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The Battle Against Human Trafficking: Florida's New Expungement Law is a Step in the Right Direction

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THE BATTLE AGAINST HUMAN TRAFFICKING: FLORIDA'S NEW EXPUNGEMENT LAW IS A STEP IN THE RIGHT DIRECTION

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I. INTRODUCTION

Human trafficking is one of the most highly organized—and highly elusive—crime epidemics, claiming victims internationally.¹ However, many people do not realize that human trafficking is not just a foreign issue; trafficking is occurring within the United States and a majority of victims are American citizens.² While there are many forms of human trafficking, each case almost always “includes psychological coercion, threats against family, . . . and in sex trafficking cases, the threat of being ousted in the victim’s community.”³ One reason why this crime epidemic is so elusive is because the victims are very difficult to identify.⁴ This is because most victims are locked away in a house and rarely allowed outside.⁵ However, not all victims constantly seek a way out; some victims feel that working for the trafficker is their only choice, or that they owe the trafficker, and the only way to pay them back for giving them a place to live is through sex.⁶

A. *A Little Girl’s Story*

Keisha is a [sixteen]-year-old African American female originally from Florida. She was raised by an aunt until she was [ten] years old and then placed in the foster care system. At the age of [fourteen], Keisha first ran away from her foster family to avoid sexual harassment from one of her foster family’s relatives.

During that time, she met “Mastur D,” a [twenty-six]-year-old man who offered to help her get back to her biological family. He said he would be able to pay for some of the expenses

1. FRANCIS T. MIKO, CONG. RESEARCH SERV., RL30545, TRAFFICKING IN PERSONS: THE U.S. AND INTERNATIONAL RESPONSE 1–2 (2006), available at <http://fpc.state.gov/documents/organization/70330.pdf>.

2. DUREN BANKS & TRACEY KYCKELHAHN, BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, CHARACTERISTICS OF SUSPECTED HUMAN TRAFFICKING INCIDENTS, 2008–2010 6 (2011), available at <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>; HUMAN SMUGGLING & TRAFFICKING CTR., DOMESTIC HUMAN TRAFFICKING—AN INTERNAL ISSUE 2 (2008), available at <http://www.state.gov/documents/organization/113612.pdf>.

3. Natalia Zea, *South Florida Human Trafficking Victim Shares Her Story*, CBS MIAMI (Aug. 17, 2011, 6:43 PM), <http://miami.cbslocal.com/2011/08/17/south-florida-human-trafficking-victims-shares-her-story/>.

4. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING: THE CRIMINAL OPERATIONS OF THE AMERICAN PIMP 5 (n.d.) [hereinafter POLARIS PROJECT, DOMESTIC SEX TRAFFICKING], available at http://www.dcjs.virginia.gov/victims/humantrafficking/vs/documents/Domestic_Sex_Trafficking_Guide.pdf.

5. *Id.*

6. *See id.*

to get them there, but that she needed to help support them financially by engaging in commercial sex with some of his friends. With no money or other options Keisha took him up on his offer. He drove her back to Florida but insisted when they arrived that she had not earned enough money to cover their hotel and gas costs. He physically assaulted her and told her she would never see anyone else in her family if she did not engage in sex with other men of his choosing. She felt she had no other choice and continued to earn money for Mastur D to pay him back Keisha was arrested for solicitation in Florida and after serving time in a juvenile detention center, was returned to her foster family, and was therefore returned to sexual harassment by her foster family's relative. Keisha ran away again a year later and called Mastur D to help her get back to Florida. He agreed to help again. She was arrested again.⁷

Keisha's story is a perfect example of a young girl who felt her only option was to listen to Mastur D and have sex for money.⁸ He used threats and psychological coercion to make her believe this was her only option, and poisoned her mind with lies for so long that she even returned to him after she had been arrested and returned to her foster home.⁹ Now she is not only psychologically and physically scarred, but she also has a criminal record with prostitution charges that will follow her around for the rest of her life.¹⁰ Two prostitution charges is a first-degree misdemeanor, and three charges is a third-degree felony in Florida.¹¹ This type of record can make it difficult for Keisha to find a decent job to support herself or a family.¹² The way Keisha was treated, and the aftermath of the victimization is very common with other sex trafficking victims.¹³ This is why Florida Governor Rick Scott recently signed a bill that will allow human trafficking victims to petition to have their records expunged.¹⁴

7. *Keisha, Domestic Minor Sex Trafficking*, POLARIS PROJECT, <http://www.polarisproject.org/what-we-do/client-services/survivor-stories/464-keisha-domestic-minor-sex-trafficking> (last visited Nov. 10, 2013).

8. *Id.*

9. *Id.*

10. *See id.*

11. FLA. STAT. § 796.07(4)(b)–(c) (2013).

12. POLARIS PROJECT, *Vacating Convictions for Sex Trafficking Victims*, in 2013 ANALYSIS OF STATE HUMAN TRAFFICKING LAWS 51, 51 (2013) [hereinafter POLARIS PROJECT, *Vacating Convictions for Sex Trafficking Victims*], available at http://www.polarisproject.org/storage/2013_State_Ratings_Analysis_Full_Report.pdf.

13. HUMAN SMUGGLING & TRAFFICKING CTR., *supra* note 2, at 13–14.

14. Act effective Jan. 1, 2014, ch. 2013-98, § 2, 2013 Fla. Laws 1, 2–4 (to be codified at FLA. STAT. § 943.0583 (2014)); H.R. 1325, 2013 Leg., Reg. Sess. (Fla. 2013);

This Comment is focused on human trafficking victims and how Florida's legislation is growing in the right direction by adding new laws to help protect future victims and to assist in the rehabilitation of past victims.¹⁵ Part II will discuss the currently enacted *Florida Statutes* and how Florida defines human trafficking.¹⁶ Part III will analyze human trafficking victims and why the victimization continues even after the victim is free.¹⁷ Part IV will address current victim-focused laws Florida has in place.¹⁸ Part V will discuss, in detail, Florida's new expungement law and how it compares to other expungement laws.¹⁹ Part VI will discuss future laws that Florida can enact to further benefit human trafficking victims.²⁰

II. AN OVERVIEW OF FLORIDA'S HUMAN TRAFFICKING LEGISLATION

The human trafficking epidemic is an international problem, but without individual states making an effort to combat local cases of human trafficking, the epidemic will only grow.²¹ Human trafficking, and more specifically, sex trafficking, is a very organized and secretive crime that is most effectively dealt with at a local level.²² Local communities and local law enforcement must be educated on the signs of human trafficking and the best ways to fight it.²³

Florida currently defines human trafficking as “transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.”²⁴ Exploitation of a person can include labor—farm work, sweatshop work, cleaning services, or restaurant work—or sex.²⁵ Sex trafficking expands that definition to include “forc[ing], compel[ing], or coerc[ing] another to

Keyonna Summers, *New State Laws to Ease Toll on Human-Trafficking Victims: They Will Move Toward Getting Their Lives Back When Gov. Rick Scott Signs Legislation Today*, TAMPA BAY TIMES, May 30, 2013, at B1.

