

By Senator Rodriguez

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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 a statement of public necessity; reenacting  
11      ss. 397.417(4)(e), 943.0585(6)(b), and 943.059(6)(b),  
12      F.S., relating to background screenings, the effect of  
13      expunction orders, and the effect of sealing orders,  
14      respectively, to incorporate the amendment made to s.  
15      943.0583, F.S., in references thereto; providing a  
16      contingent effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20       Section 1. Subsection (3) of section 943.0583, Florida  
21      Statutes, as amended by SB \_\_\_\_\_, 2024 Regular Session, is  
22      amended, and subsections (10) and (11) of that section are  
23      republished, to read:

24       943.0583 Human trafficking victim expunction.—

25       (3)(a) A person who is a victim of human trafficking may  
26      petition for the expunction of a criminal history record  
27      resulting from the arrest or filing of charges for one or more  
28      offenses committed or reported to have been committed while the  
29      person was a victim of human trafficking, which offense was

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30 committed or reported to have been committed as a part of the  
31 human trafficking scheme of which the person was a victim or at  
32 the direction of an operator of the scheme, including, but not  
33 limited to, violations under chapters 796 and 847, without  
34 regard to the disposition of the arrest or of any charges.

35 (b) This section does not apply to any offense listed in s.  
36 775.084(1)(b)1., unless the arrest for such offense resulted in  
37 any disposition other than a conviction.

38 (c) Determination of the petition under this section should  
39 be by a preponderance of the evidence. A conviction expunged  
40 under this section is deemed to have been vacated due to a  
41 substantive defect in the underlying criminal proceedings. If a  
42 person is adjudicated not guilty by reason of insanity or is  
43 found to be incompetent to stand trial for any such charge, the  
44 expunction of the criminal history record may not prevent the  
45 entry of the judgment or finding in state and national databases  
46 for use in determining eligibility to purchase or possess a  
47 firearm or to carry a concealed firearm, as authorized in s.  
48 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent  
49 any governmental agency that is authorized by state or federal  
50 law to determine eligibility to purchase or possess a firearm or  
51 to carry a concealed firearm from accessing or using the record  
52 of the judgment or finding in the course of such agency's  
53 official duties.

54 (d) For any conviction vacated pursuant to this subsection,  
55 the court vacating such conviction or convictions must include  
56 in the order to expunge an order for the return of all fines,  
57 fees, and restitution paid by the petitioner as a result of his  
58 or her conviction or convictions. The clerk of the court must,

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59 upon receipt of such order to expunge containing an order for  
60 the return of all fines, fees, and restitution, return to the  
61 petitioner all such amounts.

62 (e) The expansion of the public records exemption in  
63 paragraph (b) to allow for the expunction of certain criminal  
64 history records related to an offense listed in s.  
65 775.084(1)(b)1. is subject to the Open Government Sunset Review  
66 Act in accordance with s. 119.15 and shall stand repealed on  
67 October 2, 2029, unless reviewed and saved from repeal through  
68 reenactment by the Legislature. If the expansion of the  
69 exemption is not saved from repeal, this subsection shall revert  
70 to that in existence on June 30, 2024, except that any  
71 amendments to this subsection other than by this act shall be  
72 preserved and continue to operate to the extent that such  
73 amendments are not dependent upon the portions of this  
74 subsection which expire pursuant to this paragraph.

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

79 1. To criminal justice agencies for their respective  
80 criminal justice purposes.

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

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

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

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

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

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

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

101 1. In the furtherance of its official duties and  
102 responsibilities.

103 2. For print, publication, or broadcast if the law  
104 enforcement agency determines that such release would assist in  
105 locating or identifying a person that the agency believes to be  
106 missing or endangered. The information provided should be  
107 limited to that needed to identify or locate the victim.

108 3. To another governmental agency in the furtherance of its  
109 official duties and responsibilities.

110 (c) This exemption applies to such confidential and exempt  
111 criminal intelligence information or criminal investigative  
112 information held by a law enforcement agency before, on, or  
113 after the effective date of the exemption.

114 Section 2. The Legislature finds it is a public necessity  
115 that criminal history records of human trafficking victims  
116 related to an arrest for any offense listed in s.

