

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

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30 grand jury, respectively, to incorporate the amendment to
 31 s. 895.02, F.S., in references thereto; providing
 32 applicability; providing an effective date.

33
 34 Be It Enacted by the Legislature of the State of Florida:

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 36 Section 1. Section 796.035, Florida Statutes, is created
 37 to read:

38 796.035 Selling or buying of minors into sex trafficking
 39 or prostitution; penalties.--Any parent, legal guardian, or
 40 other person having custody or control of a minor who sells or
 41 otherwise transfers custody or control of such minor, or offers
 42 to sell or otherwise transfer custody of such minor, with
 43 knowledge that, as a consequence of the sale or transfer, force,
 44 fraud, or coercion will be used to cause the minor to engage in
 45 prostitution or otherwise participate in the trade of sex
 46 trafficking, commits a felony of the first degree, punishable as
 47 provided in s. 775.082, s. 775.083, or s. 775.084.

48 Section 2. Section 796.045, Florida Statutes, is created
 49 to read:

50 796.045 Sex trafficking; penalties.--Any person who
 51 knowingly recruits, entices, harbors, transports, provides, or
 52 obtains by any means a person, knowing that force, fraud, or
 53 coercion will be used to cause that person to engage in
 54 prostitution, commits the offense of sex trafficking, a felony
 55 of the second degree, punishable as provided in s. 775.082, s.
 56 775.083, or s. 775.084. A person commits a felony of the first
 57 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 58 775.084, if the offense of sex trafficking is committed against

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59 a person who is under the age of 14 or if such offense results
 60 in death.

61 Section 3. Paragraph (a) of subsection (1) of section
 62 895.02, Florida Statutes, is amended to read:

63 895.02 Definitions.--As used in ss. 895.01-895.08, the
 64 term:

65 (1) "Racketeering activity" means to commit, to attempt to
 66 commit, to conspire to commit, or to solicit, coerce, or
 67 intimidate another person to commit:

68 (a) Any crime which is chargeable by indictment or
 69 information under the following provisions of the Florida
 70 Statutes:

71 1. Section 210.18, relating to evasion of payment of
 72 cigarette taxes.

73 2. Section 403.727(3)(b), relating to environmental
 74 control.

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

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

77 5. Section 440.105 or s. 440.106, relating to workers'
 78 compensation.

79 6. Sections 499.0051, 499.0052, 499.0053, 499.0054, and
 80 499.0691, relating to crimes involving contraband and
 81 adulterated drugs.

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

83 8. Chapter 517, relating to sale of securities and
 84 investor protection.

85 9. Section 550.235, s. 550.3551, or s. 550.3605, relating
 86 to dogracing and horseracing.

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

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- 88 11. Chapter 552, relating to the manufacture,
- 89 distribution, and use of explosives.
- 90 12. Chapter 560, relating to money transmitters, if the
- 91 violation is punishable as a felony.
- 92 13. Chapter 562, relating to beverage law enforcement.
- 93 14. Section 624.401, relating to transacting insurance
- 94 without a certificate of authority, s. 624.437(4)(c)1., relating
- 95 to operating an unauthorized multiple-employer welfare
- 96 arrangement, or s. 626.902(1)(b), relating to representing or
- 97 aiding an unauthorized insurer.
- 98 15. Section 655.50, relating to reports of currency
- 99 transactions, when such violation is punishable as a felony.
- 100 16. Chapter 687, relating to interest and usurious
- 101 practices.
- 102 17. Section 721.08, s. 721.09, or s. 721.13, relating to
- 103 real estate timeshare plans.
- 104 18. Chapter 782, relating to homicide.
- 105 19. Chapter 784, relating to assault and battery.
- 106 20. Chapter 787, relating to kidnapping.
- 107 21. Chapter 790, relating to weapons and firearms.
- 108 22. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 109 796.05, or s. 796.07, relating to prostitution and sex
- 110 trafficking.
- 111 23. Chapter 806, relating to arson.
- 112 24. Section 810.02(2)(c), relating to specified burglary
- 113 of a dwelling or structure.
- 114 25. Chapter 812, relating to theft, robbery, and related
- 115 crimes.
- 116 26. Chapter 815, relating to computer-related crimes.

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- 117 27. Chapter 817, relating to fraudulent practices, false
- 118 pretenses, fraud generally, and credit card crimes.
- 119 28. Chapter 825, relating to abuse, neglect, or
- 120 exploitation of an elderly person or disabled adult.
- 121 29. Section 827.071, relating to commercial sexual
- 122 exploitation of children.
- 123 30. Chapter 831, relating to forgery and counterfeiting.
- 124 31. Chapter 832, relating to issuance of worthless checks
- 125 and drafts.
- 126 32. Section 836.05, relating to extortion.
- 127 33. Chapter 837, relating to perjury.
- 128 34. Chapter 838, relating to bribery and misuse of public
- 129 office.
- 130 35. Chapter 843, relating to obstruction of justice.
- 131 36. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 132 s. 847.07, relating to obscene literature and profanity.
- 133 37. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 134 849.25, relating to gambling.
- 135 38. Chapter 874, relating to criminal street gangs.
- 136 39. Chapter 893, relating to drug abuse prevention and
- 137 control.
- 138 40. Chapter 896, relating to offenses related to financial
- 139 transactions.
- 140 41. Sections 914.22 and 914.23, relating to tampering with
- 141 a witness, victim, or informant, and retaliation against a
- 142 witness, victim, or informant.
- 143 42. Sections 918.12 and 918.13, relating to tampering with
- 144 jurors and evidence.

