

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7049 — Human Trafficking

by Judiciary Committee and Rep. Snyder and others (CS/SB 1880 by Criminal Justice Committee and Senators Flores, Sachs, and Altman)

This bill addresses human trafficking in the following manner:

- Authorizes the Office of Statewide Prosecution to investigate and prosecute any violation of the provisions of ch. 787, F.S., as well as any and all offenses related to a violation of the provisions of that chapter (including human trafficking offenses) if other statutory requirements are also met.
- Requires a person employed by a massage establishment and any person performing massage therein to immediately present, upon the request of a Department of Health investigator or a law enforcement officer, valid government identification while in the establishment, and provides criminal penalties for noncompliance.
- Adds various new human trafficking offenses to the list of offenses that qualify a person as a sexual predator or sexual offender for the purpose of registration and to various statutes that require agencies to provide information regarding sexual predators and sexual offenders.
- Repeals s. 787.05, F.S., which punishes unlawfully obtaining labor and services, and s. 796.045, F.S., which punishes sex trafficking, and addresses the conduct prohibited in those statutes through changes to the human trafficking statute, s. 787.06, F.S.
- Provides for a number of human trafficking offenses which are first degree felonies, first degree felonies punishable by up to life imprisonment, or life felonies, and ranks those offenses.
- Authorizes seizure and forfeiture of any real or personal property that was used, was attempted to be used, or intended to be used in violation of s. 787.06, F.S., subject to the provisions of the Florida Contraband Forfeiture Act.
- Raises the degree of the offense of human smuggling from a first degree misdemeanor to a third degree felony; provides for repeat offender sanctions under s. 775.084, F.S., if applicable; and ranks the offense.
- Modifies the elements of the current first degree felony offense of selling or buying minors into sex trafficking or prostitution so that the offense now punishes any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfers custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will engage in prostitution.
- Provides a statewide grand jury with subject matter jurisdiction over any violation of ch. 787, F.S., as well as any and all offenses related to a violation of ch. 787, F.S.
- Provides that the Governor, the Attorney General, the Statewide Prosecutor, or any state attorney may authorize an application to a judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications by the Florida Department of Law Enforcement or any law enforcement agency having responsibility for the investigation of the offense as to which the application is made

when such interception may provide or has provided evidence of the commission of a violation of s. 787.06, F.S.

- Adds two human trafficking offenses that only involve a victim who is a minor or a child under 15 years of age to the definitions of “child molestation” and “sexual offense” in s. 90.404, F.S., which provides, in part, that in a criminal case in which the defendant is charged with a crime involving child molestation, evidence of the defendant’s commission of other crimes, wrongs, or acts of child molestation is admissible and may be considered for its bearing on any matter to which it is relevant.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 38-0; House 111-0