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117 775.084(1)(b)1., Florida Statutes, which was dismissed or nolle  
118 prosequi by the state attorney or statewide prosecutor or  
119 dismissed by a court of competent jurisdiction, or for which a  
120 judgment of acquittal was rendered by a judge or a verdict of  
121 not guilty was rendered by a judge or jury, which records are  
122 ordered to be expunged under s. 943.0583, Florida Statutes, be  
123 made confidential and exempt from 119.07(1), Florida Statutes,  
124 and s. 24(a), Article I of the State Constitution. Persons who  
125 are victims of human trafficking and who have been arrested for  
126 or charged with crimes committed at the behest of their  
127 traffickers are themselves victims of crimes. These victims face  
128 barriers to employment and loss of other life opportunities.  
129 Therefore, it is necessary that such specified criminal history  
130 records, even though such records are related to certain serious  
131 offenses, be made confidential and exempt in order to afford  
132 human trafficking victims the opportunity to rebuild their lives  
133 and reenter society.

134 Section 3. For the purpose of incorporating the amendment  
135 made by this act to section 943.0583, Florida Statutes, in a  
136 reference thereto, paragraph (e) of subsection (4) of section  
137 397.417, Florida Statutes, is reenacted to read:

138 397.417 Peer specialists.—

139 (4) BACKGROUND SCREENING.—

140 (e) The background screening conducted under this  
141 subsection must ensure that a peer specialist has not been  
142 arrested for and is awaiting final disposition of, found guilty  
143 of, regardless of adjudication, or entered a plea of nolo  
144 contendere or guilty to, or been adjudicated delinquent and the  
145 record has not been sealed or expunged for, any offense

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146 prohibited under any of the following state laws or similar laws  
147 of another jurisdiction:

148 1. Section 393.135, relating to sexual misconduct with  
149 certain developmentally disabled clients and reporting of such  
150 sexual misconduct.

151 2. Section 394.4593, relating to sexual misconduct with  
152 certain mental health patients and reporting of such sexual  
153 misconduct.

154 3. Section 409.920, relating to Medicaid provider fraud, if  
155 the offense was a felony of the first or second degree.

156 4. Section 415.111, relating to abuse, neglect, or  
157 exploitation of vulnerable adults.

158 5. Any offense that constitutes domestic violence as  
159 defined in s. 741.28.

160 6. Section 777.04, relating to attempts, solicitation, and  
161 conspiracy to commit an offense listed in this paragraph.

162 7. Section 782.04, relating to murder.

163 8. Section 782.07, relating to manslaughter; aggravated  
164 manslaughter of an elderly person or a disabled adult;  
165 aggravated manslaughter of a child; or aggravated manslaughter  
166 of an officer, a firefighter, an emergency medical technician,  
167 or a paramedic.

168 9. Section 782.071, relating to vehicular homicide.

169 10. Section 782.09, relating to killing an unborn child by  
170 injury to the mother.

171 11. Chapter 784, relating to assault, battery, and culpable  
172 negligence, if the offense was a felony.

173 12. Section 787.01, relating to kidnapping.

174 13. Section 787.02, relating to false imprisonment.

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175           14. Section 787.025, relating to luring or enticing a  
176 child.

177           15. Section 787.04(2), relating to leading, taking,  
178 enticing, or removing a minor beyond state limits, or concealing  
179 the location of a minor, with criminal intent pending custody  
180 proceedings.

181           16. Section 787.04(3), relating to leading, taking,  
182 enticing, or removing a minor beyond state limits, or concealing  
183 the location of a minor, with criminal intent pending dependency  
184 proceedings or proceedings concerning alleged abuse or neglect  
185 of a minor.

186           17. Section 790.115(1), relating to exhibiting firearms or  
187 weapons within 1,000 feet of a school.

188           18. Section 790.115(2)(b), relating to possessing an  
189 electric weapon or device, a destructive device, or any other  
190 weapon on school property.

191           19. Section 794.011, relating to sexual battery.

192           20. Former s. 794.041, relating to prohibited acts of  
193 persons in familial or custodial authority.

194           21. Section 794.05, relating to unlawful sexual activity  
195 with certain minors.

196           22. Section 794.08, relating to female genital mutilation.

197           23. Section 796.07, relating to procuring another to commit  
198 prostitution, except for those offenses expunged pursuant to s.  
199 943.0583.

200           24. Section 798.02, relating to lewd and lascivious  
201 behavior.

202           25. Chapter 800, relating to lewdness and indecent  
203 exposure.

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204           26. Section 806.01, relating to arson.

205           27. Section 810.02, relating to burglary, if the offense  
206 was a felony of the first degree.

