Domestic Minor Sex Trafficking Update

Domestic Minor Sex Trafficking (DMST) as defined by the Trafficking Victims Protection Act of 2000 (reauthorized in 2008) is “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act where the person is a U.S. citizen or lawful permanent resident under age 18.” In general, sex trafficking occurs when individuals are forced, coerced or otherwise involved in the commercial sex industry. However, in Florida, any child that is involved in a commercial sex act is considered a victim of trafficking even if it cannot be proven that they were involved as a result of fraud, force or coercion. Additionally, despite how it may sound, trafficking does not require movement. A minor can be trafficked anywhere at any time and doesn’t even have to be moved beyond the boundaries of their own home to be a victim.

On a state and national level, there has been a push to get individual states to pass “Safe Harbor” laws that define sexually exploited minors as victims of abuse and provides resources for their recovery. Florida passed the Florida Safe Harbor Act last year and it went into effect on January 1, 2013. The Florida Senate describes the Act as having the following provisions:

- Provides legislative findings and intent and establishes legislative goals relating to the status and treatment of sexually exploited children in the dependency system;
- Amends the definitions of the terms “child who is found to be dependent” and “sexual abuse of a child” to reference sexual exploitation;
- Requires a law enforcement officer who takes a child alleged to be dependent for whom there is also probable cause to believe that he or she has been sexually exploited into custody to deliver the child to the department;
- Provides a process for the assessment and placement of sexually exploited children in a safe house, if available;
- Provides for placement updates to the court during judicial review hearings;
- Provides for data collection relating to these placements by the Department of Children and Family Services (DCF or department);
- Provides a definition for the terms: “child advocate,” “safe house,” “secure,” “sexually exploited child” and “short-term safe house”;
- Provides for services for sexually exploited children residing in a safe house;
- Provides that training, for law enforcement officers who might encounter sexually exploited children, is permissive;
- Increases the civil penalty for crimes related to prostitution from $500 to $5,000 and specifies that the difference in the increase, to be paid to the department, be used to fund safe houses as well as short-term safe houses; and
- Provides that a victim of child sexual exploitation shall not be ineligible for victim compensation.

There are several agencies in Florida that have concentrated their efforts to increase awareness about DMST, assist survivors and prosecute trafficking offenders. Amongst them are the Florida Coalition Against Human Trafficking, which provides outreach and services to victims of
human trafficking developing support programs, networking, coalition building, training, service delivery, and referrals to victims in need. Kristi House’s Project Gold in Miami recently opened a shelter for underage girls escaping prostitution and pornography. We at Florida Council Against Sexual Violence have created a section on our website that specifically addresses DMST.

Awareness about trafficking is increasing at a good pace. Recently, Gov. Rick Scott signed a proclamation naming January as Human Trafficking Awareness Month in Florida. Further, the information available about DMST is ever growing. The National Human Trafficking Resource Center continues to service the National Human Trafficking Hotline (1-888-373-7888) and provides numerous resources for advocates and survivors.

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