 Constitution.

95 (b) This subsection is subject to the Open Government
96 Sunset Review Act in accordance with s. 119.15 and shall stand
97 repealed on October 2, 2027, unless reviewed and saved from



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98 repeal through reenactment by the Legislature.

99 Section 2. The Legislature finds it is a public necessity
100 that criminal history records of human trafficking victims
101 related to any offense listed in s. 775.084(1)(b)1. that was
102 dismissed or nolle prosequi by the state attorney or statewide
103 prosecutor, or was dismissed by a court of competent
104 jurisdiction or a judgment of acquittal was rendered by a judge,
105 or a verdict of not guilty was rendered by a judge or jury, and
106 that are ordered to be expunged under s. 943.0583, Florida
107 Statutes, be made confidential and exempt from 119.07(1),
108 Florida Statutes, and s. 24(a), Article I of the State
109 Constitution. Further, the Legislature finds that it is a public
110 necessity that a petition filed under s. 943.0583, Florida
111 Statutes, and all pleadings and documents related to the
112 petition be made confidential and exempt from s. 119.07(1),
113 Florida Statutes, and s. 24(a), Article I of the State
114 Constitution. Persons who are victims of human trafficking and
115 who have been arrested, charged, or convicted of crimes
116 committed at the behest of their traffickers are themselves
117 victims of crimes. These victims face barriers to employment and
118 loss of other life opportunities, and the fact that they are
119 seeking expungement, as well as the information contained in
120 related pleadings and documents, would expose these petitioners
121 to possible discrimination due to details of their past lives
122 becoming public knowledge. Therefore, it is necessary that these
123 specified criminal history records, even though such record is
124 related to certain serious offenses, and these

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

126 And the title is amended as follows:



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127 Delete lines 3 - 7
128 and insert:
129 943.0583, F.S.; expanding an existing public records
130 exemption relating to human trafficking victims
131 seeking expunction of certain records related to an
132 offense listed in s. 775.084(1)(b)1., F.S.; providing
133 for future review and repeal of the expanded
134 exemption; providing for a reversion of specified
135 provisions if the exemption is not saved from repeal;
136 providing that a petition for human trafficking victim
137 expunction and all pleadings and documents related to
138 the petition are confidential and exempt from public