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LEGISLATIVE ACTION

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

Senate Amendment (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
a victim of human trafficking may petition for the expunction of



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

20 (b) A defendant is not eligible for expunction under this
21 section if he or she is convicted of ~~However, this section does~~
22 ~~not apply to~~ any offense listed in s. 775.084(1)(b)1. For
23 purposes of this section, "conviction" has the same meaning as
24 s. 943.0584(1).

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



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40 official duties.

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

45 1. To criminal justice agencies for their respective
46 criminal justice purposes.

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

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

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

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

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

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

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

67 1. In the furtherance of its official duties and
68 responsibilities.



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

74 3. To another governmental agency in the furtherance of its
75 official duties and responsibilities.

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

80

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

82 And the title is amended as follows:

83 Delete line 27

84 and insert:

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