

Committee on Children, Families, and Elder Affairs

CS/CS/SB 1826 — Human Trafficking

by Rules Committee; Criminal Justice Committee and Senator Diaz

The bill creates s. 90.5037, F.S., establishing a privilege for communication between human trafficking victims and human trafficking advocates or trained volunteers. The bill provides that communication between a human trafficking victim advocate or trained volunteer and a human trafficking victim is “confidential,” if it is not intended to be disclosed to third persons, except to specified persons. A human trafficking victim has a privilege to refuse to disclose, and prevent any other person from disclosing such confidential communication or record made in the course of advising, counseling, or providing services to the victim. Additionally, the bill defines the terms “anti-human trafficking organization,” “human trafficking victim advocate,” “trained volunteer,” and “human trafficking victim,” and provides training requirements for human trafficking victim advocates and trained volunteers.

The bill amends s. 787.06, F.S., to expand the definition of “human trafficking,” to include the “purchasing, patronizing, [or] procuring” another person for the purpose of exploitation of that person. Additionally, the definition of “obtain,” is amended to mean “in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof.” The bill expands the scope of specified human trafficking offenses relating to children under 18 years of age to include an adult believed to be under 18 years of age. The bill provides that the Legislature encourages each state attorney to adopt a prosecution policy for human trafficking offenses, and requires the state attorney to determine whether to file, nonfile, or divert criminal charges even when there is no cooperation from a victim or over the objection of the victim, if necessary.

The bill modifies s. 943.0583, F.S., to prohibit the clerk of the court from charging any fees, such as filing or copy fees, for a petition to expunge a criminal offense of a human trafficking victim. It clarifies that a human trafficking victim may petition to expunge a criminal history record that results from the arrest or filing of charges for one or more offenses in certain circumstances. Further, the bill requires the clerk to treat a human trafficking victim’s petition to expunge more than one eligible offense as a single petition. It also removes language that is required to be included in the sworn statement that must accompany such petition which states that the petitioner “does not have any other petition to expunge or any petition to seal pending before any court.”

The bill also expands the list of offenses in which a court must impose special conditions on probationers or community controllees who are placed under supervision or on community control or sex offender probation for committing a specified human trafficking offense on or after a certain date.

For purposes of incorporating the amendments made in the bill, ss. 39.01305, 464.013, 775.21, 943.0435, 943.0583, and 944.606, F.S., are reenacted.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0