

By Senator Wasserman Schultz

34-1426-04

See HB

1                                   A bill to be entitled  
2           An act relating to sex trafficking; creating s.  
3           796.035, F.S.; providing that it is a felony of  
4           the first degree for a parent, legal guardian,  
5           or other person having custody or control of a  
6           minor to offer to, or to actually, sell or  
7           otherwise transfer custody or control of such  
8           minor, with knowledge that such sale or  
9           transfer will result in force, fraud, or  
10          coercion being used to cause the minor to  
11          engage in prostitution or otherwise participate  
12          in the trade of sex trafficking; providing  
13          criminal penalties; creating s. 796.045, F.S.;  
14          providing for the offense of sex trafficking;  
15          providing that it is a felony of the second  
16          degree to knowingly recruit, entice, harbor,  
17          transport, provide, or obtain a person, knowing  
18          that force, fraud, or coercion will be used to  
19          cause that person to engage in prostitution;  
20          providing that it is a felony of the first  
21          degree if sex trafficking involves a person  
22          under the age of 14 or results in death;  
23          providing criminal penalties; amending s.  
24          895.02, F.S.; expanding the definition of  
25          racketeering activity to include the offenses  
26          created herein; reenacting ss. 16.56(1)(a),  
27          27.34(1), 655.50(3)(g), 896.101(2)(g), and  
28          905.34(3), F.S., which relate to the authority  
29          of the Office of Statewide Prosecution to  
30          investigate and prosecute certain offenses, the  
31          contribution of funds by counties and

1 municipalities towards salaries of assistant  
2 state attorneys, the Florida Control of Money  
3 Laundering in Financial Institutions Act, the  
4 Florida Money Laundering Act, and the subject  
5 matter jurisdiction of the statewide grand  
6 jury, respectively, to incorporate the  
7 amendment to s. 895.02, F.S., in references  
8 thereto; providing applicability; providing an  
9 effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 796.035, Florida Statutes, is  
14 created to read:

15 796.035 Selling or buying of minors into sex  
16 trafficking or prostitution; penalties.--Any parent, legal  
17 guardian, or other person having custody or control of a minor  
18 who sells or otherwise transfers custody or control of such  
19 minor, or offers to sell or otherwise transfer custody of such  
20 minor, with knowledge that, as a consequence of the sale or  
21 transfer, force, fraud, or coercion will be used to cause the  
22 minor to engage in prostitution or otherwise participate in  
23 the trade of sex trafficking, commits a felony of the first  
24 degree, punishable as provided in s. 775.082, s. 775.083, or  
25 s. 775.084.

26 Section 2. Section 796.045, Florida Statutes, is  
27 created to read:

28 796.045 Sex trafficking; penalties.--Any person who  
29 knowingly recruits, entices, harbors, transports, provides, or  
30 obtains by any means a person, knowing that force, fraud, or  
31 coercion will be used to cause that person to engage in

1 prostitution, commits the offense of sex trafficking, a felony  
2 of the second degree, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084. A person commits a felony of the first  
4 degree, punishable as provided in s. 775.082, s. 775.083, or  
5 s. 775.084, if the offense of sex trafficking is committed  
6 against a person who is under the age of 14 or if such offense  
7 results in death.

8 Section 3. Paragraph (a) of subsection (1) of section  
9 895.02, Florida Statutes, is amended to read:

10 895.02 Definitions.--As used in ss. 895.01-895.08, the  
11 term:

12 (1) "Racketeering activity" means to commit, to  
13 attempt to commit, to conspire to commit, or to solicit,  
14 coerce, or intimidate another person to commit:

15 (a) Any crime which is chargeable by indictment or  
16 information under the following provisions of the Florida  
17 Statutes:

18 1. Section 210.18, relating to evasion of payment of  
19 cigarette taxes.

20 2. Section 403.727(3)(b), relating to environmental  
21 control.

22 3. Section 414.39, relating to public assistance  
23 fraud.

24 4. Section 409.920, relating to Medicaid provider  
25 fraud.

26 5. Section 440.105 or s. 440.106, relating to workers'  
27 compensation.

28 6. Sections 499.0051, 499.0052, 499.0053, 499.0054,  
29 and 499.0691, relating to crimes involving contraband and  
30 adulterated drugs.

31 7. Part IV of chapter 501, relating to telemarketing.