15. See *infra* Parts II–V.

16. See *infra* Part II.

17. See *infra* Part III.

18. See *infra* Part IV.

19. See *infra* Part V.

20. See *infra* Part VI.

21. Adam S. Butkus, *Ending Modern-Day Slavery in Florida: Strengthening Florida's Legislation in Combating Human Trafficking*, 37 STETSON L. REV. 297, 301–02, 311, 315, 324–25 (2007).

22. *Id.* at 324–25.

23. See *id.*

24. FLA. STAT. § 787.06(2)(d) (2013).

25. *Id.* § 787.06(1)(b).

become a prostitute.”²⁶ While these definitions do not include every possible type of human trafficking, the Florida Legislature has attempted to encompass as much as possible.²⁷

A. *Florida: The Perfect Landscape for Sex Traffickers*

Florida is especially vulnerable to human trafficking crime because of the diverse population and number of immigrants.²⁸ Florida is ranked among the top three states for cases of human trafficking, along with New York and California.²⁹ This is due to the fact that Florida also has a large international airport—Miami International Airport—and many ports for boats to unload passengers.³⁰ These two factors alone make Florida an ideal entry point for human trafficking victims to be brought into the United States.³¹ Once in Florida, “[s]ome traffickers keep their victims under lock and key. However, the most frequently used practices are . . . isolati[on] . . . from the public and family members, confiscating passports, . . . using or threatening . . . violence, . . . [and] telling victims that they will be . . . deported for immigration violations if they contact authorities”³² In 2004, Florida decided to take the steps needed to combat the human trafficking epidemic and enacted legislation to bring awareness to law enforcement and the community.³³

B. *Florida’s First Steps in Combating Human Trafficking*

In 2004, Chapters 787,³⁴ 796,³⁵ and 895,³⁶ of the *Florida Statutes*, were amended to address human trafficking crimes.³⁷ These laws made it a

26. *Id.* § 796.04(1).

27. *See id.* §§ 787.06(1)(b), (3)(a)–(h), (4), 796.04.

28. *What Is Human Trafficking?*, FLORIDA NAT’L ORG. FOR WOMEN (2009), <http://www.flnow.org/trafficking.html>.

29. *Id.*

30. *Id.*

31. *Id.*

32. FLA. STAT. § 787.06(1)(c).

33. *See id.* § 796.04; FLA. STAT. §§ 787.05–.06, 796.035, 895.02 (2004) (current versions at FLA. STAT. §§ 787.06, 796.035, 895.02 (2013)).

34. FLA. STAT. § 787.05 (2004) (amending FLA. STAT. ch. 787 (2003)) (repealed 2012).

35. FLA. STAT. § 796.035 (2004) (amending FLA. STAT. ch. 796 (2003)) (current version at FLA. STAT. § 796.035 (2013)).

36. FLA. STAT. § 895.02 (2004) (amending FLA. STAT. § 895.02 (2003)) (current version at FLA. STAT. § 895.02 (2013)).

37. *See* statutes cited *supra* notes 34–36.

second-degree felony to engage in labor trafficking or sex trafficking of adults,³⁸ and a first-degree felony to engage in sex trafficking of minors.³⁹ However, these laws were weak when it came to applicability because they did not address how to properly prevent future human trafficking.⁴⁰ It was not until 2006 that the laws were amended to provide a more inclusive definition of human trafficking, requiring human trafficking training within law enforcement, and providing relief for victims.⁴¹ They were further amended in 2012 to become even stronger.⁴²

It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and *implement training programs in order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance.* It is the intent of the Legislature that the Department of Children and Family Services and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.

....

The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.⁴³

38. FLA. STAT. § 787.05 (2004) (repealed 2012).

39. FLA. STAT. § 796.035 (2004) (current version at FLA. STAT. § 796.035 (2013)).

40. See FLA. STAT. §§ 787.05 (2004) (repealed 2012), 787.06 (2004) (current version at FLA. STAT. § 787.06 (2013)).

41. Act effective Oct. 1, 2006, ch. 2006-168, §§ 1, 4, 2006 Fla. Laws 1, 1-3, 6-7 (amending FLA. STAT. §§ 787.06, 895.02(1) (2004)).

42. Act effective July 1, 2012, ch. 2012-97, § 5, 2012 Fla. Laws 1, 4-7 (amending FLA. STAT. § 787.06 (2011)).

43. FLA. STAT. § 787.06(1)(d), (4) (2006) (current version at FLA. STAT. § 787.06(1)(d), (5) (2013)) (emphasis added).

Amending section 787.06 to include a training requirement was a huge step for Florida in the battle against human trafficking because spotting the crime is one of the toughest parts.⁴⁴ However, the development of the protections and remedies afforded to the victims is most important.⁴⁵ Victims need an effective support system and the ability to seek an adequate remedy from the legal system.⁴⁶ Many victims may return to the sex trafficker because life with the sex trafficker is a better life than “foster care or . . . group homes.”⁴⁷ If the victim has been with the sex trafficker for a long period of time, he or she may have already gone through what is known as a grooming process, in which the pimp attempts to gain control over the victim.⁴⁸ These victims need a support system and programs in place after they have been rescued in order to recover and become accepted members of society.⁴⁹

C. Florida’s Harsh Punishments for Convicted Traffickers

Florida has come a long way since the 2004 legislation by adding harsher punishments for traffickers.⁵⁰ Currently, all forms of human trafficking are first-degree felonies in the State of Florida.⁵¹ Sex trafficking with a minor under fifteen years of age is a life felony, which is punishable up to life in prison.⁵² Punishment for a first-degree felony is imprisonment

44. FLA. STAT. § 787.06(1)(d) (2006) (current version at FLA. STAT. § 787.06(1), (5) (2013)); *see also* Butkus, *supra* note 21, at 327.

45. *See* Butkus, *supra* note 21, at 327–28.

46. *Id.* at 329–34.

