

1 A bill to be entitled
2 An act relating to human trafficking; creating
3 s. 787.05, F.S.; specifying elements of the
4 offense of unlawfully obtaining labor or
5 services; providing criminal penalties;
6 creating s. 787.06, F.S.; providing
7 definitions; specifying elements of the offense
8 of human trafficking; providing criminal
9 penalties; providing applicability; creating s.
10 796.035, F.S.; providing that it is a felony of
11 the first degree for a parent, legal guardian,
12 or other person having custody or control of a
13 minor to offer to, or to actually, sell or
14 otherwise transfer custody or control of such
15 minor, with knowledge that such sale or
16 transfer will result in force, fraud, or
17 coercion being used to cause the minor to
18 engage in prostitution or otherwise participate
19 in the trade of sex trafficking; providing
20 criminal penalties; creating s. 796.045, F.S.;
21 providing for the offense of sex trafficking;
22 providing that it is a felony of the second
23 degree to knowingly recruit, entice, harbor,
24 transport, provide, or obtain a person, knowing
25 that force, fraud, or coercion will be used to
26 cause that person to engage in prostitution;
27 providing that it is a felony of the first
28 degree if sex trafficking involves a person
29 under the age of 14 or results in death;
30 providing criminal penalties; amending s.
31 895.02, F.S.; expanding the definition of

1 racketeering activity to include the offenses
2 created herein; reenacting ss. 16.56(1)(a),
3 27.34(1), 655.50(3)(g), 896.101(2)(g), and
4 905.34(3), F.S., which relate to the authority
5 of the Office of Statewide Prosecution to
6 investigate and prosecute certain offenses, the
7 contribution of funds by counties and
8 municipalities towards salaries of assistant
9 state attorneys, the Florida Control of Money
10 Laundering in Financial Institutions Act, the
11 Florida Money Laundering Act, and the subject
12 matter jurisdiction of the statewide grand
13 jury, respectively, to incorporate the
14 amendment to s. 895.02, F.S., in references
15 thereto; providing applicability; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 787.05, Florida Statutes, is
21 created to read:

22 787.05 Unlawfully obtaining labor or services.--Any
23 person who knowingly obtains the labor or services of a person
24 by:

25 (1) Causing or threatening to cause bodily injury to
26 that person or another person;

27 (2) Restraining or threatening to restrain that person
28 or another person without lawful authority and against her or
29 his will; or

30 (3) Withholding that person's governmental records,
31 identifying information, or other personal property,

1
2 commits a felony of the second degree, punishable as provided
3 in s. 775.082, s. 775.083, or s. 775.084.

4 Section 2. Section 787.06, Florida Statutes, is
5 created to read:

6 787.06 Human trafficking.--

7 (1) As used in this section, the term:

8 (a) "Forced labor or services" means labor or services
9 obtained from a person by:

10 1. Using or threatening to use physical force against
11 that person or another person; or

12 2. Restraining or confining or threatening to restrain
13 or confine that person or another person without lawful
14 authority and against her or his will.

15 (b) "Human trafficking" means transporting,
16 soliciting, recruiting, harboring, providing, or obtaining
17 another person for transport.

18 (2) Any person who knowingly engages in human
19 trafficking with the intent that the trafficked person engage
20 in forced labor or services commits a felony of the second
21 degree, punishable as provided in s. 775.082, s. 775.083, or
22 s. 775.084.

23 Section 3. Section 796.035, Florida Statutes, is
24 created to read:

25 796.035 Selling or buying of minors into sex
26 trafficking or prostitution; penalties.--Any parent, legal
27 guardian, or other person having custody or control of a minor
28 who sells or otherwise transfers custody or control of such
29 minor, or offers to sell or otherwise transfer custody of such
30 minor, with knowledge that, as a consequence of the sale or
31 transfer, force, fraud, or coercion will be used to cause the

1 minor to engage in prostitution or otherwise participate in
2 the trade of sex trafficking, commits a felony of the first
3 degree, punishable as provided in s. 775.082, s. 775.083, or
4 s. 775.084.

5 Section 4. Section 796.045, Florida Statutes, is
6 created to read:

7 796.045 Sex trafficking; penalties.--Any person who
8 knowingly recruits, entices, harbors, transports, provides, or
9 obtains by any means a person, knowing that force, fraud, or
10 coercion will be used to cause that person to engage in
11 prostitution, commits the offense of sex trafficking, a felony
12 of the second degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084. A person commits a felony of the first
14 degree, punishable as provided in s. 775.082, s. 775.083, or
15 s. 775.084, if the offense of sex trafficking is committed
16 against a person who is under the age of 14 or if such offense
17 results in death.

