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; revising the							
7	standards for determining what offenses may be							
8	expunged; increasing the classification of the offense							
9	of knowingly providing false information in an							
10	expunction proceeding; providing for future							
11	legislative review and repeal under the Open							
12	2 Government Sunset Review Act; providing a statement of							
13	public necessity; providing a contingent effective							
14	date.							
15								
16	Be It Enacted by the Legislature of the State of Florida:							
17								
18	Section 1. Subsections (2), (3), and (6) of section							
19	943.0583, Florida Statutes, are amended to read:							
20	943.0583 Human trafficking victim expunction							
21	(2) <u>(a)</u> Notwithstanding any other provision of law, upon							
22	the filing of a petition as provided in this section, any court							
23	in the circuit in which the petitioner was arrested, so long as							
24	the court has jurisdiction over the class of offense or offenses							
25	sought to be expunged, may order a criminal justice agency to							
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26 expunge the criminal history record of a victim of human 27 trafficking who complies with the requirements of this section. 28 A petition need not be filed in the court where the petitioner's criminal proceeding or proceedings originally occurred. This 29 30 section does not confer any right to the expunction of any criminal history record, and any request for expunction of a 31 32 criminal history record may be denied at the discretion of the 33 court. The clerk of the court may not charge a filing fee, 34 service charge, or copy fee or any other charge for a petition filed under this section. The clerk of the court shall treat a 35 36 petition seeking to expunge more than one eligible case as a 37 single petition.

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 This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) A person who is a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges for one or more offenses committed or reported to have been committed while the person was a victim of human trafficking, which offense was <u>directly related to</u> committed or reported to have been committed

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51 as a part of the human trafficking scheme of which the person 52 was a victim or at the direction of an operator of the scheme, 53 including, but not limited to, violations under chapters 796 and 847, without regard to the disposition of the arrest or of any 54 55 charges. However, this section does not apply to any offense 56 listed in s. 775.084(1)(b)1. Determination of the petition under 57 this section should be by a preponderance of the evidence. A conviction expunged under this section is deemed to have been 58 59 vacated due to a substantive defect in the underlying criminal proceedings. If a person is adjudicated not guilty by reason of 60 61 insanity or is found to be incompetent to stand trial for any such charge, the expunction of the criminal history record may 62 63 not prevent the entry of the judgment or finding in state and 64 national databases for use in determining eligibility to purchase or possess a firearm or to carry a concealed firearm, 65 66 as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent any governmental agency that is authorized 67 68 by state or federal law to determine eligibility to purchase or 69 possess a firearm or to carry a concealed firearm from accessing 70 or using the record of the judgment or finding in the course of 71 such agency's official duties.

(6) Each petition to a court to expunge a criminal historyrecord is complete only when accompanied by:

(a) The petitioner's sworn statement attesting that thepetitioner is eligible for such an expunction to the best of his

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76	or her knowledge or belief.							
77	(b) Official documentation of the petitioner's status as a							
78	victim of human trafficking, if any exists.							
79								
80	Any person who knowingly provides false information on such							
81	sworn statement to the court commits a felony of the <u>second</u>							
82	third degree, punishable as provided in s. 775.082, s. 775.083,							
83	or s. 775.084.							
84	Section 2. <u>The Legislature finds that it is a public</u>							
85	necessity that a petition filed under s. 943.0583, Florida							
86	Statutes, and all pleadings and documents related to the							
87	petition be made confidential and exempt from s. 119.07(1),							
88	Florida Statutes, and s. 24(a), Article I of the State							
89	Constitution. Persons who are victims of human trafficking and							
90	who have been arrested for offenses committed, or reported to							
91	have been committed, as a result of being trafficked are							
92	themselves victims of crimes. These victims face barriers to							
93	employment and loss of other life opportunities, and the fact							
94	that the victims are seeking expungement, as well as the							
95	information contained in related pleadings and documents, would							
96	expose these victims to possible discrimination due to details							
97	of their past lives becoming public knowledge. Therefore, it is							
98	necessary that these petitions, pleadings, and related documents							
99	be made confidential in order for human trafficking victims to							
100	have the chance to rebuild their lives and reenter society.							

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FLORIDA	HOUSE	OF REPR	₹ E S E N T A	ATIVES
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101	Section	3.	This	act	shall	take	effect	October	1,	2023.
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					Fag	e 5 of 5				

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