47. *See* Lois Lee, *Residential Programs for America’s Child Sex Trafficking Victims Secure or Non-Secure Facilities?*, HUFFINGTON POST (July 9, 2013, 10:47 AM), http://www.huffingtonpost.com/dr-lois-lee/residential-programs-for-_b_3536472.html.

48. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 3. Pimps manipulate their victims beginning with an initial period of false love and feigned affection. This initial period is critical to attaining long-term mind-control.

.....

The process of *breaking-down* a girl from healthy adolescent sexual boundaries to commercial sex with strangers is often referred to as *grooming* or *seasoning*. It is a systematic process that has been documented and replicated by pimps nationwide. In essence, this process aims to achieve complete control over someone’s identity or individuality using a combination of physical, mental, and emotional means. In the trafficking paradigm, this process involves force, fraud, and coercion

Id.

49. *See* Butkus, *supra* note 21, at 328–30.

50. *See* Act effective July 1, 2012, ch. 2012-97, § 5, 2012 Fla. Laws 1, 4–8 (amending FLA. STAT. § 787.06 (2011) (current version at FLA. STAT. § 787.06 (2013))).

51. FLA. STAT. § 787.06(3)(a)–(h) (2013).

52. *Id.* §§ 775.082(3)(a)2, 787.06(3)(h).

for up to thirty years and up to a ten thousand dollar fine.⁵³ However, section 787.06 of the *Florida Statutes* expressly allows for punishment for up to life in prison for the sex trafficking of a minor.⁵⁴ Section 787.06 of the *Florida Statutes* also authorizes the courts to separate each individual instance of human trafficking and stack the punishments.⁵⁵ Therefore, each victim a trafficker controls would be a separate count of human trafficking, each punishable with up to thirty years in prison.⁵⁶

Section 787.06 of the *Florida Statutes* also allows for seizure of “[a]ny real property or personal property that was used, attempted to be used, or intended to be used in violation of any provision of this section.”⁵⁷ If this section was used against traffickers, it could potentially shut down their entire operation because they would lose their houses, cars, and any other property that was used in conjunction with the human trafficking.⁵⁸ Having no house and no car would significantly impair a trafficker’s business.⁵⁹ Another option is that Florida could use the seized property to help fund non-governmental organizations.⁶⁰ This authority comes from the Florida Contraband Forfeiture Act, which allows law enforcement to seize property used for criminal purposes and use the proceeds for future crime prevention efforts.⁶¹ It would be very beneficial to take the property seized from human trafficking crimes and give all the proceeds to human trafficking victim relief agencies because these agencies need funding to implement more resources for victims.⁶²

D. *Florida’s Civil Remedies for Trafficking Victims*

Florida’s legislation does include some civil remedies for victims.⁶³ These remedies, however, are hardly enough to make a significant, positive impact on the victim’s life.⁶⁴ The victim can only recover up to three times

53. *Id.* §§ 775.082(3)(b), .083(1)(b).

54. *Id.* § 787.06(3)(g).

55. *Id.* § 787.06(3)(h).

56. FLA. STAT. §§ 775.082(3)(b), 787.06(3)(h).

57. *Id.* § 787.06(7).

58. *See id.*

59. *See* POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 3, 5; *What Is Human Trafficking?*, *supra* note 28.

60. Butkus, *supra* note 21, at 337.

61. FLA. STAT. § 932.704(1).

62. *See* Butkus, *supra* note 21, at 329, 336–37.

63. FLA. STAT. §§ 772.102(1)(a)(15), .104(1)–(2).

64. *See id.* § 772.104(2); Butkus, *supra* note 21, at 328–29.

the profit made by the sex trafficker.⁶⁵ The legislation also includes that a minimum of two hundred dollars and reasonable attorney's fees will be awarded to the victim.⁶⁶ The burden is on the victim to prove how much was made as a result of the sex trafficking,⁶⁷ which can be difficult since the victim is most likely not keeping a record of how much he or she has made.⁶⁸ Unfortunately, section 772.104 of the *Florida Statutes* denies victims the right to seek punitive damages against sex traffickers.⁶⁹ Florida also has a statute that allows for victims of sexual exploitation to recover awards under victim compensation laws.⁷⁰ However, section 960.065 of the *Florida Statutes* also restricts the award if the victim "who committed the crime upon which the claim is based will receive any direct or indirect financial benefit from such payment."⁷¹

Overall, Florida's legislation addressing human trafficking has significantly improved over the last eight years since the 2004 amendments; however, there is still room for even greater improvement.⁷² Improvement in the area of victim relief is the most important.⁷³ Human trafficking is occurring every day and is so widespread that it cannot possibly be fixed overnight, but the victims that are rescued need to be helped immediately.⁷⁴

III. THE PROFILE OF A VICTIM

A. National Victim Statistics

A victim of human trafficking can be any sex, age, or ethnicity and can be as close as a next-door neighbor.⁷⁵ According to the most recent report published by the Bureau of Justice Statistics, between January 2008 and June 2010, there were a reported 527 victims of human trafficking.⁷⁶ Of the 527 victims, 257 of them were 17 or younger, 159 of them were 18 to 24,

65. FLA. STAT. § 772.104(2).

66. *Id.*

67. *Id.*

68. See POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 4.

69. FLA. STAT. § 772.104(3).

70. *Id.* § 960.065(1)(a).

71. *Id.* § 960.065(4).

72. Butkus, *supra* note 21, at 327. Compare, e.g., FLA. STAT. § 787.06 (2013), with FLA. STAT. § 787.06 (2006) (current version at FLA. STAT. § 787.06 (2013)), and FLA. STAT. § 787.06 (2004) (current version at FLA. STAT. § 787.06 (2013)).

73. See Butkus, *supra* note 21, at 327–29.

74. See *id.* at 315, 327–28.

75. *What Is Human Trafficking?*, *supra* note 28; Zea, *supra* note 3.

