

By Senator Lynn

7-00411-08

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1 A bill to be entitled

2 An act relating to sex trafficking; amending s. 796.045,
3 F.S.; requiring that an offender who pleads guilty to or
4 who is convicted of sex trafficking and sentenced to a
5 term of imprisonment serve not less than two-thirds of the
6 term of incarceration; providing legislative findings and
7 intent; encouraging the Supreme Court, The Florida Bar,
8 relevant state agencies, and sheriffs to implement
9 training programs in order that judges, attorneys, law
10 enforcement personnel, investigators, and others are able
11 to identify sex traffickers and victims of sex trafficking
12 and direct victims to appropriate agencies for assistance;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 796.045, Florida Statutes, is amended to
18 read:

19 796.045 Sex trafficking; penalties.--

20 (1) Any person who knowingly recruits, entices, harbors,
21 transports, provides, or obtains by any means a person, knowing
22 that force, fraud, or coercion will be used to cause that person
23 to engage in prostitution, commits the offense of sex
24 trafficking, a felony of the second degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 (2) A person commits a felony of the first degree,
27 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
28 if the offense of sex trafficking is committed against a person
29 who is under the age of 14 or if such offense results in death.

7-00411-08

2008650__

30 (3) Notwithstanding any other law, a court may not suspend,
31 defer, or withhold adjudication of guilt or imposition of
32 sentence for a violation of this section.

33 (4) A person pleading guilty to or convicted of a violation
34 of this section and sentenced to a term of incarceration under
35 this section must serve not less than two-thirds of the sentenced
36 term of incarceration.

37 Section 2. (1) The Legislature finds that sex trafficking
38 is a form of modern-day slavery. Victims of sex trafficking are
39 young children, teenagers, and adults. Thousands of victims are
40 trafficked annually across international borders worldwide. Many
41 of these victims are trafficked into this state. The Legislature
42 finds that victims of sex trafficking are subjected to force,
43 fraud, or coercion for the purpose of sexual exploitation.

44 (2) The Legislature finds that sex traffickers use various
45 techniques to instill fear in victims and to keep them enslaved.
46 Some traffickers keep their victims under lock and key. However,
47 the most frequently used practices are less obvious techniques
48 that include isolating victims from the public and family
49 members; confiscating passports, visas, or other identification
50 documents; using or threatening to use violence toward victims or
51 their families; telling victims that they will be imprisoned or
52 deported for immigration violations if they contact authorities;
53 and controlling the victims' funds by holding the money
54 ostensibly for safekeeping.

55 (3) It is the intent of the Legislature that the
56 perpetrators of sex trafficking be penalized for their illegal
57 conduct and that the victims of sex trafficking be protected and
58 assisted by this state and its agencies. In furtherance of this

7-00411-08

2008650__

59 policy, it is the intent of the Legislature that the Supreme
60 Court, The Florida Bar, relevant state agencies, and sheriffs
61 implement training programs in order that judges, attorneys, law
62 enforcement personnel, investigators, and others are able to
63 identify sex traffickers and victims of sex trafficking and
64 direct victims to appropriate agencies for assistance. It is the
65 intent of the Legislature that the Department of Children and
66 Family Services and other state agencies cooperate with other
67 state and federal agencies to ensure that victims of sex
68 trafficking can access social services and benefits to alleviate
69 their plight.

70 Section 3. This act shall take effect July 1, 2008.