

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Gannon offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 787.06, Florida Statutes, is amended to
6 read:

7 787.06 Human trafficking.--

8 (1) (a) The Legislature finds that human trafficking is a
9 form of modern-day slavery. Victims of human trafficking are
10 young children, teenagers, and adults. Thousands of victims are
11 trafficked annually across international borders worldwide. Many
12 of these victims are trafficked into this state. The Legislature
13 finds that victims of human trafficking are subjected to force,
14 fraud, or coercion for the purpose of sexual exploitation or
15 forced labor.

16 (b) The Legislature finds that while many victims of human
17 trafficking are forced to work in prostitution or the sexual

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18 entertainment industry, trafficking also occurs in forms of
19 labor exploitation, such as domestic servitude, restaurant work,
20 janitorial work, sweatshop factory work, and migrant
21 agricultural work.

22 (c) The Legislature finds that traffickers use various
23 techniques to instill fear in victims and to keep them enslaved.
24 Some traffickers keep their victims under lock and key. However,
25 the most frequently used practices are less obvious techniques
26 that include isolating victims from the public and family
27 members; confiscating passports, visas, or other identification
28 documents; using or threatening to use violence toward victims
29 or their families; telling victims that they will be imprisoned
30 or deported for immigration violations if they contact
31 authorities; and controlling the victims' funds by holding the
32 money ostensibly for safekeeping.

33 (d) It is the intent of the Legislature that the
34 perpetrators of human trafficking be penalized for their illegal
35 conduct and that the victims of trafficking be protected and
36 assisted by this state and its agencies. In furtherance of this
37 policy, it is the intent of the Legislature that the state
38 Supreme Court, The Florida Bar, and relevant state agencies
39 prepare and implement training programs in order that judges,
40 attorneys, law enforcement personnel, investigators, and others
41 are able to identify traffickers and victims of human
42 trafficking and direct victims to appropriate agencies for
43 assistance. It is the intent of the Legislature that the
44 Department of Children and Family Services and other state
45 agencies cooperate with other state and federal agencies to

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46 ensure that victims of human trafficking can access social
47 services and benefits to alleviate their plight.

48 (2)-(1) As used in this section, the term:

49 (a) "Financial harm" includes extortionate extension of
50 credit, loan sharking as defined in s. 687.071, or employment
51 contracts that violate the statute of frauds as provided in s.
52 725.01.

53 (b) "Forced labor or services" means labor or services
54 obtained from a person by:

55 1. Using or threatening to use physical force against that
56 person or another person; ~~or~~

57 2. Restraining, isolating, or confining or threatening to
58 restrain, isolate, or confine that person or another person
59 without lawful authority and against her or his will;

60 3. Using lending or other credit methods to establish a
61 debt by that person or another person when labor or services are
62 pledged as a security for the debt, if the value of the labor or
63 services as reasonably assessed is not applied toward the
64 liquidation of the debt, the length and nature of the labor, or
65 services are not respectively limited and defined;

66 4. Destroying, concealing, removing, confiscating,
67 withholding, or possessing any actual or purported passport,
68 visa, or other immigration document, or any other actual or
69 purported government identification document, of that person or
70 another person;

71 5. Causing or threatening to cause financial harm to any
72 person; or

73 6. Fraud or coercion.

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74 (c)~~(b)~~ "Human trafficking" means transporting, soliciting,
75 recruiting, harboring, providing, or obtaining another person
76 for transport.

77 (d) "Maintain," when used in relation to labor services,
78 means to secure continued performance thereof, regardless of any
79 initial agreement on the part of the victim to perform such type
80 service.

81 (3)~~(2)~~ Any person who knowingly:

82 (a) Engages, or attempts to engage, in human trafficking
83 with the intent or knowledge that the trafficked person will be
84 subjected to engage in forced labor or services; or

85 (b) Benefits financially by receiving anything of value
86 from participation in a venture that has subjected a person to
87 forced labor or services;

88
89 commits a felony of the second degree, punishable as provided in
90 s. 775.082, s. 775.083, or s. 775.084.

91 (4) The Criminal Justice Standards and Training Commission
92 shall establish standards for basic and advanced training
93 programs for law enforcement officers in the subjects of
94 investigating and preventing human trafficking crimes. After
95 January 1, 2007, every basic skills course required for law
96 enforcement officers to obtain initial certification must
97 include training on human trafficking crime prevention and
98 investigation.

99 (5) Each state attorney shall develop standards of
100 instruction for prosecutors to receive training on the
101 investigation and prosecution of human trafficking crimes and
102 shall provide for periodic and timely instruction.