76. BANKS & KYCKELHAHN, *supra* note 2, at 6.

68 of them were 25 to 34, and 27 of them were 35 or older.⁷⁷ This report also found that of the 527 victims, 346 of them were United States citizens.⁷⁸ While this report does not include every single act of human trafficking, the trend is clear: United States citizens are just as likely, if not more likely, to become victims of human trafficking within the United States.⁷⁹

B. *Initial Recruiting of a Victim*

Victims can be taken from virtually anywhere; however, the more vulnerable ones come from foster homes, halfway houses, homeless shelters, and group homes.⁸⁰ These victims usually have no family or place to call home, so the grooming process that the sex traffickers use to control the victims is much more effective.⁸¹ Victims can also be picked up at schools, playgrounds, bars, and bus stations.⁸² Once they have been taken, they can be sent far away from their hometown or locked away in a house, never to be seen again.⁸³

Some victims choose to go with the trafficker because they have been promised money, food, or love.⁸⁴ Martina Okeke, a Nigerian woman, was brought to the United States and was “promised . . . \$300 a month, . . . a house, and tuition . . . for her . . . children.”⁸⁵ She admitted that after twelve years, she never received a dime.⁸⁶ Martina relied on these promises because she was living in poverty with two children as a single mother; coming to the United States looked like a step up from her home in Nigeria.⁸⁷ Individuals in vulnerable situations are the ideal targets for traffickers because they can easily be persuaded by “[p]romises of a better life, fast money, and future luxuries.”⁸⁸ Once the victim is secured—either locked up or cooperative

77. *Id.* at 6 tbl.5.

78. *Id.*

79. *See id.* at 6.

80. *See* POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 3.

81. *See id.*

82. *Id.*

83. *See* Zea, *supra* note 3.

84. *See* David Gonzalez, *When American Dream Leads to Servitude*, N.Y. TIMES, Apr. 24, 2007, at B1.

85. *Id.*

86. *Id.*

87. *See id.*

88. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 3; *see also* Jessica De Leon, *New Laws on Human Trafficking Will Aide Manatee-Sarasota Agencies as They Form Task Force*, BRADENTON HERALD (June 3, 2013), <http://www.bradenton.com/2013/06/03/4551754/new-laws-on-human-trafficking.html> (“Two-thirds of the world lives in

because of a false sense of security—the victim may be mentally and physically abused in order to keep him or her obedient.⁸⁹ This abuse can include “beating, rape, starvation, forced drug use, confinement, and seclusion.”⁹⁰ Such treatment instills fear into the victim, causing them to want to perform whatever acts the trafficker desires.⁹¹

C. *A Closer Look at Sex Trafficking Victims*

Sex trafficking victims are generally young—most often under the age of twenty-four.⁹² One common reason for this is many of the clients fear contracting HIV or other sexually transmitted diseases.⁹³ They believe having sex with a child—“some as young as seven”—will protect them from contracting diseases because the victims are “too young to have been infected.”⁹⁴ Some of the victims in their late teens and early twenties may be forced to work in strip clubs or massage parlors—hidden in plain sight.⁹⁵ Whatever the age may be, the sex trafficker usually sets a quota, or dollar amount, that the victim must make each night in order to avoid severe abuse.⁹⁶ This quota could be anywhere from “\$500 [to] \$1000 each night.”⁹⁷ Some of the victims may even resort to theft in order to meet the quota.⁹⁸ Often times, the victims fear retaliation for not meeting the quota more than they fear being arrested by law enforcement.⁹⁹ At the end of the night, all the profits the victims have made go directly to the sex trafficker; the victim keeps nothing.¹⁰⁰

Sex traffickers reap all the benefits from exploiting the victims by forcing them to prostitute on the streets, work in brothels, or strip, and then

extreme poverty So when they are promised a job in the land of opportunity, which is America, they are going to believe it.”).

89. See MIKO, *supra* note 1, at 4.

90. *Id.*

91. See Leif Coorlim, *Victims Endure Lives Degraded by Traffickers*, CNN, <http://www.cnn.com/2013/05/06/world/asia/freedom-fighter-victims/index.html> (last updated May 16, 2013, 3:15 PM).

92. BANKS & KYCKELHAHN, *supra* note 2, at 6 tbl.5.

93. MIKO, *supra* note 1, at 4.

94. *Id.*

95. See Butkus, *supra* note 21, at 313 n.108, 314.

96. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 4.

97. *Id.*

98. *Id.*

99. *Id.* at 4–5.

100. *Id.* at 4.

give all the money to the trafficker.¹⁰¹ It has been estimated that a sex trafficker can make up to \$632,000 in just twelve months.¹⁰² This estimation is based on the trafficker controlling four girls, with each girl meeting a “quota[] of \$500 [a] night, [seven] days a week.”¹⁰³ With this amount of untaxed income, traffickers have little incentive to let the victims go once they have them.¹⁰⁴

D. *Victim or Offender?*

One of the hardest parts for victims is the record they are left with—if they are lucky enough to escape from the trafficker.¹⁰⁵ Many victims are convicted of theft, drug possession, prostitution, loitering, and other crimes that make it very difficult to build a life after escaping.¹⁰⁶ Some people may ask why the victim did not tell the police about the trafficker the first time they got arrested. While this seems like a logical solution to someone who is not in a victim’s situation, it is not so easy.¹⁰⁷ Often times a victim may not even think of themselves as a victim, under the impression that they owe the trafficker some debt or depend on the trafficker for food and shelter.¹⁰⁸ Victims may also feel a sense of loyalty to pimps, known as Stockholm Syndrome.¹⁰⁹ There is also a possibility that the victim distrusts law enforcement, due to personal experiences or being convinced by the trafficker that law enforcement will only harm them.¹¹⁰ It is also very

101. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 4; Butkus, *supra* note 21, at 308, 314.

102. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 4.

103. *Id.*

104. *See id.*

105. Maggie Clark, *New Human Trafficking Laws Focus on Victims*, PEW CHARITABLE TRUSTS (May 31, 2013), <http://www.pewstates.org/projects/stateline/headlines/new-human-trafficking-laws-focus-on-victims-85899480543>.

106. *Id.*

107. *See* POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 5.

108. *Id.*

109. *Id.*

Stockholm Syndrome is a . . . psychological phenomenon wherein a positive bond between hostage and captor occurs that appears irrational in light of the frightening ordeal endured by the victims. In essence . . . the hostage views the perpetrator as giving life by simply not taking it. Individuals . . . [with] Stockholm [S]yndrome display three characteristics, although . . . not always exist[ing] together. . . . Hostages have positive feelings for their captors, [v]ictims show fear, distrust, and anger toward the authorities, [and p]erpetrators display positive feelings toward captives as they begin to see them as human beings.

Nathalie de Fabrique et al., *Understanding Stockholm Syndrome*, FBI L. ENFORCEMENT BULL., July 2007, at 10, 12.

110. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 5.

probable that victims are scared that once they are out of jail, the trafficker may harm them or their family.¹¹¹ Consequently, many victims accumulate a record because they were being forced to prostitute, which then makes it nearly impossible to find a job, go to school, locate a place to live, or apply for credit cards.¹¹²

Victims are suffering consequences for the rest of their lives, while traffickers may only be in jail for a few years—if they are caught at all.¹¹³

Ten years after Telisia Espinosa had broken free, her life on the lam with the boyfriend who had urged her to sell her body for cash continued to haunt her.

From Las Vegas to Cleveland to Florida, Espinosa had racked up arrests for prostitution, loitering, solicitation—so many charges that, years later, it would take her months to track down all the arrest warrants she [did not] even realize she had.

“You have a person who sells you and exploits you,” said Espinosa, a [thirty-seven]-year-old Tampa woman whose record has barred her from jobs and even from volunteering with the human trafficking victims whose stories match her own. “They may have a slap on the wrist and then you [are] paying for it with the rest of your life.”¹¹⁴

Non-governmental organizations are at the home front of post-trafficking victim treatment.¹¹⁵ These organizations need more funding and support in order to maintain their facilities.¹¹⁶ Many of these facilities provide law enforcement training as well as victim support.¹¹⁷ Victims need to have a safe place to go and resources to utilize in order to have a future.¹¹⁸ Without community resources and community awareness, many victims are treated like offenders due to their criminal record, which is why victim-focused laws are so important for victim recovery.¹¹⁹

111. *Id.*

112. Clark, *supra* note 105.

113. *See* FLA. STAT. §§ 775.082(3)(d)–(4)(a), 796.07(4)(b)–(c) (2013); POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 5; Clark, *supra* note 105.

114. Summers, *supra* note 14.

115. *See* Butkus, *supra* note 21, at 329.

116. *See id.* at 329, 331.

117. *See id.* at 329–30.

118. *See id.* at 320.

119. *See id.*; Clark, *supra* note 105.

IV. SAFE HARBOR ACT: FLORIDA'S FIRST BIG VICTIM-FOCUSED LAW

Florida has taken steps towards enacting laws for the benefit of victims.¹²⁰ The Safe Harbor Act became effective January 1, 2013, and it is focused on protecting child victims of sex trafficking.¹²¹ This law requires that children be placed in a safe house and assessed through physical and mental examinations.¹²² In addition, section 409.1678 of the *Florida Statutes* requires that the children be provided with “food, clothing, medical care,” and other resources.¹²³ The goal of the Safe Harbor Act is directed towards the rehabilitation and reintegration of children into society.¹²⁴

When an officer has established probable cause to believe a minor is being sexually exploited, the officer has the authority to take that child into custody “to be placed in a short-term safe house.”¹²⁵ The safe house is required to have staff awake twenty-four hours a day to ensure the safety of the children being housed.¹²⁶ The Safe Harbor Act states that appropriations, gifts, and government funding will be provided to the safe homes to help facilitate the rehabilitation process.¹²⁷ The ultimate goal is to either reunite the minor with his or her family or find a long-term living arrangement where the child can be cared for and ultimately lead a normal, healthy life.¹²⁸

A. *A Major Flaw in the Safe Harbor Act*

While the Safe Harbor Act is very beneficial to minor victims, it completely ignores victims over the age of eighteen.¹²⁹ While a majority of sex trafficking victims appear to be minors, there are still a substantial number of sex trafficking victims who are eighteen or over.¹³⁰ Victims need

120. See, e.g., FLA. STAT. § 409.1678 (2013).

121. Act effective Jan. 1, 2013, ch. 2012-105, §§ 1–2, 10, 2013 Fla. Laws 1, 1–2, 12 (amending FLA. STAT. § 39.001 (2012)); POLARIS PROJECT, *Safe Harbor—Protecting Sexually Exploited Minors*, in 2013 ANALYSIS OF STATE HUMAN TRAFFICKING LAWS 33, 33 (2013), available at http://www.polarisproject.org/storage/2013_State_Ratings_Analysis_Full_Report.pdf.

122. FLA. STAT. § 39.524(1).

123. *Id.* § 409.1678(1)(e).

124. See *id.* § 409.1678(2)(b); Lydia Butler, *Modern-Day Slavery Eclipsing the Sunshine State Compels Safe Harbor Legislation in Florida*, 7 INTERCULTURAL HUM. RTS. L. REV. 191, 236–37 (2012).

125. Butler, *supra* note 124, at 237.

126. FLA. STAT. § 409.1678(1)(b).

127. Butler, *supra* note 124, at 237; see also FLA. STAT. § 409.1678(2)(e).

128. See Butler, *supra* note 124, at 236–37.

129. See FLA. STAT. § 39.524(1).

130. See BANKS & KYCKELHAHN, *supra* note 2, at 6 tbl.5.

to be able to find a safe place to stay while they go through the rehabilitation process.¹³¹ Group homes and halfway homes are potential safe houses for adult victims; however, those places are, often times, targets for sex traffickers to recruit more victims.¹³² The likelihood of being pulled back into sex trafficking is much higher if victims do not have a place to stay and be protected.¹³³ The best possible solution is to amend the Safe Harbor Act to be non-discriminatory.¹³⁴ Victims of all ages need physical and mental medical attention, food, shelter, and legal assistance to effectively seek legal remedies.¹³⁵

There has been some debate recently over whether to implement secure safe houses or open safe houses.¹³⁶ The difference between the two is that the former essentially is locking up the victims until they are physically and psychologically ready to be given freedom, and the latter does not lock the doors to keep the children in.¹³⁷ However, locking a child up can be just as traumatizing as being with a trafficker.¹³⁸ Often times, the advocates that wish to have secure facilities are inexperienced and would rather force their treatment on the children.¹³⁹ Secured homes act more like a punishment for the victim rather than an effective treatment.¹⁴⁰ Also, they will most likely cost more, which would pull funding away from victim treatment and put it towards security to keep them in.¹⁴¹ The Safe Harbor Act is a step in the right direction to help victims after-the-fact,¹⁴² however, there are still many holes in this legislation that need to be filled.

131. Butler, *supra* note 124, at 238.

132. POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 3.

133. See Butler, *supra* note 124, at 236–37.

134. See *id.* at 238–39.

135. See *id.* at 236, 238–39.

136. See Lee, *supra* note 47.

137. See *id.*

138. *Id.*

139. *Id.*

140. See *id.*

141. See Lee, *supra* note 47.

142. See FLA. STAT. §§ 39.524(1), 409.1678(1)(b) (2013) (addressing the issue of minor sex trafficking victims, while leaving out individuals who are no longer minors but may have been minors while being trafficked).