- 1           8. Chapter 517, relating to sale of securities and  
2 investor protection.
- 3           9. Section 550.235, s. 550.3551, or s. 550.3605,  
4 relating to dogracing and horseracing.
- 5           10. Chapter 550, relating to jai alai frontons.
- 6           11. Chapter 552, relating to the manufacture,  
7 distribution, and use of explosives.
- 8           12. Chapter 560, relating to money transmitters, if  
9 the violation is punishable as a felony.
- 10          13. Chapter 562, relating to beverage law enforcement.
- 11          14. Section 624.401, relating to transacting insurance  
12 without a certificate of authority, s. 624.437(4)(c)1.,  
13 relating to operating an unauthorized multiple-employer  
14 welfare arrangement, or s. 626.902(1)(b), relating to  
15 representing or aiding an unauthorized insurer.
- 16          15. Section 655.50, relating to reports of currency  
17 transactions, when such violation is punishable as a felony.
- 18          16. Chapter 687, relating to interest and usurious  
19 practices.
- 20          17. Section 721.08, s. 721.09, or s. 721.13, relating  
21 to real estate timeshare plans.
- 22          18. Chapter 782, relating to homicide.
- 23          19. Chapter 784, relating to assault and battery.
- 24          20. Chapter 787, relating to kidnapping.
- 25          21. Chapter 790, relating to weapons and firearms.
- 26          22. Section 796.03, s. 796.035, s. 796.04, s. 796.045,  
27 s. 796.05, or s. 796.07, relating to prostitution and sex  
28 trafficking.
- 29          23. Chapter 806, relating to arson.
- 30          24. Section 810.02(2)(c), relating to specified  
31 burglary of a dwelling or structure.

- 1           25. Chapter 812, relating to theft, robbery, and  
2 related crimes.
- 3           26. Chapter 815, relating to computer-related crimes.
- 4           27. Chapter 817, relating to fraudulent practices,  
5 false pretenses, fraud generally, and credit card crimes.
- 6           28. Chapter 825, relating to abuse, neglect, or  
7 exploitation of an elderly person or disabled adult.
- 8           29. Section 827.071, relating to commercial sexual  
9 exploitation of children.
- 10          30. Chapter 831, relating to forgery and  
11 counterfeiting.
- 12          31. Chapter 832, relating to issuance of worthless  
13 checks and drafts.
- 14          32. Section 836.05, relating to extortion.
- 15          33. Chapter 837, relating to perjury.
- 16          34. Chapter 838, relating to bribery and misuse of  
17 public office.
- 18          35. Chapter 843, relating to obstruction of justice.
- 19          36. Section 847.011, s. 847.012, s. 847.013, s.  
20 847.06, or s. 847.07, relating to obscene literature and  
21 profanity.
- 22          37. Section 849.09, s. 849.14, s. 849.15, s. 849.23,  
23 or s. 849.25, relating to gambling.
- 24          38. Chapter 874, relating to criminal street gangs.
- 25          39. Chapter 893, relating to drug abuse prevention and  
26 control.
- 27          40. Chapter 896, relating to offenses related to  
28 financial transactions.
- 29          41. Sections 914.22 and 914.23, relating to tampering  
30 with a witness, victim, or informant, and retaliation against  
31 a witness, victim, or informant.

1           42. Sections 918.12 and 918.13, relating to tampering  
2 with jurors and evidence.

3           Section 4. For the purpose of incorporating the  
4 amendment to section 895.02, Florida Statutes, in a reference  
5 thereto, paragraph (a) of subsection (1) of section 16.56,  
6 Florida Statutes, is reenacted to read:

7           16.56 Office of Statewide Prosecution.--

8           (1) There is created in the Department of Legal  
9 Affairs an Office of Statewide Prosecution. The office shall  
10 be a separate "budget entity" as that term is defined in  
11 chapter 216. The office may:

12           (a) Investigate and prosecute the offenses of:

13           1. Bribery, burglary, criminal usury, extortion,  
14 gambling, kidnapping, larceny, murder, prostitution, perjury,  
15 robbery, carjacking, and home-invasion robbery;

16           2. Any crime involving narcotic or other dangerous  
17 drugs;

18           3. Any violation of the provisions of the Florida RICO  
19 (Racketeer Influenced and Corrupt Organization) Act, including  
20 any offense listed in the definition of racketeering activity  
21 in s. 895.02(1)(a), providing such listed offense is  
22 investigated in connection with a violation of s. 895.03 and  
23 is charged in a separate count of an information or indictment  
24 containing a count charging a violation of s. 895.03, the  
25 prosecution of which listed offense may continue independently  
26 if the prosecution of the violation of s. 895.03 is terminated  
27 for any reason;

28           4. Any violation of the provisions of the Florida  
29 Anti-Fencing Act;

30           5. Any violation of the provisions of the Florida  
31 Antitrust Act of 1980, as amended;

1           6. Any crime involving, or resulting in, fraud or  
2     deceit upon any person;

3           7. Any violation of s. 847.0135, relating to computer  
4     pornography and child exploitation prevention, or any offense  
5     related to a violation of s. 847.0135;

6           8. Any violation of the provisions of chapter 815; or

7           9. Any criminal violation of part I of chapter 499;

8  
9     or any attempt, solicitation, or conspiracy to commit any of  
10    the crimes specifically enumerated above. The office shall  
11    have such power only when any such offense is occurring, or  
12    has occurred, in two or more judicial circuits as part of a  
13    related transaction, or when any such offense is connected  
14    with an organized criminal conspiracy affecting two or more  
15    judicial circuits.

