

Florida



B

The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Florida, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Alternate Hearing Methods Allowed:

It can be financially draining and endanger the safety of survivors to travel to a location where they may have been trafficked and where their trafficker may be located. Therefore, Florida allows survivors who are required to attend a hearing to appear by alternate methods such as telephone, video, written statements, or by attorney substitute. This is both safer and helpful for survivors who may not live in the state where their criminal record is located.

Not Charging to Apply for Relief:

It can be financially challenging for survivors to apply for criminal record relief as they may have to hire an attorney, get documentation, travel for hearings, etc. Florida explicitly requires that survivors are not charged fees to apply for and access record relief and are not charged fees to clear their records with agencies and departments after being granted record relief by the courts. This removes at least one financial burden that could prevent survivors from accessing record relief.

NEEDS IMPROVEMENT:

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Florida is inadequate because relief only applies to non-violent offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Florida would expand the statute to include all offenses so more survivors are eligible for relief.

Time Limitations and Wait Times:

Florida provides leniency regarding time limits by allowing survivors to apply in a "reasonable time" after their trafficking has ended. This could be improved to have no time limit at all for survivors so there is no confusion on when a survivor should, or how long they have to, apply for relief.

Judicial Discretion:

Florida states that the court "may" grant a petition for relief upon making the necessary findings. Ideally, the court "shall" or "must" grant the petition if the survivor meets certain requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.



Statute: [Fla. Stat. Ann. § 943.0583\(3\)](#)