V. FLORIDA'S EXPUNGEMENT LAW: ANOTHER STEP IN THE RIGHT DIRECTION

Florida is now one of eight states to pass a law that allows victims of human trafficking to petition to have their records expunged.¹⁴³ Chapter 2013-98 of the Florida Laws will give victims the opportunity to petition to have a conviction for any offense expunged off their record if the conviction occurred while they were victims of human trafficking.¹⁴⁴ However, there are a few exceptions to the offenses that victims can have expunged.¹⁴⁵ The exceptions include, “[a]rson, [s]exual battery, [r]obbery, [k]idnapping, [a]ggravated child abuse, . . . [a]ggravated assault with a deadly weapon, [m]urder, [m]anslaughter, . . . [using a] bomb, [a]rmed burglary, [a]ggravated battery, [and] [a]ggravated stalking.”¹⁴⁶ These crimes are considered violent felonies, which may be why the Florida Legislature does not want to give individuals the ability to have them expunged.¹⁴⁷

Furthermore, a victim who is petitioning to have his or her convictions expunged must no longer be under the control of the trafficker.¹⁴⁸ If the victim cannot be completely free, due to possible harm, the victim may show that he or she attempted to escape by seeking services for victims of human trafficking.¹⁴⁹

(4) A petition under this section must be initiated by the petitioner with due diligence after the victim has ceased to be a victim of human trafficking or has sought services for victims of human trafficking, subject to reasonable concerns for the safety of the victim, family members of the victim, or other victims of human trafficking that may be jeopardized by the bringing of such petition or for other reasons consistent with the purpose of this section.¹⁵⁰

If the victim has official documentation of his or her status as a victim of human trafficking, then the Session Law only requires a

143. Act effective Jan. 1, 2014, ch. 2013-98, § 2, 2013 Fla. Laws 1, 2–4 (to be codified at FLA. STAT. § 943.0583 (2014)); Clark, *supra* note 105.

144. Ch. 2013-98, § 2, 2013 Fla. Laws at 3.

145. *Id.*; *see also* FLA. STAT. § 775.084(1)(b)1.

146. FLA. STAT. § 775.084(1)(b)1.a.–e., g.–i., l.–o.; *see also* Ch. 2013-98, § 2, 2013 Fla. Laws at 3.

147. *See* FLA. STAT. § 775.084.

148. Ch. 2013-98, § 2, 2013 Fla. Laws at 3.

149. *Id.*

150. *Id.*

preponderance of the evidence to grant expunction.¹⁵¹ However, if there is no official documentation, the victim must show clear and convincing evidence in order to get his or her record expunged.¹⁵²

(b) “Official documentation” means any documentation issued by a federal, state, or local agency tending to show a person’s status as a victim of human trafficking.

(c) “Victim of human trafficking” means a person subjected to coercion, as defined in [section] 787.06, for the purpose of being used in human trafficking, a child under [eighteen] years of age subjected to human trafficking, or an individual subjected to human trafficking as defined by federal law.¹⁵³

Expungement of a conviction “is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings.”¹⁵⁴ This essentially means it will be as if the conviction never occurred.¹⁵⁵ Once the court has granted the expunction, the victim will be able to “lawfully deny or fail to acknowledge the arrests covered by the expunged record.”¹⁵⁶ The victim will not be liable for any criminal penalties as a result of failing to disclose the arrests to potential employers, credit card companies, apartments, or other institutions that may request information about criminal history.¹⁵⁷ However, there are some limitations on when the victim can withhold the information:

The [victim] . . . may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section . . . ;

151. *Id.*
 152. *Id.*
 153. Ch. 2013-98, § 2, 2013 Fla. Laws at 2.
 154. *Id.* § 2, at 3.
 155. *See id.*
 156. *Id.* § 2, at 4.
 157. *See id.*

4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services¹⁵⁸

Even with these very limited exceptions to the expungement law, this addition to Florida's victim-focused statutes will give victims the chance to start a new life without being held back by an unfortunate past.¹⁵⁹

A. *Similar Legislation in Other States*

Florida modeled its expungement law after New York's expungement law passed in 2010.¹⁶⁰ However, New York's statute only seems to allow expungement of loitering and prostitution.¹⁶¹

The judgment is a conviction where the arresting charge was under section 240.37 (loitering for the purpose of engaging in a prostitution offense, provided that the defendant was not alleged to be loitering for the purpose of patronizing a prostitute or promoting prostitution) or 230.00 (prostitution) of the penal law, and the defendant's participation in the offense was a result of having been a victim of sex trafficking¹⁶²

Yet, it seems that New York courts will expunge other crimes that are related to human trafficking if the victim is able to argue that the additional crimes were committed under the same coercion as prostitution and loitering.¹⁶³ The discretion to do this comes from the word *may* in section 440.10(1),¹⁶⁴ which has been interpreted to give the New York Court the ability to expunge other crimes relating to sex trafficking.¹⁶⁵ Both Florida and New York laws

158. Ch. 2013-98, § 4, 2013 Fla. Laws at 6 (amending FLA. STAT. § 943.0815(4)(a) (2013)).

159. *Id.* §§ 2, 4, 6, 2013 Fla. Laws at 2, 5, 8; Clark, *supra* note 105.

160. Clark, *supra* note 105. Compare Ch. 2013-98, § 2, 2013 Fla. Laws at 2–4, with N.Y. CRIM. PROC. LAW § 440.10(1)(i) (McKinney Supp. 2013).

161. N.Y. CRIM. PROC. LAW § 440.10(1)(i).

162. *Id.*

163. Memorandum from Melissa Broudo, Staff Atty., & Sienna Baskin, Co-Dir. of the Sex Workers Project at the Urban Justice Ctr., on Vacating Criminal Convictions for Trafficked Persons, to Advocates & Legislators 3–4 (Apr. 2012), available at <http://sexworkersproject.org/downloads/2012/20120422-memo-vacating-convictions.pdf>.

