

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Toledo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (12) and (13) are added to section
6 943.0583, Florida Statutes, and subsections (10) and (11) of
7 that section are republished, to read:

8 943.0583 Human trafficking victim expunction.—

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

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13 1. To criminal justice agencies for their respective
14 criminal justice purposes.

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

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

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

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

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

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

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

35 1. In the furtherance of its official duties and
36 responsibilities.

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37 2. For print, publication, or broadcast if the law
38 enforcement agency determines that such release would assist in
39 locating or identifying a person that the agency believes to be
40 missing or endangered. The information provided should be
41 limited to that needed to identify or locate the victim.

42 3. To another governmental agency in the furtherance of
43 its official duties and responsibilities.

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

48 (12) The expansion of the public records exemptions in
49 subsections (10) and (11) pursuant to paragraph (3)(b) to allow
50 for the expunction of certain criminal history records related
51 to an offense listed in s. 775.084(1)(b)1. is subject to the
52 Open Government Sunset Review Act in accordance with s. 119.15
53 and shall stand repealed on October 2, 2027, unless reviewed and
54 saved from repeal through reenactment by the Legislature. If the
55 expansion of the exemptions pursuant to paragraph (3)(b) is not
56 saved from repeal, this section shall revert to that in
57 existence on June 30, 2022, except that any amendment to this
58 section other than by this act shall be preserved and continue
59 to operate to the extent that such amendments are not dependent
60 upon the portions of this section that are repealed pursuant to
61 this subsection.

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62 (13) (a) A petition filed under this section and all
63 pleadings and documents related to the petition are confidential
64 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
65 Constitution.

66 (b) This subsection is subject to the Open Government
67 Sunset Review Act in accordance with s. 119.15 and shall stand
68 repealed on October 2, 2027, unless reviewed and saved from
69 repeal through reenactment by the Legislature.

70 Section 2. The Legislature finds that it is a public
71 necessity that criminal history records of human trafficking
72 victims related to any offense listed in s. 775.084(1)(b)1.,
73 Florida Statutes, which were dismissed or nolle prosequi by the
74 state attorney or statewide prosecutor or dismissed by a court
75 of competent jurisdiction, or for which a judgment of acquittal
76 was rendered by a judge or a verdict of not guilty was rendered
77 by a judge or jury, which records are ordered to be expunged
78 under s. 943.0583, Florida Statutes, be made confidential and
79 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
80 Article I of the State Constitution. Further, the Legislature
81 finds that it is a public necessity that a petition filed under
82 s. 943.0583, Florida Statutes, and all pleadings and documents
83 related to the petition be made confidential and exempt from s.
84 119.07(1), Florida Statutes, and s. 24(a), Article I of the
85 State Constitution. Persons who are victims of human trafficking
86 and who have been arrested for offenses committed, or reported

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87 to have been committed, as a result of being trafficked are
 88 themselves victims of crimes. These victims face barriers to
 89 employment and loss of other life opportunities, and the fact
 90 that the victims are seeking expungement, as well as the
 91 information contained in related pleadings and documents, would
 92 expose these victims to possible discrimination due to details
 93 of their past lives becoming public knowledge. Therefore, it is
 94 necessary that these petitions, pleadings, and related documents
 95 be made confidential in order for human trafficking victims to
 96 have the chance to rebuild their lives and reenter society.

97 Section 3. This act shall take effect on the same date
 98 that SB 772 or similar legislation takes effect, if such
 99 legislation is adopted in the same legislative session or an
 100 extension thereof and becomes a law.

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102
 103 **T I T L E A M E N D M E N T**

104 Remove everything before the enacting clause and insert:

105
 106 A bill to be entitled

107 An act relating to public records; amending s.
 108 943.0583, F.S.; providing for future repeal of
 109 expanded exemptions; providing for the reversion of
 110 specified provisions if the exemptions are not saved
 111 from repeal; providing that a petition for human

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112 | trafficking victim expunction and all pleadings and
113 | documents related to the petition are confidential and
114 | exempt from public records requirements; providing for
115 | future legislative review and repeal under the Open
116 | Government Sunset Review Act; providing a statement of
117 | public necessity; providing a contingent effective
118 | date.

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