



2021 Bill Highlights

As of 5/3/2021

HB 523 & SB 1826 – Human Trafficking

Sponsors: Representative Toledo (R-Tampa) & Senator Diaz (R- Hialeah Gardens)

Outcome: HB 523 has been laid on the table. SB 1826 passed the legislature and is awaiting the governor's signature.

Target Population: Human trafficking victims and human trafficking victims' advocates and volunteers, and human traffickers.

Summary: Addresses three issues facing human trafficking survivors: court process, expunction of records, and training for victim advocates. Changes in court include steps to ensure a speedy trial for victims with extention opportunities if needed by defendants accused of human trafficking. Requires the court to impose specified conditions, in addition to all other standard and special conditions imposed, on probationers or community controllees who are placed under supervision for violations of sexually-related human trafficking offenses. Requires each state attorney to adopt a pro-prosecution policy for human trafficking. Add the use of the labor services and the commercial sexual exploitation of anyone believed to be younger than 18, regardless of their actual age, to the list of acts constituting human trafficking, making those acts



first degree felonies. Requires the state attorney to consult the victim or make a good faith attempt to consult the victim, before determining the filing, non-filing, or diversion of criminal charges. Gives the state the power to assume the role of a victim that is too scared to speak. Specifies that an out-of-court statement made by an adult victim describing specified acts of human trafficking when he or she was a child is admissible in evidence in civil or criminal proceedings if certain criteria are met. Permits the courts to enter any order necessary to protect the human trafficking victim from mental or emotional harm and allows them to consider how interviews, examinations, and testimony will impact the victim's mental health. Allows for the gathering of information without depositions. Allows for the court to limit the amount of times, the length, and the scope of interviews conducted with the victim and permits the interviews to be taken in front of a trial judge or magistrate and sealed afterwards. Expunction changes include providing for the expunction of criminal and driving records that occurred from offenses that were committed while the person was a victim of human trafficking, and the elimination of fees associated with the petition for expunction. Training for victim advocates focuses on allowing for communication between a human trafficking victim advocate or trained volunteer and a human trafficking victim to be confidential in certain circumstances and creating a standard form of victim advocate training delivered by the Florida Office of the Attorney General.

How the Bills Differ:

- HB 523 addresses victim expunction--any circuit court where a victim was arrested can expunge a victim's record. The victim can also petition for expunction of any charge while committed as a human trafficking victim if the person was not found guilty/pled guilty/nolo contendere to any offense. A court petition to expunge a record is only complete when a victim's sworn statement is eligible for expunction with no found false information. The clerk of court should treat multiple expunctions as a single



petition, charging single fees for multiple petitions. SB 1826 does not include expunction.

Impact: Human trafficking survivors are victims of sexual abuse and much more. They are forced to do terrible things to survive. Treating their behavior as criminal re-victimizes them and doesn't allow them to heal and start a new chapter.

Florida ranks third in the nation for reports of human trafficking. In 2019, there were 896 reported cases of human trafficking, leading to the identification of 600 trafficking businesses. This was an increase from 2018, when there were 760 reported cases of human trafficking.

While under the influence of traffickers, victims can engage in illegal activities. If incorrectly charged with these crimes, background checks can become roadblocks to employment once victims are free from their abusers. Allowing for the expunction of criminal and driving records that occurred from offenses committed while a person was a victim of human trafficking and eliminating any fees associated with a petition for expunction provide survivors of trafficking the opportunity to have a future without their past standing in the way.

Victim advocates who have survived trafficking are a crucial component to providing current human trafficking victims with the support then need to break free from their traffickers. The ability to talk to them openly without fear of repercussions and for anti-human trafficking organizations across Florida to utilize a standard form of victim advocate training will improve the quality and comprehensiveness of training programs.

The Children's Campaign supports legislation that decriminalizes victims of human trafficking and supports these survivors as they move forward.



Effective Date: October 1st, 2021