164. N.Y. CRIM. PROC. LAW § 440.10(1).

165. See Memorandum from Melissa Broudo & Sienna Baskin, *supra* note 163, at 3–4.

require that the victim no longer work for the trafficker, but they also both leave open the possibility that safety may be an issue for the victim trying to escape.¹⁶⁶

New York's law also includes a provision that allows a "presumption that the [victim's] participation in the offense was a result of having been a victim of sex trafficking," if he or she has official documentation showing his or her "status as a victim of sex trafficking."¹⁶⁷ Florida's statute has the same provision, making it easy on the victim once he or she has been established as a legal "[v]ictim of human trafficking," to successfully get his or her record expunged.¹⁶⁸ Once a victim has the presumption in his or her favor, the burden will shift to the other side to prove that the victim's participation in the crime was not a result of sex trafficking.¹⁶⁹ Only six other states have currently enacted expungement legislation, including Nevada, Illinois, Vermont, Maryland, Hawaii, and New Jersey.¹⁷⁰ A few "other states are . . . considering expungement laws, including California, . . . Pennsylvania, Texas, . . . and Virginia."¹⁷¹

Unfortunately, Florida's expungement statute does not spell out what evidence should be used to prove one's status as a victim.¹⁷² Since the law

Moreover, the defendant has provided a very compelling narrative of the circumstances surrounding all of her arrests, demonstrating that they were the product of years of brutal physical, psychological, and sexual violence by her husband, which resulted in having been trafficked by him. While the defendant has moved to vacate all six convictions based on the provisions of the new amendment, and even though only two are prostitution offenses technically covered by the [statute], this issue need not be addressed in the instant case because the People have consented to the defendant's motion in its entirety. Based upon the unique circumstances presented here, this court concurs with the People's position that all of the defendant's convictions are entitled to the relief requested. Thus, under the provisions of the new amendment, this court "must vacate the judgment . . ."

People v. G.M., 922 N.Y.S.2d 761, 765–66 (Crim. Ct. 2011) (quoting N.Y. CRIM. PROC. LAW § 440.10(6)).

166. Compare Act effective Jan. 1, 2014, ch. 2013-98, § 2, 2013 Fla. Laws 1, 3 (to be codified at FLA. STAT. § 943.0583 (2014)), with N.Y. CRIM. PROC. LAW § 440.10(1)(i)(i).

167. N.Y. CRIM. PROC. LAW § 440.10(1)(i)(ii).

168. Compare ch. 2013-98, § 2, 2013 Fla. Laws at 2–3, with N.Y. CRIM. PROC. LAW § 440.10(1)(i)(ii).

169. See ch. 2013-98, § 2, 2013 Fla. Laws at 3; N.Y. CRIM. PROC. LAW § 440.10(1)(i)(ii); POLARIS PROJECT, *Vacating Convictions for Sex Trafficking Victims*, *supra* note 12, at 53.

170. Clark, *supra* note 105.

171. Carrie N. Baker, *The Influence of International Human Trafficking on United States Prostitution Laws: The Case of Expungement Laws*, 62 SYRACUSE L. REV. 171, 180 (2012).

172. Ch. 2013-98, § 2, 2013 Fla. Laws at 2–4. *Contra* 725 ILL. COMP. STAT. 5/116-2.1(b) (2013).

has just been enacted, becoming effective January of 2014, it is too early to determine exactly what the Florida courts will accept as sufficient evidence to prove *victim status* or exactly who may provide *official documentation* when determining if a victim's record should be expunged.¹⁷³ Illinois law states that "evidence such as court records, law enforcement certifications, or a 'sworn statement from a trained professional staff of a victims services organization, an attorney, a member of the clergy, or a medical . . . professional'" can be used as evidence to help establish status as a victim and ultimately determine if the victim's record should be expunged.¹⁷⁴ A report from one of these individuals would need to include a determination as to whether the individual is truly a victim of human trafficking, which may also be accompanied by expert testimony in court as to how the individual reached his or her conclusion.¹⁷⁵ Expungement laws are extremely beneficial to victims because they provide a chance at starting a new life.¹⁷⁶ Hopefully, other states will follow the growing trend of victim-focused laws and realize that the battle against human trafficking requires state involvement.¹⁷⁷

VI. FLORIDA'S OPTIONS FOR FUTURE VICTIM-FOCUSED LAWS

A. *Affirmative Defense Laws*

Even though Florida has made huge improvements to its human trafficking legislation by adding victim-focused laws, there is still room for improvement.¹⁷⁸ One law that a few states have implemented a variation of, is the affirmative defense law.¹⁷⁹ This law basically allows victims to use human trafficking as a defense for the crime they are being charged with.¹⁸⁰

173. See ch. 2013-98, § 8, 2013 Fla. Laws at 9.

174. Baker, *supra* note 171, at 180; see also 725 ILL. COMP. STAT. 5/116-2.1(b).

175. See Baker, *supra* note 171, at 180.

176. *Id.* at 180-81.

177. See *id.* at 179-81.

178. Compare FLA. STAT. §§ 39.524, 787.02-.025, 796.035, 796.04, 895.02(1)(a)(29) (2013), with FLA. STAT. § 787.06 (2004) (current version at FLA. STAT. § 787.06 (2013)), and FLA. STAT. § 796.035 (2004) (current version at FLA. STAT. § 796.035 (2013)).

179. Baker, *supra* note 171, at 180-81.

180. POLARIS PROJECT, HUMAN TRAFFICKING LEGISLATIVE ISSUE BRIEF: VICTIM ASSISTANCE 1 (n.d.), [hereinafter POLARIS PROJECT, HUMAN TRAFFICKING LEGISLATURE ISSUE BRIEF], available at <http://www.national-consortium.org/2013Annual/Presentations/Human-Trafficking-Victim-Assistance.pdf>.

Generally, with sex trafficking, this would include prostitution and loitering; however, it can be used for other related crimes.¹⁸¹

Implementing an affirmative defense law would allow victims to come forward with their situation early because they would be able to use it as a defense and hopefully seek help at that juncture in time.¹⁸² This type of statute would also allow victims to avoid acquiring a cumbersome criminal record, thus, alleviating future expungement proceedings.¹⁸³ If the victim can affirmatively show that he or she has been coerced into performing the illegal acts, the affirmative defense law allows for the charges to be dropped, treating the defendant “as [a] victim[] rather than [a] criminal[].”¹⁸⁴

Georgia’s version of the affirmative defense law states that “[a] person shall not be guilty of a sexual crime if the conduct upon which the alleged criminal liability is based was committed under coercion or deception while the accused was being trafficked for sexual servitude.”¹⁸⁵ Implementing a statute such as this in Florida would give victims another legal resource in their fight against human trafficking.¹⁸⁶

B. *Punitive Damages*

Allowing victims to recover punitive damages will not only benefit victims by giving them more financial resources, but also will help weaken trafficking organizations.¹⁸⁷ Human trafficking is a business built on making money; therefore, taking away the traffickers’ resources will potentially place them out of business.¹⁸⁸