18 Section 5. Paragraph (a) of subsection (1) of section
19 895.02, Florida Statutes, is amended to read:

20 895.02 Definitions.--As used in ss. 895.01-895.08, the
21 term:

22 (1) "Racketeering activity" means to commit, to
23 attempt to commit, to conspire to commit, or to solicit,
24 coerce, or intimidate another person to commit:

25 (a) Any crime which is chargeable by indictment or
26 information under the following provisions of the Florida
27 Statutes:

28 1. Section 210.18, relating to evasion of payment of
29 cigarette taxes.

30 2. Section 403.727(3)(b), relating to environmental
31 control.

- 1 3. Section 414.39, relating to public assistance
2 fraud.
- 3 4. Section 409.920, relating to Medicaid provider
4 fraud.
- 5 5. Section 440.105 or s. 440.106, relating to workers'
6 compensation.
- 7 6. Sections 499.0051, 499.0052, 499.0053, 499.0054,
8 and 499.0691, relating to crimes involving contraband and
9 adulterated drugs.
- 10 7. Part IV of chapter 501, relating to telemarketing.
- 11 8. Chapter 517, relating to sale of securities and
12 investor protection.
- 13 9. Section 550.235, s. 550.3551, or s. 550.3605,
14 relating to dogracing and horseracing.
- 15 10. Chapter 550, relating to jai alai frontons.
- 16 11. Chapter 552, relating to the manufacture,
17 distribution, and use of explosives.
- 18 12. Chapter 560, relating to money transmitters, if
19 the violation is punishable as a felony.
- 20 13. Chapter 562, relating to beverage law enforcement.
- 21 14. Section 624.401, relating to transacting insurance
22 without a certificate of authority, s. 624.437(4)(c)1.,
23 relating to operating an unauthorized multiple-employer
24 welfare arrangement, or s. 626.902(1)(b), relating to
25 representing or aiding an unauthorized insurer.
- 26 15. Section 655.50, relating to reports of currency
27 transactions, when such violation is punishable as a felony.
- 28 16. Chapter 687, relating to interest and usurious
29 practices.
- 30 17. Section 721.08, s. 721.09, or s. 721.13, relating
31 to real estate timeshare plans.

- 1 18. Chapter 782, relating to homicide.
- 2 19. Chapter 784, relating to assault and battery.
- 3 20. Chapter 787, relating to kidnapping.
- 4 21. Chapter 790, relating to weapons and firearms.
- 5 22. Section 796.03, s. 796.035, s. 796.04, s. 796.045,
- 6 s. 796.05, or s. 796.07, relating to prostitution and sex
- 7 trafficking.
- 8 23. Chapter 806, relating to arson.
- 9 24. Section 810.02(2)(c), relating to specified
- 10 burglary of a dwelling or structure.
- 11 25. Chapter 812, relating to theft, robbery, and
- 12 related crimes.
- 13 26. Chapter 815, relating to computer-related crimes.
- 14 27. Chapter 817, relating to fraudulent practices,
- 15 false pretenses, fraud generally, and credit card crimes.
- 16 28. Chapter 825, relating to abuse, neglect, or
- 17 exploitation of an elderly person or disabled adult.
- 18 29. Section 827.071, relating to commercial sexual
- 19 exploitation of children.
- 20 30. Chapter 831, relating to forgery and
- 21 counterfeiting.
- 22 31. Chapter 832, relating to issuance of worthless
- 23 checks and drafts.
- 24 32. Section 836.05, relating to extortion.
- 25 33. Chapter 837, relating to perjury.
- 26 34. Chapter 838, relating to bribery and misuse of
- 27 public office.
- 28 35. Chapter 843, relating to obstruction of justice.
- 29 36. Section 847.011, s. 847.012, s. 847.013, s.
- 30 847.06, or s. 847.07, relating to obscene literature and
- 31 profanity.

1 37. Section 849.09, s. 849.14, s. 849.15, s. 849.23,
2 or s. 849.25, relating to gambling.

3 38. Chapter 874, relating to criminal street gangs.

4 39. Chapter 893, relating to drug abuse prevention and
5 control.

6 40. Chapter 896, relating to offenses related to
7 financial transactions.

8 41. Sections 914.22 and 914.23, relating to tampering
9 with a witness, victim, or informant, and retaliation against
10 a witness, victim, or informant.

11 42. Sections 918.12 and 918.13, relating to tampering
12 with jurors and evidence.

