ONE MORE CHILD +1



Human Trafficking Reduction Act of 2025-Florida

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Florida has responded legislatively to the need for statutes related to sex buyers, trafficker accountability, and victim protection. The Shared Hope International Institute for Justice and Advocacy's 2023 Report Card indicates that Florida has progressed in criminal provisions and access to justice for trafficking survivors, resulting in a "B" grade. The report also notes that Florida is one of nine states to achieve full credit for its criminal provisions. In addition, Polaris (2023)[1] highlights modifications to Florida statues that provide relief to victims such as:

- Elimination of the restriction that survivors could only apply for criminal record relief for one conviction at a time.
- Providing alternate hearing methods by stating, "The petitioner or the petitioner's attorney may appear at any hearing under this section telephonically, via video conference, or by other electronic means."
- Utilizing the "preponderance of evidence" standard, which means that a survivor must prove that it is more likely than not that they were a victim of trafficking at the time they were arrested for a criminal offense.

Even so, Florida consistently ranks third in the number of signals and cases of human trafficking, behind California and Texas[2], respectively. This highlights the need for continued legislative actions in the areas of reducing demand, access, and harm.

Depriving consumer-level demand is a primary deterrence method and must be positioned at the front end of any prevention strategy. The commercial sex trade continues to exploit vulnerable men, women, and children.[3] "Despite commendable efforts by law enforcement agencies and non-state actors in the United States to discourage the demand that fosters sex trafficking, consumer-level demand is relentless and clearly apparent in the online environment."[4] Florida is no exception.

Reducing the Demand and Access

Florida Law Amendments

The consumer demand for illicit sex facilitates the exploitation of individuals, leading to a plethora of negative impacts including physical, mental, and economic consequences upon victims, as well as the overall loss of basic human rights. The negative impacts reverberate through all layers of society, jeopardizing community well-being, eroding economic structures, and abrading laws in place. We must ensure our societal laws, policies, and practices promote dignity for all people and provide effective justice.

To further reduce demand, Florida can strengthen current laws, such as:

- Amending Section 796.06, Florida Statute,[5] to state (1) "It is unlawful to (a) Own, establish, maintain, operate, use, let or rent any building, residence, place, or structure, in whole or in part, trailer or other conveyance, with the knowledge or reckless disregard that it will be used for the purpose of commercial sex." (2) A person who violates this section commits: (a) a felony (previously a misdemeanor) of the third degree for a first violation, punishable as provided in s. 775.082 or s. 775.083. A felony of the second degree for a second (previously third) or subsequent violation, punishable as provided in s. 775.082."

- Amend section 796.06 Section 4, to include "reputation in testimonies concerning the person charged with violation of this section is admissible in evidence in support of the charge."

- Further, amend Section 4 (3) to state, "If this place, residence, structure, building, trailer or conveyance that is owned, established, maintained, or operated is a massage establishment that is or should be licensed under s.480.043, the offense shall be reclassified to the next higher degree, (a) A felony of the third degree is reclassified as a felony of the second degree, punishable as provided in s.775.082, s.775.083, or s.775.084, (b) A felony of the second degree is reclassified as a felony of the first degree, punishable as provided s.775.082, s.775.083, or s.775.084 and (c) A felony of the first degree is reclassified as a felony of the first degree payable by life in prison, punishable as provided 775.082, s.775.083, or s.775.084."

- Amend Chapter 787.061 (3) (b)[6] to include "A victim of human trafficking has a civil cause of action against a trafficker or a facilitator of human trafficking. Such victim may recover damages provided in this section." In addition, add "reputation harm" to "Noneconomic damages are nonfinancial losses that would not have occurred but for the victimization, and include pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of capacity for enjoyment of life and other nonfinancial losses."

Increasing the legal penalties erodes the demand for illicit sexual markets and, therefore, acts as a cornerstone to promoting prevention in a necessary comprehensive approach to reducing demand, harm, and access.

Reducing the Harm

Image-Based Sexual Abuse

As our digital world rapidly advances, nefarious actors in our society perpetrate and victimize individuals through image-based sexual abuse (IBSA). Although no age, gender, or socioeconomic status is free from the threat of IBSA, human trafficking victims are highly vulnerable, given the nature of their experiences.

Image-based sexual abuse is the creating, threatening to share, sharing, or using of recordings (still images or videos) of sexually explicit or sexualized materials without the consent of the person depicted and/or for purposes of exploitation.

