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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2023	.	
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The Appropriations Committee on Health and Human Services
(Ingolia) recommended the following:

Senate Substitute for Amendment (536946) (with title amendment)

Between lines 309 and 310
insert:

Section 6. Subsection (3) of section 943.0583, Florida Statutes, is amended, and subsections (10) and (11) of that section are republished, to read:

943.0583 Human trafficking victim expunction.—

(3) (a) Except as provided in paragraph (b), a person who is



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

21 (b) A person who is a victim of human trafficking may not
22 petition the court for the expunction of a criminal history
23 record that resulted from a conviction of an offense listed in
24 s. 775.084(1)(b)1. For purposes of this section, "conviction"
25 has the same meaning as s. 943.0584(1) ~~However, this section does~~
26 ~~not apply to any offense listed in s. 775.084(1)(b)1.~~

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



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40 to carry a concealed firearm from accessing or using the record
41 of the judgment or finding in the course of such agency's
42 official duties.

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

47 1. To criminal justice agencies for their respective
48 criminal justice purposes.

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

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

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

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

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

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

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



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69 1. In the furtherance of its official duties and
70 responsibilities.

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

76 3. To another governmental agency in the furtherance of its
77 official duties and responsibilities.

78 (c) This exemption applies to such confidential and exempt
79 criminal intelligence information or criminal investigative
80 information held by a law enforcement agency before, on, or
81 after the effective date of the exemption.

82

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

84 And the title is amended as follows:

85 Delete line 27

86 and insert:

87 amending s. 943.0583, F.S.; expanding the eligibility
88 criteria for human trafficking victims who may seek
89 expunction to include victims with certain records
90 related to an offense listed in s. 775.084(1)(b)1.,
91 F.S.;