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LEGISLATIVE ACTION

Senate

.

House

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Senator Burgess moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) is added to subsection (3) of
section 943.0583, Florida Statutes, as amended by SB 1690 or
similar legislation, 2023 Regular Session, and subsections (10)
and (11) of that section are republished, to read:

943.0583 Human trafficking victim expunction.—

(3)

(d) The expansion by paragraph (b) of the public records



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12 exemption contained in subsection (10) to allow for the
13 expunction of certain criminal history records related to an
14 offense listed in s. 775.084(1)(b)1. is subject to the Open
15 Government Sunset Review Act in accordance with s. 119.15 and
16 shall stand repealed on October 2, 2028, unless reviewed and
17 saved from repeal through reenactment by the Legislature. If the
18 expansion of the exemption is not saved from repeal, this
19 subsection shall revert to that in existence on June 30, 2023,
20 except that any amendments to this subsection other than by this
21 act shall be preserved and continue to operate to the extent
22 that such amendments are not dependent upon the portions of this
23 subsection which expire pursuant to this paragraph.

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

28 1. To criminal justice agencies for their respective
29 criminal justice purposes.

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

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

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

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



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

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

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

50 1. In the furtherance of its official duties and
51 responsibilities.

52 2. For print, publication, or broadcast if the law
53 enforcement agency determines that such release would assist in
54 locating or identifying a person that the agency believes to be
55 missing or endangered. The information provided should be
56 limited to that needed to identify or locate the victim.

57 3. To another governmental agency in the furtherance of its
58 official duties and responsibilities.

59 (c) This exemption applies to such confidential and exempt
60 criminal intelligence information or criminal investigative
61 information held by a law enforcement agency before, on, or
62 after the effective date of the exemption.

63 Section 2. Subsection (12) is added to section 943.0583,
64 Florida Statutes, to read:

65 943.0583 Human trafficking victim expunction.—

66 (12) (a) A petition filed pursuant to this section and all
67 pleadings and documents related to the petition are confidential
68 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
69 Constitution.



70 (b) This subsection is subject to the Open Government
71 Sunset Review Act in accordance with s. 119.15 and shall stand
72 repealed on October 2, 2028, unless reviewed and saved from
73 repeal through reenactment by the Legislature.

74 Section 3. (1) The Legislature finds it is a public
75 necessity that criminal history records of human trafficking
76 victims related to any offense listed in s. 775.084(1)(b)1.,
77 Florida Statutes, which offense was dismissed or nolle prosequi
78 by the state attorney or statewide prosecutor or dismissed by a
79 court of competent jurisdiction, or for which a judgment of
80 acquittal was rendered by a judge or a verdict of not guilty was
81 rendered by a judge or jury, and the records of which are
82 ordered to be expunged under s. 943.0583, Florida Statutes, be
83 made confidential and exempt from s. 119.07(1), Florida
84 Statutes, and s. 24(a), Article I of the State Constitution.

85 (2) Further, the Legislature finds that it is a public
86 necessity that a petition filed under s. 943.0583, Florida
87 Statutes, and all pleadings and documents related to the
88 petition be made confidential and exempt from s. 119.07(1),
89 Florida Statutes, and s. 24(a), Article I of the State
90 Constitution. Persons who are victims of human trafficking and
91 who have been arrested, charged, or convicted of crimes
92 committed at the behest of their traffickers are themselves
93 victims of crimes. These victims face barriers to employment and
94 loss of other life opportunities, and the fact that they are
95 seeking expungement, as well as the information contained in
96 related pleadings and documents, would expose these petitioners
97 to possible discrimination due to details of their past lives
98 becoming public knowledge. Therefore, it is necessary that such



99 specified criminal history records, even though such records are
100 related to certain serious offenses, and such petitions,
101 pleadings, and related documents be made confidential and exempt
102 in order for human trafficking victims to have the chance to
103 rebuild their lives and reenter society.

104 Section 4. The amendment to s. 943.0583(3), Florida
105 Statutes, made by this act shall take effect only if SB 1690,
106 2023 Regular Session, or similar legislation takes effect and if
107 such legislation is adopted in the same legislative session or
108 an extension thereof and becomes a law.

109 Section 5. Except as otherwise expressly provided in this
110 act, this act shall take effect July 1, 2023.

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

113 And the title is amended as follows:

114 Delete everything before the enacting clause
115 and insert:

116 A bill to be entitled
117 An act relating to public records; amending s.
118 943.0583, F.S.; expanding an existing public records
119 exemption relating to human trafficking victims
120 seeking expunction of certain records related to an
121 offense listed in s. 775.084(1)(b)1., F.S.; providing
122 for future review and repeal of the expanded
123 exemption; providing for the reversion of specified
124 provisions if the exemption is not saved from repeal;
125 providing that a petition for human trafficking victim
126 expunction and all pleadings and documents related to
127 the petition are confidential and exempt from public



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128 records requirements; providing for future legislative
129 review and repeal of the exemption; providing a
130 statement of public necessity; providing a contingent
131 effective date; providing effective dates.