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103 Section 2. Subsection (1) of section 772.102, Florida
104 Statutes, is amended to read:

105 772.102 Definitions.--As used in this chapter, the term:

106 (1) "Criminal activity" means to commit, to attempt to
107 commit, to conspire to commit, or to solicit, coerce, or
108 intimidate another person to commit:

109 (a) Any crime that ~~which~~ is chargeable by indictment or
110 information under the following provisions:

111 1. Section 210.18, relating to evasion of payment of
112 cigarette taxes.

113 2. Section 414.39, relating to public assistance fraud.

114 3. Section 440.105 or s. 440.106, relating to workers'
115 compensation.

116 4. Part IV of chapter 501, relating to telemarketing.

117 5. Chapter 517, relating to securities transactions.

118 6. Section 550.235, s. 550.3551, or s. 550.3605, relating
119 to dogracing and horseracing.

120 7. Chapter 550, relating to jai alai frontons.

121 8. Chapter 552, relating to the manufacture, distribution,
122 and use of explosives.

123 9. Chapter 562, relating to beverage law enforcement.

124 10. Section 624.401, relating to transacting insurance
125 without a certificate of authority, s. 624.437(4)(c)1., relating
126 to operating an unauthorized multiple-employer welfare
127 arrangement, or s. 626.902(1)(b), relating to representing or
128 aiding an unauthorized insurer.

129 11. Chapter 687, relating to interest and usurious
130 practices.

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131 12. Section 721.08, s. 721.09, or s. 721.13, relating to
132 real estate timeshare plans.

133 13. Chapter 782, relating to homicide.

134 14. Chapter 784, relating to assault and battery.

135 15. Chapter 787, relating to kidnapping or human
136 trafficking.

137 16. Chapter 790, relating to weapons and firearms.

138 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or
139 s. 796.07, relating to prostitution.

140 18. Chapter 806, relating to arson.

141 19. Section 810.02(2)(c), relating to specified burglary
142 of a dwelling or structure.

143 20. Chapter 812, relating to theft, robbery, and related
144 crimes.

145 21. Chapter 815, relating to computer-related crimes.

146 22. Chapter 817, relating to fraudulent practices, false
147 pretenses, fraud generally, and credit card crimes.

148 23. Section 827.071, relating to commercial sexual
149 exploitation of children.

150 24. Chapter 831, relating to forgery and counterfeiting.

151 25. Chapter 832, relating to issuance of worthless checks
152 and drafts.

153 26. Section 836.05, relating to extortion.

154 27. Chapter 837, relating to perjury.

155 28. Chapter 838, relating to bribery and misuse of public
156 office.

157 29. Chapter 843, relating to obstruction of justice.

158 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
159 s. 847.07, relating to obscene literature and profanity.

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160 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
161 849.25, relating to gambling.

162 32. Chapter 893, relating to drug abuse prevention and
163 control.

164 33. Section 914.22 or s. 914.23, relating to witnesses,
165 victims, or informants.

166 34. Section 918.12 or s. 918.13, relating to tampering
167 with jurors and evidence.

168 (b) Any conduct which is subject to indictment or
169 information as a criminal offense and listed in 18 U.S.C. s.
170 1961(1) (A), (B), (C), or (D).

171 Section 3. Section 772.104, Florida Statutes, is amended
172 to read:

173 772.104 Civil cause of action.--

174 (1) Any person who proves by clear and convincing evidence
175 that he or she has been injured by reason of any violation of
176 the provisions of s. 772.103 shall have a cause of action for
177 threefold the actual damages sustained and, in any such action,
178 is entitled to minimum damages in the amount of \$200, and
179 reasonable attorney's fees and court costs in the trial and
180 appellate courts.

181 (2) As an alternative to recovery under subsection (1),
182 any person who proves by clear and convincing evidence that he
183 or she has been injured by reason of any violation of the
184 provisions of s. 772.103 due to sex trafficking or human
185 trafficking shall have a cause of action for threefold the
186 amount gained from the sex trafficking or human trafficking and
187 in any such action is entitled to minimum damages in the amount

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188 | of \$200 and reasonable attorney's fees and court costs in the
189 | trial and appellate courts.

190 | (3) In no event shall punitive damages be awarded under
191 | this section. The defendant shall be entitled to recover
192 | reasonable attorney's fees and court costs in the trial and
193 | appellate courts upon a finding that the claimant raised a claim
194 | which was without substantial fact or legal support. In awarding
195 | attorney's fees and costs under this section, the court shall
196 | not consider the ability of the opposing party to pay such fees
197 | and costs. Nothing under this section shall be interpreted as
198 | limiting any right to recover attorney's fees or costs provided
199 | under other provisions of law.