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

149 16.56 Office of Statewide Prosecution.--

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

154 (a) Investigate and prosecute the offenses of:

155 1. Bribery, burglary, criminal usury, extortion, gambling,
 156 kidnapping, larceny, murder, prostitution, perjury, robbery,
 157 carjacking, and home-invasion robbery;

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

159 3. Any violation of the provisions of the Florida RICO
 160 (Racketeer Influenced and Corrupt Organization) Act, including
 161 any offense listed in the definition of racketeering activity in
 162 s. 895.02(1)(a), providing such listed offense is investigated
 163 in connection with a violation of s. 895.03 and is charged in a
 164 separate count of an information or indictment containing a
 165 count charging a violation of s. 895.03, the prosecution of
 166 which listed offense may continue independently if the
 167 prosecution of the violation of s. 895.03 is terminated for any
 168 reason;

169 4. Any violation of the provisions of the Florida Anti-
 170 Fencing Act;

171 5. Any violation of the provisions of the Florida
 172 Antitrust Act of 1980, as amended;

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173 6. Any crime involving, or resulting in, fraud or deceit
 174 upon any person;

175 7. Any violation of s. 847.0135, relating to computer
 176 pornography and child exploitation prevention, or any offense
 177 related to a violation of s. 847.0135;

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

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

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 181 or any attempt, solicitation, or conspiracy to commit any of the
 182 crimes specifically enumerated above. The office shall have such
 183 power only when any such offense is occurring, or has occurred,
 184 in two or more judicial circuits as part of a related
 185 transaction, or when any such offense is connected with an
 186 organized criminal conspiracy affecting two or more judicial
 187 circuits.

188 Section 5. For the purpose of incorporating the amendment
 189 to section 895.02, Florida Statutes, in a reference thereto,
 190 subsection (1) of section 27.34, Florida Statutes, is reenacted
 191 to read:

192 27.34 Salaries and other related costs of state attorneys'
 193 offices; limitations.--

194 (1) No county or municipality shall appropriate or
 195 contribute funds to the operation of the various state
 196 attorneys, except that a county or municipality may appropriate
 197 or contribute funds to pay the salary of one assistant state
 198 attorney whose sole function shall be to prosecute violations of
 199 special laws or ordinances of the county or municipality and may
 200 provide persons employed by the county or municipality to the
 201 state attorney to serve as special investigators pursuant to the

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202 provisions of s. 27.251. However, any county or municipality may
 203 contract with the state attorney of the judicial circuit in
 204 which such county or municipality is located for the prosecution
 205 of violations of county or municipal ordinances. In addition, a
 206 county or municipality may appropriate or contribute funds to
 207 pay the salary of one or more assistant state attorneys who are
 208 trained in the use of the civil and criminal provisions of the
 209 Florida RICO Act, chapter 895, and whose sole function is to
 210 investigate and prosecute civil and criminal RICO actions when
 211 one or more offenses identified in s. 895.02(1)(a) occur within
 212 the boundaries of the municipality or county.

213 Section 6. For the purpose of incorporating the amendment
 214 to section 895.02, Florida Statutes, in a reference thereto,
 215 paragraph (g) of subsection (3) of section 655.50, Florida
 216 Statutes, is reenacted to read:

217 655.50 Florida Control of Money Laundering in Financial
 218 Institutions Act; reports of transactions involving currency or
 219 monetary instruments; when required; purpose; definitions;
 220 penalties.--

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

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

224 Section 7. For the purpose of incorporating the amendment
 225 to section 895.02, Florida Statutes, in a reference thereto,
 226 paragraph (g) of subsection (2) of section 896.101, Florida
 227 Statutes, is reenacted to read:

228 896.101 Florida Money Laundering Act; definitions;
 229 penalties; injunctions; seizure warrants; immunity.--

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

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

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

237 905.34 Powers and duties; law applicable.--The
238 jurisdiction of a statewide grand jury impaneled under this
239 chapter shall extend throughout the state. The subject matter
240 jurisdiction of the statewide grand jury shall be limited to the
241 offenses of:

242 (3) Any violation of the provisions of the Florida RICO
243 (Racketeer Influenced and Corrupt Organization) Act, including
244 any offense listed in the definition of racketeering activity in
245 s. 895.02(1)(a), providing such listed offense is investigated
246 in connection with a violation of s. 895.03 and is charged in a
247 separate count of an information or indictment containing a
248 count charging a violation of s. 895.03, the prosecution of
249 which listed offense may continue independently if the
250 prosecution of the violation of s. 895.03 is terminated for any
251 reason;

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253 or any attempt, solicitation, or conspiracy to commit any
254 violation of the crimes specifically enumerated above, when any
255 such offense is occurring, or has occurred, in two or more
256 judicial circuits as part of a related transaction or when any
257 such offense is connected with an organized criminal conspiracy
258 affecting two or more judicial circuits. The statewide grand
259 jury may return indictments and presentments irrespective of the

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260 county or judicial circuit where the offense is committed or
261 triable. If an indictment is returned, it shall be certified and
262 transferred for trial to the county where the offense was
263 committed. The powers and duties of, and law applicable to,
264 county grand juries shall apply to a statewide grand jury except
265 when such powers, duties, and law are inconsistent with the
266 provisions of ss. 905.31-905.40.

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