Illinois is leading the way with one of the strongest victim-focused “laws by allowing victims to [collect] punitive damages [from] sex traffickers, [individuals] who pay for prostitutes, and [individuals] who knowingly benefit from . . . sex [trafficking].”¹⁸⁹ A 2008 report by the Chicago Alliance Against Sexual Exploitation found that—of the men interviewed—sixty-eight percent would think twice before buying a

181. POLARIS PROJECT, HUMAN TRAFFICKING LEGISLATIVE ISSUE BRIEF, *supra* note 180; Clark, *supra* note 105.

182. See POLARIS PROJECT, HUMAN TRAFFICKING LEGISLATIVE ISSUE BRIEF, *supra* note 180; Baker, *supra* note 171, at 181.

183. E.g., GA. CODE ANN. § 16-3-6 (2013); see also Baker, *supra* note 171, at 181.

184. Baker, *supra* note 171, at 181.

185. GA. CODE ANN. § 16-3-6(b).

186. See *id.*

187. Meribah Knight, *Campaign Against Sex Trafficking Is Gaining*, N.Y. TIMES, Aug. 14, 2011, at A.21A.

188. See *id.*

189. Knight, *supra* note 187; see also 740 ILL. COMP. STAT. 128/5 (2013).

prostitute if it involved fines of one thousand dollars or more.¹⁹⁰ The Illinois law goes a step further, giving traffickers almost no legal recourse to defend themselves.¹⁹¹ The traffickers are not allowed “to use victims’ consent to sex acts, prior criminal conduct, or their marital, sexual or familial relations as defenses.”¹⁹² The Illinois Legislature has taken a stand against human trafficking by implementing such a powerful and harsh law that negatively affects human traffickers, which should prove to be an effective deterrent, and may make traffickers think twice before committing or continuing their crime.¹⁹³

Florida does not currently allow victims to collect punitive damages from human traffickers; however, Florida law does allow victims to recover in a civil lawsuit, and collect up to three times the amount gained from the trafficking.¹⁹⁴ This method may not be the best way to allow victims to recover from years of victimization because it could leave the victim with just a small amount of award money.¹⁹⁵ Generally, compensatory damages are awarded to make the victim whole again—which looks at what the victim had before the crime—but many victims had little to nothing before being trafficked.¹⁹⁶ Additionally, the amount the trafficker gained is something that may be hard to prove.¹⁹⁷ Since many victims do not keep any of the profits made, it may be nearly impossible to determine how much was made, and will most likely come out to less than was actually made.¹⁹⁸

While Florida does not seem to be close to passing a law allowing for punitive damages any time soon, the Florida Congress should seriously consider making it an option.¹⁹⁹ It would be a great legal tool for victims to utilize in order to recover for the time they were victimized, and to potentially cripple human trafficking enterprises.²⁰⁰

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190. Knight, *supra* note 187.
 191. See 740 ILL. COMP. STAT. 128/25; Knight, *supra* note 187.
 192. Knight, *supra* note 187.
 193. See 740 ILL. COMP. STAT. 128/5, /25.
 194. FLA. STAT. § 772.104(2)–(3) (2013).
 195. Butkus, *supra* note 21, at 333.
 196. *Id.*
 197. See POLARIS PROJECT, DOMESTIC SEX TRAFFICKING, *supra* note 4, at 4.
 198. See *id.*
 199. See Butkus, *supra* note 21, at 324–25.
 200. See Knight, *supra* note 187.

VII. CONCLUSION

Human trafficking is an international epidemic that affects our neighbors, co-workers, friends, family, and children.²⁰¹ Florida is one of the top three states for human sex trafficking because of its diverse population and easy access for international travelers.²⁰² Subsequently, the Florida Legislature has been aggressive since 2004, creating and amending human trafficking laws to instill harsher punishments for traffickers and to provide assistance and relief to victims.²⁰³ Victims of human trafficking suffer even after they escape from the grips of their traffickers because they are left with criminal records that make it hard to move on with their lives.²⁰⁴ Florida's Safe Harbor Act provides relief for minors, but discriminates against older victims who need the care and services just as much as minors.²⁰⁵ That is why the expungement law that Florida has enacted is a huge step towards providing victims of all ages with a second chance.²⁰⁶ New York's expungement law has been used effectively and there is no reason to believe that victims in Florida will not obtain similar positive results.²⁰⁷

Keisha, the little girl whose story was discussed earlier, has successfully escaped life as a sex trafficking victim.²⁰⁸

Keisha reached out to a Polaris Project social worker and told her parts of her story. Polaris Project immediately stepped in to provide emotional support and additional social services. The social worker helped Keisha talk to her case manager at the detention center about what happened and helped Keisha's probation officer understand other options for support instead of a detention center and returning to her foster family. Keisha now has an order of protection against Mastur D and was able to leave the detention center and go to an out-of-state residential program for young girls who were victims of sex trafficking. Keisha is doing well in her program and is almost finished with her GED.²⁰⁹

201. See Butkus, *supra* note 21, at 301–02.

202. *What Is Human Trafficking?*, *supra* note 28.

203. Butkus, *supra* note 21, at 325–26.

204. Clark, *supra* note 105.

205. Butler, *supra* note 124, at 236–37.

206. See Act effective Jan. 1, 2014, ch. 2013-98, § 2, 2013 Fla. Laws 1, 2–4 (to be codified at FLA. STAT. § 943.0583 (2014)); Clark, *supra* note 105.

207. See *People v. G.M.*, 922 N.Y.S.2d 761, 764–66 (Crim. Ct. 2011).

208. *Keisha, Domestic Minor Sex Trafficking*, *supra* note 7.

209. *Id.*

Keisha's story is an example of how one victim can successfully use her resources and reach out to the community for help.²¹⁰ With Florida's new expungement law in place, Keisha can petition to have her record expunged, which she accumulated over years of being trafficked by Mastur D.²¹¹ Florida is moving in the right direction by implementing more victim-focused laws.²¹² While these laws may not help prevent new trafficking crimes, they will certainly help the current and future victims, which is the first step in a long battle against human trafficking.²¹³

210. *Id.*

211. Ch. 2013-98, § 2, 2013 Fla. Laws at 2-4; *Keisha, Domestic Minor Sex Trafficking*, *supra* note 7.

212. *See* FLA. STAT. § 409.1678 (2013); Butler, *supra* note 124, at 235; Clark, *supra* note 105.

213. *See* FLA. STAT. § 409.1678; Clark, *supra* note 105.