207           28. Section 810.14, relating to voyeurism, if the offense  
208 was a felony.

209           29. Section 810.145, relating to video voyeurism, if the  
210 offense was a felony.

211           30. Section 812.13, relating to robbery.

212           31. Section 812.131, relating to robbery by sudden  
213 snatching.

214           32. Section 812.133, relating to carjacking.

215           33. Section 812.135, relating to home-invasion robbery.

216           34. Section 817.034, relating to communications fraud, if  
217 the offense was a felony of the first degree.

218           35. Section 817.234, relating to false and fraudulent  
219 insurance claims, if the offense was a felony of the first or  
220 second degree.

221           36. Section 817.50, relating to fraudulently obtaining  
222 goods or services from a health care provider and false reports  
223 of a communicable disease.

224           37. Section 817.505, relating to patient brokering.

225           38. Section 817.568, relating to fraudulent use of personal  
226 identification, if the offense was a felony of the first or  
227 second degree.

228           39. Section 825.102, relating to abuse, aggravated abuse,  
229 or neglect of an elderly person or a disabled adult.

230           40. Section 825.1025, relating to lewd or lascivious  
231 offenses committed upon or in the presence of an elderly person  
232 or a disabled person.



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233 41. Section 825.103, relating to exploitation of an elderly  
234 person or a disabled adult, if the offense was a felony.

235 42. Section 826.04, relating to incest.

236 43. Section 827.03, relating to child abuse, aggravated  
237 child abuse, or neglect of a child.

238 44. Section 827.04, relating to contributing to the  
239 delinquency or dependency of a child.

240 45. Former s. 827.05, relating to negligent treatment of  
241 children.

242 46. Section 827.071, relating to sexual performance by a  
243 child.

244 47. Section 831.30, relating to fraud in obtaining  
245 medicinal drugs.

246 48. Section 831.31, relating to the sale; manufacture;  
247 delivery; or possession with intent to sell, manufacture, or  
248 deliver of any counterfeit controlled substance, if the offense  
249 was a felony.

250 49. Section 843.01, relating to resisting arrest with  
251 violence.

252 50. Section 843.025, relating to depriving a law  
253 enforcement, correctional, or correctional probation officer of  
254 the means of protection or communication.

255 51. Section 843.12, relating to aiding in an escape.

256 52. Section 843.13, relating to aiding in the escape of  
257 juvenile inmates of correctional institutions.

258 53. Chapter 847, relating to obscenity.

259 54. Section 874.05, relating to encouraging or recruiting  
260 another to join a criminal gang.

261 55. Chapter 893, relating to drug abuse prevention and

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262 control, if the offense was a felony of the second degree or  
263 greater severity.

264 56. Section 895.03, relating to racketeering and collection  
265 of unlawful debts.

266 57. Section 896.101, relating to the Florida Money  
267 Laundering Act.

268 58. Section 916.1075, relating to sexual misconduct with  
269 certain forensic clients and reporting of such sexual  
270 misconduct.

271 59. Section 944.35(3), relating to inflicting cruel or  
272 inhuman treatment on an inmate resulting in great bodily harm.

273 60. Section 944.40, relating to escape.

274 61. Section 944.46, relating to harboring, concealing, or  
275 aiding an escaped prisoner.

276 62. Section 944.47, relating to introduction of contraband  
277 into a correctional institution.

278 63. Section 985.701, relating to sexual misconduct in  
279 juvenile justice programs.

280 64. Section 985.711, relating to introduction of contraband  
281 into a detention facility.

282 Section 4. For the purpose of incorporating the amendment  
283 made by this act to section 943.0583, Florida Statutes, in a  
284 reference thereto, paragraph (b) of subsection (6) of section  
285 943.0585, Florida Statutes, is reenacted to read:

286 943.0585 Court-ordered expunction of criminal history  
287 records.—

288 (6) EFFECT OF EXPUNCTION ORDER.—

289 (b) The person who is the subject of a criminal history  
290 record that is expunged under this section or under other

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291 provisions of law, including former ss. 893.14, 901.33, and  
292 943.058, may lawfully deny or fail to acknowledge the arrests  
293 covered by the expunged record, except when the subject of the  
294 record:

