

By Senator Osgood

32-00812-23

20231428__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.0583, F.S.; providing that a petition for human
4 trafficking victim expunction and all pleadings and
5 documents related to the petition are confidential and
6 exempt from public records requirements; providing for
7 future legislative review and repeal of the exemption;
8 providing a statement of public necessity; providing
9 an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (2) of section 943.0583, Florida
14 Statutes, is amended to read:

15 943.0583 Human trafficking victim expunction.—

16 (2) (a) Notwithstanding any other provision of law, upon the
17 filing of a petition as provided in this section, any court in
18 the circuit in which the petitioner was arrested, so long as the
19 court has jurisdiction over the class of offense or offenses
20 sought to be expunged, may order a criminal justice agency to
21 expunge the criminal history record of a victim of human
22 trafficking who complies with the requirements of this section.
23 A petition need not be filed in the court where the petitioner's
24 criminal proceeding or proceedings originally occurred. This
25 section does not confer any right to the expunction of any
26 criminal history record, and any request for expunction of a
27 criminal history record may be denied at the discretion of the
28 court. The clerk of the court may not charge a filing fee,
29 service charge, or copy fee or any other charge for a petition

32-00812-23

20231428__

30 filed under this section. The clerk of the court shall treat a
31 petition seeking to expunge more than one eligible case as a
32 single petition.

33 (b) A petition filed under this section and all pleadings
34 and documents related to the petition are confidential and
35 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
36 Constitution. This paragraph is subject to the Open Government
37 Sunset Review Act in accordance with s. 119.15 and is repealed
38 on October 2, 2028, unless reviewed and saved from repeal
39 through reenactment by the Legislature.

40 Section 2. The Legislature finds that it is a public
41 necessity that a petition filed under s. 943.0583, Florida
42 Statutes, and all pleadings and documents related to the
43 petition be made confidential and exempt from s. 119.07(1),
44 Florida Statutes, and s. 24(a), Article I of the State
45 Constitution. Persons who are victims of human trafficking and
46 who have been arrested for offenses committed, or reported to
47 have been committed, as a result of being trafficked are
48 themselves victims of crimes. These victims face barriers to
49 employment and loss of other life opportunities, and the fact
50 that the victims are seeking expungement, as well as the
51 information contained in related pleadings and documents, would
52 expose these victims to possible discrimination due to details
53 of their past lives becoming public knowledge. Therefore, it is
54 necessary that these petitions, pleadings, and related documents
55 be made confidential in order for human trafficking victims to
56 have the chance to rebuild their lives and reenter society.

57 Section 3. This act shall take effect October 1, 2023.