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1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.0583, F.S.; expanding an existing public records
4 exemption relating to human trafficking victims
5 seeking expunction of certain records related to an
6 offense listed in s. 775.084(1)(b)1., F.S.; providing
7 for future review and repeal of the expanded
8 exemption; providing for the reversion of specified
9 provisions if the exemption is not saved from repeal;
10 providing that a petition for human trafficking victim
11 expunction and all pleadings and documents related to
12 the petition are confidential and exempt from public
13 records requirements; providing for future legislative
14 review and repeal of the exemption; providing a
15 statement of public necessity; providing a contingent
16 effective date; providing effective dates.

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18 Be It Enacted by the Legislature of the State of Florida:

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

24 943.0583 Human trafficking victim expunction.—

25 (3)

26 (d) The expansion by paragraph (b) of the public records
27 exemption contained in subsection (10) to allow for the
28 expunction of certain criminal history records related to an
29 offense listed in s. 775.084(1)(b)1. is subject to the Open

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30 Government Sunset Review Act in accordance with s. 119.15 and
31 shall stand repealed on October 2, 2028, unless reviewed and
32 saved from repeal through reenactment by the Legislature. If the
33 expansion of the exemption is not saved from repeal, this
34 subsection shall revert to that in existence on June 30, 2023,
35 except that any amendments to this subsection other than by this
36 act shall be preserved and continue to operate to the extent
37 that such amendments are not dependent upon the portions of this
38 subsection which expire pursuant to this paragraph.

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

43 1. To criminal justice agencies for their respective
44 criminal justice purposes.

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

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

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

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

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

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

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

65 1. In the furtherance of its official duties and
66 responsibilities.

67 2. For print, publication, or broadcast if the law
68 enforcement agency determines that such release would assist in
69 locating or identifying a person that the agency believes to be
70 missing or endangered. The information provided should be
71 limited to that needed to identify or locate the victim.

72 3. To another governmental agency in the furtherance of its
73 official duties and responsibilities.

74 (c) This exemption applies to such confidential and exempt
75 criminal intelligence information or criminal investigative
76 information held by a law enforcement agency before, on, or
77 after the effective date of the exemption.

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

80 943.0583 Human trafficking victim expunction.—

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

85 (b) This subsection is subject to the Open Government
86 Sunset Review Act in accordance with s. 119.15 and shall stand
87 repealed on October 2, 2028, unless reviewed and saved from

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88 repeal through reenactment by the Legislature.

89 Section 3. (1) The Legislature finds it is a public
90 necessity that criminal history records of human trafficking
91 victims related to any offense listed in s. 775.084(1)(b)1.,
92 Florida Statutes, which offense was dismissed or nolle prosequi
93 by the state attorney or statewide prosecutor or dismissed by a
94 court of competent jurisdiction, or for which a judgment of
95 acquittal was rendered by a judge or a verdict of not guilty was
96 rendered by a judge or jury, and the records of which are
97 ordered to be expunged under s. 943.0583, Florida Statutes, be
98 made confidential and exempt from s. 119.07(1), Florida
99 Statutes, and s. 24(a), Article I of the State Constitution.

100 (2) Further, the Legislature finds that it is a public
101 necessity that a petition filed under s. 943.0583, Florida
102 Statutes, and all pleadings and documents related to the
103 petition be made confidential and exempt from s. 119.07(1),
104 Florida Statutes, and s. 24(a), Article I of the State
105 Constitution. Persons who are victims of human trafficking and
106 who have been arrested, charged, or convicted of crimes
107 committed at the behest of their traffickers are themselves
108 victims of crimes. These victims face barriers to employment and
109 loss of other life opportunities, and the fact that they are
110 seeking expungement, as well as the information contained in
111 related pleadings and documents, would expose these petitioners
112 to possible discrimination due to details of their past lives
113 becoming public knowledge. Therefore, it is necessary that such
114 specified criminal history records, even though such records are
115 related to certain serious offenses, and such petitions,
116 pleadings, and related documents be made confidential and exempt

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117 in order for human trafficking victims to have the chance to
118 rebuild their lives and reenter society.

119 Section 4. The amendment to s. 943.0583(3), Florida
120 Statutes, made by this act shall take effect only if SB 1690,
121 2023 Regular Session, or similar legislation takes effect and if
122 such legislation is adopted in the same legislative session or
123 an extension thereof and becomes a law.

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