

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Barreiro and Gannon offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 43 through 44 and insert:

5 Section 3. Section 796.035, Florida Statutes, is created
6 to read:

7 796.035 Selling or buying of minors into sex trafficking
8 or prostitution; penalties.--Any parent, legal guardian, or
9 other person having custody or control of a minor who sells or
10 otherwise transfers custody or control of such minor, or offers
11 to sell or otherwise transfer custody of such minor, with
12 knowledge that, as a consequence of the sale or transfer, force,
13 fraud, or coercion will be used to cause the minor to engage in
14 prostitution or otherwise participate in the trade of sex
15 trafficking, commits a felony of the first degree, punishable as
16 provided in s. 775.082, s. 775.083, or s. 775.084.

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17 Section 4. Section 796.045, Florida Statutes, is created
18 to read:

19 796.045 Sex trafficking; penalties.--Any person who
20 knowingly recruits, entices, harbors, transports, provides, or
21 obtains by any means a person, knowing that force, fraud, or
22 coercion will be used to cause that person to engage in
23 prostitution, commits the offense of sex trafficking, a felony
24 of the second degree, punishable as provided in s. 775.082, s.
25 775.083, or s. 775.084. A person commits a felony of the first
26 degree, punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084, if the offense of sex trafficking is committed against
28 a person who is under the age of 14 or if such offense results
29 in death.

30 Section 5. Paragraph (a) of subsection (1) of section
31 895.02, Florida Statutes, is amended to read:

32 895.02 Definitions.--As used in ss. 895.01-895.08, the
33 term:

34 (1) "Racketeering activity" means to commit, to attempt to
35 commit, to conspire to commit, or to solicit, coerce, or
36 intimidate another person to commit:

37 (a) Any crime which is chargeable by indictment or
38 information under the following provisions of the Florida
39 Statutes:

40 1. Section 210.18, relating to evasion of payment of
41 cigarette taxes.

42 2. Section 403.727(3)(b), relating to environmental
43 control.

44 3. Section 414.39, relating to public assistance fraud.

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45 4. Section 409.920, relating to Medicaid provider fraud.

46 5. Section 440.105 or s. 440.106, relating to workers'
47 compensation.

48 6. Sections 499.0051, 499.0052, 499.0053, 499.0054, and
49 499.0691, relating to crimes involving contraband and
50 adulterated drugs.

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

52 8. Chapter 517, relating to sale of securities and
53 investor protection.

54 9. Section 550.235, s. 550.3551, or s. 550.3605, relating
55 to dogracing and horseracing.

56 10. Chapter 550, relating to jai alai frontons.

57 11. Chapter 552, relating to the manufacture,
58 distribution, and use of explosives.

59 12. Chapter 560, relating to money transmitters, if the
60 violation is punishable as a felony.

61 13. Chapter 562, relating to beverage law enforcement.

62 14. Section 624.401, relating to transacting insurance
63 without a certificate of authority, s. 624.437(4)(c)1., relating
64 to operating an unauthorized multiple-employer welfare
65 arrangement, or s. 626.902(1)(b), relating to representing or
66 aiding an unauthorized insurer.

67 15. Section 655.50, relating to reports of currency
68 transactions, when such violation is punishable as a felony.

69 16. Chapter 687, relating to interest and usurious
70 practices.

71 17. Section 721.08, s. 721.09, or s. 721.13, relating to
72 real estate timeshare plans.

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- 73 18. Chapter 782, relating to homicide.
- 74 19. Chapter 784, relating to assault and battery.
- 75 20. Chapter 787, relating to kidnapping.
- 76 21. Chapter 790, relating to weapons and firearms.
- 77 22. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 78 796.05, or s. 796.07, relating to prostitution and sex
- 79 trafficking.
- 80 23. Chapter 806, relating to arson.
- 81 24. Section 810.02(2)(c), relating to specified burglary
- 82 of a dwelling or structure.
- 83 25. Chapter 812, relating to theft, robbery, and related
- 84 crimes.
- 85 26. Chapter 815, relating to computer-related crimes.
- 86 27. Chapter 817, relating to fraudulent practices, false
- 87 pretenses, fraud generally, and credit card crimes.
- 88 28. Chapter 825, relating to abuse, neglect, or
- 89 exploitation of an elderly person or disabled adult.
- 90 29. Section 827.071, relating to commercial sexual
- 91 exploitation of children.
- 92 30. Chapter 831, relating to forgery and counterfeiting.
- 93 31. Chapter 832, relating to issuance of worthless checks
- 94 and drafts.
- 95 32. Section 836.05, relating to extortion.
- 96 33. Chapter 837, relating to perjury.
- 97 34. Chapter 838, relating to bribery and misuse of public
- 98 office.
- 99 35. Chapter 843, relating to obstruction of justice.

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100 36. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
101 s. 847.07, relating to obscene literature and profanity.

102 37. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
103 849.25, relating to gambling.

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

105 39. Chapter 893, relating to drug abuse prevention and
106 control.

107 40. Chapter 896, relating to offenses related to financial
108 transactions.

109 41. Sections 914.22 and 914.23, relating to tampering with
110 a witness, victim, or informant, and retaliation against a
111 witness, victim, or informant.

112 42. Sections 918.12 and 918.13, relating to tampering with
113 jurors and evidence.