- 295 1. Is a candidate for employment with a criminal justice  
296 agency;
- 297 2. Is a defendant in a criminal prosecution;
- 298 3. Concurrently or subsequently petitions for relief under  
299 this section, s. 943.0583, or s. 943.059;
- 300 4. Is a candidate for admission to The Florida Bar;
- 301 5. Is seeking to be employed or licensed by or to contract  
302 with the Department of Children and Families, the Division of  
303 Vocational Rehabilitation within the Department of Education,  
304 the Agency for Health Care Administration, the Agency for  
305 Persons with Disabilities, the Department of Health, the  
306 Department of Elderly Affairs, or the Department of Juvenile  
307 Justice or to be employed or used by such contractor or licensee  
308 in a sensitive position having direct contact with children, the  
309 disabled, or the elderly;
- 310 6.a. Is seeking to be employed or licensed by, or contract  
311 with, the Department of Education, any district unit under s.  
312 1001.30, any special district unit under s. 1011.24, the Florida  
313 School for the Deaf and the Blind under s. 1002.36, the Florida  
314 Virtual School under s. 1002.37, any virtual instruction program  
315 under s. 1002.45, any charter school under s. 1002.33, any hope  
316 operator under s. 1002.333, any alternative school under s.  
317 1008.341, any private or parochial school, or any local  
318 governmental entity that licenses child care facilities;
- 319 b. Is seeking to be employed or used by a contractor or

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320 licensee under sub-subparagraph a.; or

321 c. Is a person screened under s. 1012.467;

322 7. Is seeking to be licensed by the Division of Insurance  
323 Agent and Agency Services within the Department of Financial  
324 Services; or

325 8. Is seeking to be appointed as a guardian pursuant to s.  
326 744.3125.

327 Section 5. For the purpose of incorporating the amendment  
328 made by this act to section 943.0583, Florida Statutes, in a  
329 reference thereto, paragraph (b) of subsection (6) of section  
330 943.059, Florida Statutes, is reenacted to read:

331 943.059 Court-ordered sealing of criminal history records.—

332 (6) EFFECT OF ORDER.—

333 (b) The subject of the criminal history record sealed under  
334 this section or under other provisions of law, including former  
335 ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to  
336 acknowledge the arrests covered by the sealed record, except  
337 when the subject of the record:

338 1. Is a candidate for employment with a criminal justice  
339 agency;

340 2. Is a defendant in a criminal prosecution;

341 3. Concurrently or subsequently petitions for relief under  
342 this section, s. 943.0583, or s. 943.0585;

343 4. Is a candidate for admission to The Florida Bar;

344 5. Is seeking to be employed or licensed by or to contract  
345 with the Department of Children and Families, the Division of  
346 Vocational Rehabilitation within the Department of Education,  
347 the Agency for Health Care Administration, the Agency for  
348 Persons with Disabilities, the Department of Health, the

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349 Department of Elderly Affairs, or the Department of Juvenile  
350 Justice or to be employed or used by such contractor or licensee  
351 in a sensitive position having direct contact with children, the  
352 disabled, or the elderly;

353 6.a. Is seeking to be employed or licensed by, or contract  
354 with, the Department of Education, a district unit under s.  
355 1001.30, a special district unit under s. 1011.24, the Florida  
356 School for the Deaf and the Blind under s. 1002.36, the Florida  
357 Virtual School under s. 1002.37, a virtual instruction program  
358 under s. 1002.45, a charter school under s. 1002.33, a hope  
359 operator under s. 1002.333, an alternative school under s.  
360 1008.341, a private or parochial school, or a local governmental  
361 entity that licenses child care facilities;

362 b. Is seeking to be employed or used by a contractor or  
363 licensee under sub-subparagraph a.; or

364 c. Is a person screened under s. 1012.467;

365 7. Is attempting to purchase a firearm from a licensed  
366 importer, licensed manufacturer, or licensed dealer and is  
367 subject to a criminal history check under state or federal law;

368 8. Is seeking to be licensed by the Division of Insurance  
369 Agent and Agency Services within the Department of Financial  
370 Services;

371 9. Is seeking to be appointed as a guardian pursuant to s.  
372 744.3125; or

373 10. Is seeking to be licensed by the Bureau of License  
374 Issuance of the Division of Licensing within the Department of  
375 Agriculture and Consumer Services to carry a concealed weapon or  
376 concealed firearm. This subparagraph applies only in the  
377 determination of an applicant's eligibility under s. 790.06.

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378           Section 6. This act shall take effect on the same date that  
379 SB \_\_\_\_ or similar legislation takes effect, if such legislation  
380 is adopted in the same legislative session or an extension  
381 thereof and becomes a law.