200 | Section 4. Subsection (1) of section 895.02, Florida
201 | Statutes, as amended by section 3 of chapter 2005-362, Laws of
202 | Florida, is amended to read:

203 | 895.02 Definitions.--As used in ss. 895.01-895.08, the
204 | term:

205 | (1) "Racketeering activity" means to commit, to attempt to
206 | commit, to conspire to commit, or to solicit, coerce, or
207 | intimidate another person to commit:

208 | (a) Any crime that ~~which~~ is chargeable by indictment or
209 | information under the following provisions of the Florida
210 | Statutes:

211 | 1. Section 210.18, relating to evasion of payment of
212 | cigarette taxes.

213 | 2. Section 403.727(3)(b), relating to environmental
214 | control.

215 | 3. Section 409.920 or s. 409.9201, relating to Medicaid
216 | fraud.

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- 217 4. Section 414.39, relating to public assistance fraud.
- 218 5. Section 440.105 or s. 440.106, relating to workers'
- 219 compensation.
- 220 6. Section 443.071(4), relating to creation of a
- 221 fictitious employer scheme to commit unemployment compensation
- 222 fraud.
- 223 7. Section 465.0161, relating to distribution of medicinal
- 224 drugs without a permit as an Internet pharmacy.
- 225 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
- 226 499.0691, relating to crimes involving contraband and
- 227 adulterated drugs.
- 228 9. Part IV of chapter 501, relating to telemarketing.
- 229 10. Chapter 517, relating to sale of securities and
- 230 investor protection.
- 231 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
- 232 to dogracing and horseracing.
- 233 12. Chapter 550, relating to jai alai frontons.
- 234 13. Section 551.109, relating to slot machine gaming.
- 235 14. Chapter 552, relating to the manufacture,
- 236 distribution, and use of explosives.
- 237 15. Chapter 560, relating to money transmitters, if the
- 238 violation is punishable as a felony.
- 239 16. Chapter 562, relating to beverage law enforcement.
- 240 17. Section 624.401, relating to transacting insurance
- 241 without a certificate of authority, s. 624.437(4)(c)1., relating
- 242 to operating an unauthorized multiple-employer welfare
- 243 arrangement, or s. 626.902(1)(b), relating to representing or
- 244 aiding an unauthorized insurer.

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- 245 | 18. Section 655.50, relating to reports of currency
246 | transactions, when such violation is punishable as a felony.
- 247 | 19. Chapter 687, relating to interest and usurious
248 | practices.
- 249 | 20. Section 721.08, s. 721.09, or s. 721.13, relating to
250 | real estate timeshare plans.
- 251 | 21. Chapter 782, relating to homicide.
- 252 | 22. Chapter 784, relating to assault and battery.
- 253 | 23. Chapter 787, relating to kidnapping or human
254 | trafficking.
- 255 | 24. Chapter 790, relating to weapons and firearms.
- 256 | 25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
257 | 796.05, or s. 796.07, relating to prostitution and sex
258 | trafficking.
- 259 | 26. Chapter 806, relating to arson.
- 260 | 27. Section 810.02(2)(c), relating to specified burglary
261 | of a dwelling or structure.
- 262 | 28. Chapter 812, relating to theft, robbery, and related
263 | crimes.
- 264 | 29. Chapter 815, relating to computer-related crimes.
- 265 | 30. Chapter 817, relating to fraudulent practices, false
266 | pretenses, fraud generally, and credit card crimes.
- 267 | 31. Chapter 825, relating to abuse, neglect, or
268 | exploitation of an elderly person or disabled adult.
- 269 | 32. Section 827.071, relating to commercial sexual
270 | exploitation of children.
- 271 | 33. Chapter 831, relating to forgery and counterfeiting.
- 272 | 34. Chapter 832, relating to issuance of worthless checks
273 | and drafts.

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- 274 35. Section 836.05, relating to extortion.
- 275 36. Chapter 837, relating to perjury.
- 276 37. Chapter 838, relating to bribery and misuse of public
- 277 office.
- 278 38. Chapter 843, relating to obstruction of justice.
- 279 39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 280 s. 847.07, relating to obscene literature and profanity.
- 281 40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 282 849.25, relating to gambling.
- 283 41. Chapter 874, relating to criminal street gangs.
- 284 42. Chapter 893, relating to drug abuse prevention and
- 285 control.
- 286 43. Chapter 896, relating to offenses related to financial
- 287 transactions.
- 288 44. Sections 914.22 and 914.23, relating to tampering with
- 289 a witness, victim, or informant, and retaliation against a
- 290 witness, victim, or informant.
- 291 45. Sections 918.12 and 918.13, relating to tampering with
- 292 jurors and evidence.

293 (b) Any conduct defined as "racketeering activity" under
294 18 U.S.C. s. 1961(1).