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

118 16.56 Office of Statewide Prosecution.--

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

123 (a) Investigate and prosecute the offenses of:

124 1. Bribery, burglary, criminal usury, extortion, gambling,
125 kidnapping, larceny, murder, prostitution, perjury, robbery,
126 carjacking, and home-invasion robbery;

127 2. Any crime involving narcotic or other dangerous drugs;

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128 3. Any violation of the provisions of the Florida RICO
129 (Racketeer Influenced and Corrupt Organization) Act, including
130 any offense listed in the definition of racketeering activity in
131 s. 895.02(1)(a), providing such listed offense is investigated
132 in connection with a violation of s. 895.03 and is charged in a
133 separate count of an information or indictment containing a
134 count charging a violation of s. 895.03, the prosecution of
135 which listed offense may continue independently if the
136 prosecution of the violation of s. 895.03 is terminated for any
137 reason;

138 4. Any violation of the provisions of the Florida Anti-
139 Fencing Act;

140 5. Any violation of the provisions of the Florida
141 Antitrust Act of 1980, as amended;

142 6. Any crime involving, or resulting in, fraud or deceit
143 upon any person;

144 7. Any violation of s. 847.0135, relating to computer
145 pornography and child exploitation prevention, or any offense
146 related to a violation of s. 847.0135;

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

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

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150 or any attempt, solicitation, or conspiracy to commit any of the
151 crimes specifically enumerated above. The office shall have such
152 power only when any such offense is occurring, or has occurred,
153 in two or more judicial circuits as part of a related
154 transaction, or when any such offense is connected with an

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155 organized criminal conspiracy affecting two or more judicial
156 circuits.

157 Section 7. For the purpose of incorporating the amendment
158 to section 895.02, Florida Statutes, in a reference thereto,
159 subsection (1) of section 27.34, Florida Statutes, is reenacted
160 to read:

161 27.34 Salaries and other related costs of state attorneys'
162 offices; limitations.--

163 (1) No county or municipality shall appropriate or
164 contribute funds to the operation of the various state
165 attorneys, except that a county or municipality may appropriate
166 or contribute funds to pay the salary of one assistant state
167 attorney whose sole function shall be to prosecute violations of
168 special laws or ordinances of the county or municipality and may
169 provide persons employed by the county or municipality to the
170 state attorney to serve as special investigators pursuant to the
171 provisions of s. 27.251. However, any county or municipality may
172 contract with the state attorney of the judicial circuit in
173 which such county or municipality is located for the prosecution
174 of violations of county or municipal ordinances. In addition, a
175 county or municipality may appropriate or contribute funds to
176 pay the salary of one or more assistant state attorneys who are
177 trained in the use of the civil and criminal provisions of the
178 Florida RICO Act, chapter 895, and whose sole function is to
179 investigate and prosecute civil and criminal RICO actions when
180 one or more offenses identified in s. 895.02(1)(a) occur within
181 the boundaries of the municipality or county.

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182 Section 8. For the purpose of incorporating the amendment
183 to section 895.02, Florida Statutes, in a reference thereto,
184 paragraph (g) of subsection (3) of section 655.50, Florida
185 Statutes, is reenacted to read:

186 655.50 Florida Control of Money Laundering in Financial
187 Institutions Act; reports of transactions involving currency or
188 monetary instruments; when required; purpose; definitions;
189 penalties.--

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

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

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

197 896.101 Florida Money Laundering Act; definitions;
198 penalties; injunctions; seizure warrants; immunity.--

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

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

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

206 905.34 Powers and duties; law applicable.--The
207 jurisdiction of a statewide grand jury impaneled under this
208 chapter shall extend throughout the state. The subject matter

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209 jurisdiction of the statewide grand jury shall be limited to the
210 offenses of:

211 (3) Any violation of the provisions of the Florida RICO
212 (Racketeer Influenced and Corrupt Organization) Act, including
213 any offense listed in the definition of racketeering activity in
214 s. 895.02(1)(a), providing such listed offense is investigated
215 in connection with a violation of s. 895.03 and is charged in a
216 separate count of an information or indictment containing a
217 count charging a violation of s. 895.03, the prosecution of
218 which listed offense may continue independently if the
219 prosecution of the violation of s. 895.03 is terminated for any
220 reason;

221
222 or any attempt, solicitation, or conspiracy to commit any
223 violation of the crimes specifically enumerated above, when any
224 such offense is occurring, or has occurred, in two or more
225 judicial circuits as part of a related transaction or when any
226 such offense is connected with an organized criminal conspiracy
227 affecting two or more judicial circuits. The statewide grand
228 jury may return indictments and presentments irrespective of the
229 county or judicial circuit where the offense is committed or
230 triable. If an indictment is returned, it shall be certified and
231 transferred for trial to the county where the offense was
232 committed. The powers and duties of, and law applicable to,
233 county grand juries shall apply to a statewide grand jury except
234 when such powers, duties, and law are inconsistent with the
235 provisions of ss. 905.31-905.40.

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===== T I T L E A M E N D M E N T =====

Between lines 6 and 7, insert:

creating s. 796.035, F.S.; providing that it is a felony of the first degree for a parent, legal guardian, or other person having custody or control of a minor to offer to, or to actually, sell or otherwise transfer custody or control of such minor, with knowledge that such sale or transfer will result in force, fraud, or coercion being used to cause the minor to engage in prostitution or otherwise participate in the trade of sex trafficking; providing criminal penalties; creating s. 796.045, F.S.; providing for the offense of sex trafficking; providing that it is a felony of the second degree to knowingly recruit, entice, harbor, transport, provide, or obtain a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution; providing that it is a felony of the first degree if sex trafficking involves a person under the age of 14 or results in death; providing criminal penalties; amending s. 895.02, F.S.; expanding the definition of racketeering activity to include the offenses created herein; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., which relate to the authority of the Office of Statewide Prosecution to investigate and prosecute certain offenses, the contribution of funds by counties and municipalities towards salaries of assistant state attorneys, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the subject matter jurisdiction of the statewide grand jury,

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264 | respectively, to incorporate the amendment to s. 895.02, F.S.,
265 | in references thereto;

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