

By Senator Sachs

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1 A bill to be entitled
2 An act relating to human trafficking; creating s.
3 92.562, F.S.; defining terms; providing for
4 confidentiality under the Florida Evidence Code of
5 communications between a human trafficking victim
6 advocate and a victim; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Section 92.562, Florida Statutes, is created to
11 read:

12 92.562 Human trafficking victim advocate; privileged
13 communication.—

14 (1) For purposes of this section, the term:

15 (a) "Confidential communication" means a communication
16 between a human trafficking victim advocate and a victim of
17 human trafficking which is related to the incident of human
18 trafficking for which the victim is seeking assistance and which
19 is not intended to be disclosed to a third party other than:

20 1. Those persons present to further the interest of the
21 victim in the consultation, assessment, or interview.

22 2. Those persons to whom disclosure is reasonably necessary
23 to accomplish the purpose for which the human trafficking victim
24 advocate is consulted.

25 (b) "Human trafficking" has the same meaning as provided in
26 s. 787.06.

27 (c) "Human trafficking victim advocate" means any employee
28 of the Department of Children and Families or a volunteer who
29 has 30 hours of training in assisting victims of human

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30 trafficking and is an employee of or volunteer for a program for
31 victims of human trafficking whose primary purpose is the
32 rendering of advice, counseling, or assistance to victims of
33 human trafficking.

34 (d) "Victim" means a person who consults a human
35 trafficking victim advocate for the purpose of securing advice,
36 counseling, or assistance concerning a mental, physical, or
37 emotional condition caused by an act of human trafficking, an
38 alleged act of human trafficking, or an attempted act of human
39 trafficking.

40 (2) A victim has a privilege to refuse to disclose, and to
41 prevent any other person from disclosing, a confidential
42 communication made by the victim to a human trafficking victim
43 advocate or any record made in the course of advising,
44 counseling, or assisting the victim. The privilege applies to
45 confidential communications made between the victim and the
46 victim advocate and to records of those communications only if
47 the victim advocate is registered with the Department of
48 Children and Families at the time the communication is made.
49 This privilege includes any advice given by the victim advocate
50 in the course of that relationship.

51 (3) The privilege may be claimed by:

52 (a) The victim or the victim's attorney on behalf of the
53 victim.

54 (b) A guardian or conservator of the victim.

55 (c) The personal representative of a deceased victim.

56 (d) The human trafficking victim advocate, but only on
57 behalf of the victim. The authority of a victim advocate to
58 claim the privilege is presumed in the absence of evidence to

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59 the contrary.

60 Section 2. This act shall take effect July 1, 2015.