Common forms include:

- Non-consensual sharing of sexually explicit or sexualized images (sometimes referred to as “revenge porn” or “leaked nudes”).
- Non-consensual recording of a person in a sexual manner (including so-called “down blousing,” “upskirting,” or surreptitious recordings in places such as restrooms and locker rooms).
- Pressuring or harassing someone into creating or sharing sexually explicit or sexualized images of themselves.
- Using sexually explicit images or sexualized materials in one’s possession for purposes of blackmailing the person(s) depicted in the images, including blackmailing them into producing more sexually explicit material (often referred to as “sextortion”).
- Creating fake pornographic images of a person by editing images of their face onto nude bodies (popularly referred to as “deepfake” or “cheap fake” pornography).
- Sexual harassment or assault in virtual or augmented reality (such as sexual harassment via direct messaging or sexual assault of avatars).[7]

Today, image sharing has gained new heights due to the advances in technology that allow for online and offline sexual exploitation to be continually repeated, escalating the long-term effects of victimization. As stated by Huber (2023), “As a result of IBSA, the images and personal information amplify the consequences for victims due to the wide spectrum of the internet audience and offline sharing of the images. Technology allows for repeat perpetration that is ever more achievable.”[8]

The identified impacts of IBSA include depression, shame, humiliation, reputational damage, occupational issues, fear, anxiety, suicidal ideations, increased harassment, and abuse. As stated by one survivor, “This creates a never-ending cycle of abuse, from which survivors have seemingly no exit.” Another survivor states, ‘There will never be a day in my entire lifetime that all of the images of me could ever be deleted.”[9] To combat the efforts of IBSA, action on the state and legislative levels must be facilitated that addresses non-consensual shared/recorded explicit content, increases for corporate accountability, and civil litigation lawsuits to prevent sharing of IBSA and the profits gained as a result. Joining with survivor leadership to advocate for these changes is essential to the cause.

Reducing the Harm

Criminal Record-Relieving Expansions

Per the National Survivor Study (2023), 42% of survivors reported having a criminal record, and 90% reported that some or all of their arrests were related to their exploitation. Criminal records prevented survivors from acquiring or keeping a job (69%); acquiring training, education, or a professional license (63%); acquiring good housing (59%); and maintaining custody of their children (35%) for those with children,[10] and civil participation, such as voting, gun ownership, and even volunteering.

Human sex trafficking survivors with criminal arrest histories are significantly vulnerable when they exit "the life" and are unable to find housing, employment, education, and other meaningful choices, hence increasing their susceptibility to the cycle of re-entry into human sex trafficking. They also face the stigma of prostitution arrests, one of the types of arrests that are most avoidable in the criminal justice system. These barriers add to the complexity of their situations, adding to the experience of complex trauma.

The state of Florida has a national model law regarding the expungement of criminal records of human sex-trafficking victims. However, improvement is needed to avoid further exploitation within the process. For example, official documentation is required to determine if a person is a human trafficking victim as expungement eligibility. The barriers include challenges with self-identification as a victim, lack of legal names of the perpetrator, and missing supportive documents from program involvement. By amending 787.06 Florida Statute[11] , to show status as a victim of human trafficking to state "(ii) An affidavit, a letter, or sworn testimony from a medical professional, member of a victim services organization, or certified, licensed, or registered professional from whom the defendant has sought assistance, counseling, or legal counsel related to his or her victimization" would clearly define the official documentation need to affirm the person as a victim of human trafficking.

Recommendations

Even with the increased strengthening of legislation to prevent human sex trafficking and mitigate victim harm, the complexity of human sex trafficking insists on the continual need to create mechanisms to thwart its insidious actions and consequences.

To reduce the demand for illicit sex markets, Florida can further intensify current laws by implementing progressive penalties for the demand, expanding civil cause of action, and adding reputational harm as a recognized nonfinancial damage impact to victims while aligning with the need to prevail against image-based sexual abuse.

To reduce the harm to victims seeking expungement, it is recommended that the Florida legislature add official documentation options to statute 943.0583,[12] to show a person's status as a victim of human trafficking. There are many challenges of showing clear and convincing evidence without official documentation. However, adding such documentation to include statements from professionals that the victim has received services would mitigate these barriers and create pathways toward a successful journey through the expungement process.

References

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[3]https://endsexualexploitation.org/articles/policy-wins-target-demand-reduction/

[4]Marcel van der Watt (2024) Primary Prevention of Sex Trafficking: Time to Move the Needle on Demand Reduction, Journal of Human Trafficking, 10:2, 368-373, DOI: 10.1080/23322705.2024.2303264

[5]http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0796/Sections/0796.06.html#:~:text=(1)%20It%20is%20unlawful%20to,lewdness%2C%20assignation%2C%20or%20prostitution.

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[11]http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0787/Sections/0787.06.html

[12]http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.0583.html