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

17 16.56 Office of Statewide Prosecution.--

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

22 (a) Investigate and prosecute the offenses of:

23 1. Bribery, burglary, criminal usury, extortion,
24 gambling, kidnapping, larceny, murder, prostitution, perjury,
25 robbery, carjacking, and home-invasion robbery;

26 2. Any crime involving narcotic or other dangerous
27 drugs;

28 3. Any violation of the provisions of the Florida RICO
29 (Racketeer Influenced and Corrupt Organization) Act, including
30 any offense listed in the definition of racketeering activity
31 in s. 895.02(1)(a), providing such listed offense is

1 investigated in connection with a violation of s. 895.03 and
2 is charged in a separate count of an information or indictment
3 containing a count charging a violation of s. 895.03, the
4 prosecution of which listed offense may continue independently
5 if the prosecution of the violation of s. 895.03 is terminated
6 for any reason;

7 4. Any violation of the provisions of the Florida
8 Anti-Fencing Act;

9 5. Any violation of the provisions of the Florida
10 Antitrust Act of 1980, as amended;

11 6. Any crime involving, or resulting in, fraud or
12 deceit upon any person;

13 7. Any violation of s. 847.0135, relating to computer
14 pornography and child exploitation prevention, or any offense
15 related to a violation of s. 847.0135;

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

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

18

19 or any attempt, solicitation, or conspiracy to commit any of
20 the crimes specifically enumerated above. The office shall
21 have such power only when any such offense is occurring, or
22 has occurred, in two or more judicial circuits as part of a
23 related transaction, or when any such offense is connected
24 with an organized criminal conspiracy affecting two or more
25 judicial circuits.

26 Section 7. For the purpose of incorporating the
27 amendment to section 895.02, Florida Statutes, in a reference
28 thereto, subsection (1) of section 27.34, Florida Statutes, is
29 reenacted to read:

30 27.34 Salaries and other related costs of state
31 attorneys' offices; limitations.--

1 (1) No county or municipality shall appropriate or
2 contribute funds to the operation of the various state
3 attorneys, except that a county or municipality may
4 appropriate or contribute funds to pay the salary of one
5 assistant state attorney whose sole function shall be to
6 prosecute violations of special laws or ordinances of the
7 county or municipality and may provide persons employed by the
8 county or municipality to the state attorney to serve as
9 special investigators pursuant to the provisions of s. 27.251.
10 However, any county or municipality may contract with the
11 state attorney of the judicial circuit in which such county or
12 municipality is located for the prosecution of violations of
13 county or municipal ordinances. In addition, a county or
14 municipality may appropriate or contribute funds to pay the
15 salary of one or more assistant state attorneys who are
16 trained in the use of the civil and criminal provisions of the
17 Florida RICO Act, chapter 895, and whose sole function is to
18 investigate and prosecute civil and criminal RICO actions when
19 one or more offenses identified in s. 895.02(1)(a) occur
20 within the boundaries of the municipality or county.

21 Section 8. For the purpose of incorporating the
22 amendment to section 895.02, Florida Statutes, in a reference
23 thereto, paragraph (g) of subsection (3) of section 655.50,
24 Florida Statutes, is reenacted to read:

25 655.50 Florida Control of Money Laundering in
26 Financial Institutions Act; reports of transactions involving
27 currency or monetary instruments; when required; purpose;
28 definitions; penalties.--

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

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

1 Section 9. For the purpose of incorporating the
2 amendment to section 895.02, Florida Statutes, in a reference
3 thereto, paragraph (g) of subsection (2) of section 896.101,
4 Florida Statutes, is reenacted to read:

5 896.101 Florida Money Laundering Act; definitions;
6 penalties; injunctions; seizure warrants; immunity.--

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

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

10 Section 10. For the purpose of incorporating the
11 amendment to section 895.02, Florida Statutes, in a reference
12 thereto, subsection (3) of section 905.34, Florida Statutes,
13 is reenacted to read:

14 905.34 Powers and duties; law applicable.--The
15 jurisdiction of a statewide grand jury impaneled under this
16 chapter shall extend throughout the state. The subject matter
17 jurisdiction of the statewide grand jury shall be limited to
18 the offenses of:

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

29
30 or any attempt, solicitation, or conspiracy to commit any
31 violation of the crimes specifically enumerated above, when

1 any such offense is occurring, or has occurred, in two or more
2 judicial circuits as part of a related transaction or when any
3 such offense is connected with an organized criminal
4 conspiracy affecting two or more judicial circuits. The
5 statewide grand jury may return indictments and presentments
6 irrespective of the county or judicial circuit where the
7 offense is committed or triable. If an indictment is returned,
8 it shall be certified and transferred for trial to the county
9 where the offense was committed. The powers and duties of, and
10 law applicable to, county grand juries shall apply to a
11 statewide grand jury except when such powers, duties, and law
12 are inconsistent with the provisions of ss. 905.31-905.40.

13 Section 11. This act shall take effect October 1,
14 2004, and shall apply to offenses committed on or after that
15 date.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31