16           Section 5. For the purpose of incorporating the  
17    amendment to section 895.02, Florida Statutes, in a reference  
18    thereto, subsection (1) of section 27.34, Florida Statutes, is  
19    reenacted to read:

20           27.34 Salaries and other related costs of state  
21    attorneys' offices; limitations.--

22           (1) No county or municipality shall appropriate or  
23    contribute funds to the operation of the various state  
24    attorneys, except that a county or municipality may  
25    appropriate or contribute funds to pay the salary of one  
26    assistant state attorney whose sole function shall be to  
27    prosecute violations of special laws or ordinances of the  
28    county or municipality and may provide persons employed by the  
29    county or municipality to the state attorney to serve as  
30    special investigators pursuant to the provisions of s. 27.251.  
31    However, any county or municipality may contract with the

1 state attorney of the judicial circuit in which such county or  
2 municipality is located for the prosecution of violations of  
3 county or municipal ordinances. In addition, a county or  
4 municipality may appropriate or contribute funds to pay the  
5 salary of one or more assistant state attorneys who are  
6 trained in the use of the civil and criminal provisions of the  
7 Florida RICO Act, chapter 895, and whose sole function is to  
8 investigate and prosecute civil and criminal RICO actions when  
9 one or more offenses identified in s. 895.02(1)(a) occur  
10 within the boundaries of the municipality or county.

11 Section 6. For the purpose of incorporating the  
12 amendment to section 895.02, Florida Statutes, in a reference  
13 thereto, paragraph (g) of subsection (3) of section 655.50,  
14 Florida Statutes, is reenacted to read:

15 655.50 Florida Control of Money Laundering in  
16 Financial Institutions Act; reports of transactions involving  
17 currency or monetary instruments; when required; purpose;  
18 definitions; penalties.--

19 (3) As used in this section, the term:

20 (g) "Specified unlawful activity" means any  
21 "racketeering activity" as defined in s. 895.02.

22 Section 7. For the purpose of incorporating the  
23 amendment to section 895.02, Florida Statutes, in a reference  
24 thereto, paragraph (g) of subsection (2) of section 896.101,  
25 Florida Statutes, is reenacted to read:

26 896.101 Florida Money Laundering Act; definitions;  
27 penalties; injunctions; seizure warrants; immunity.--

28 (2) As used in this section, the term:

29 (g) "Specified unlawful activity" means any  
30 "racketeering activity" as defined in s. 895.02.

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1 Section 8. For the purpose of incorporating the  
2 amendment to section 895.02, Florida Statutes, in a reference  
3 thereto, subsection (3) of section 905.34, Florida Statutes,  
4 is reenacted to read:

5 905.34 Powers and duties; law applicable.--The  
6 jurisdiction of a statewide grand jury impaneled under this  
7 chapter shall extend throughout the state. The subject matter  
8 jurisdiction of the statewide grand jury shall be limited to  
9 the offenses of:

10 (3) Any violation of the provisions of the Florida  
11 RICO (Racketeer Influenced and Corrupt Organization) Act,  
12 including any offense listed in the definition of racketeering  
13 activity in s. 895.02(1)(a), providing such listed offense is  
14 investigated in connection with a violation of s. 895.03 and  
15 is charged in a separate count of an information or indictment  
16 containing a count charging a violation of s. 895.03, the  
17 prosecution of which listed offense may continue independently  
18 if the prosecution of the violation of s. 895.03 is terminated  
19 for any reason;

20  
21 or any attempt, solicitation, or conspiracy to commit any  
22 violation of the crimes specifically enumerated above, when  
23 any such offense is occurring, or has occurred, in two or more  
24 judicial circuits as part of a related transaction or when any  
25 such offense is connected with an organized criminal  
26 conspiracy affecting two or more judicial circuits. The  
27 statewide grand jury may return indictments and presentments  
28 irrespective of the county or judicial circuit where the  
29 offense is committed or triable. If an indictment is returned,  
30 it shall be certified and transferred for trial to the county  
31 where the offense was committed. The powers and duties of, and

1 law applicable to, county grand juries shall apply to a  
2 statewide grand jury except when such powers, duties, and law  
3 are inconsistent with the provisions of ss. 905.31-905.40.

4 Section 9. This act shall take effect October 1, 2004,  
5 and shall apply to offenses committed on or after that date.

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