295 Section 5. For the purpose of incorporating the amendment
296 made by this act to section 895.02, Florida Statutes, in a
297 reference thereto, paragraph (g) of subsection (3) of section
298 655.50, Florida Statutes, is reenacted to read:

299 655.50 Florida Control of Money Laundering in Financial
300 Institutions Act; reports of transactions involving currency or
301 monetary instruments; when required; purpose; definitions;
302 penalties.--

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

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

306 Section 6. For the purpose of incorporating the amendment
307 made by this act to section 895.02, Florida Statutes, in a
308 reference thereto, paragraph (g) of subsection (2) of section
309 896.101, Florida Statutes, is reenacted to read:

310 896.101 Florida Money Laundering Act; definitions;
311 penalties; injunctions; seizure warrants; immunity.--

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

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

315 Section 7. For the purpose of incorporating the amendment
316 made by this act to section 895.02, Florida Statutes, in a
317 reference thereto, section 905.34, Florida Statutes, is
318 reenacted to read:

319 905.34 Powers and duties; law applicable.--The
320 jurisdiction of a statewide grand jury impaneled under this
321 chapter shall extend throughout the state. The subject matter
322 jurisdiction of the statewide grand jury shall be limited to the
323 offenses of:

324 (1) Bribery, burglary, carjacking, home-invasion robbery,
325 criminal usury, extortion, gambling, kidnapping, larceny,
326 murder, prostitution, perjury, and robbery;

327 (2) Crimes involving narcotic or other dangerous drugs;

328 (3) Any violation of the provisions of the Florida RICO
329 (Racketeer Influenced and Corrupt Organization) Act, including
330 any offense listed in the definition of racketeering activity in
331 s. 895.02(1)(a), providing such listed offense is investigated
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332 in connection with a violation of s. 895.03 and is charged in a
333 separate count of an information or indictment containing a
334 count charging a violation of s. 895.03, the prosecution of
335 which listed offense may continue independently if the
336 prosecution of the violation of s. 895.03 is terminated for any
337 reason;

338 (4) Any violation of the provisions of the Florida Anti-
339 Fencing Act;

340 (5) Any violation of the provisions of the Florida
341 Antitrust Act of 1980, as amended;

342 (6) Any violation of the provisions of chapter 815;

343 (7) Any crime involving, or resulting in, fraud or deceit
344 upon any person;

345 (8) Any violation of s. 847.0135, s. 847.0137, or s.
346 847.0138 relating to computer pornography and child exploitation
347 prevention, or any offense related to a violation of s.
348 847.0135, s. 847.0137, or s. 847.0138;

349 (9) Any criminal violation of part I of chapter 499; or

350 (10) Any criminal violation of s. 409.920 or s. 409.9201;

351
352 or any attempt, solicitation, or conspiracy to commit any
353 violation of the crimes specifically enumerated above, when any
354 such offense is occurring, or has occurred, in two or more
355 judicial circuits as part of a related transaction or when any
356 such offense is connected with an organized criminal conspiracy
357 affecting two or more judicial circuits. The statewide grand
358 jury may return indictments and presentments irrespective of the
359 county or judicial circuit where the offense is committed or
360 triable. If an indictment is returned, it shall be certified and
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361 transferred for trial to the county where the offense was
362 committed. The powers and duties of, and law applicable to,
363 county grand juries shall apply to a statewide grand jury except
364 when such powers, duties, and law are inconsistent with the
365 provisions of ss. 905.31-905.40.

366 Section 8. This act shall take effect October 1, 2006.

367

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

369 Remove the entire title and insert:

370 A bill to be entitled

371 An act relating to human trafficking; amending s. 787.06,
372 F.S.; providing legislative findings and intent; defining
373 the term "financial harm"; redefining the term "forced
374 labor or services" to include circumstances involving the
375 use of fraud or coercion against a person, the use of
376 certain debt practices, and the destruction, concealing,
377 or withholding of a person's identification documents;
378 providing for attempted human trafficking to be an equal
379 crime to human trafficking; prohibiting knowingly
380 benefiting financially or receiving anything of value from
381 human trafficking when the trafficked person engages in
382 forced labor or services; providing criminal penalties;
383 requiring the Criminal Justice Standards and Training
384 Commission to establish specified standards concerning
385 human trafficking programs; requiring certain law
386 enforcement officer basic skills courses to include
387 training on human trafficking crime prevention and
388 investigation; requiring state attorneys to develop
389 standards of instruction for prosecutors concerning human

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390 trafficking crimes; amending s. 772.102, F.S.; expanding
391 the definition of the term "criminal activity" to include
392 the offense of human trafficking and the offense of sex
393 trafficking for purposes of seeking civil remedies for
394 criminal offenses; amending s. 772.104, F.S.; revising a
395 civil cause of action relating to injuries by reason of
396 criminal activity; providing for alternative damages for
397 violations relating to sex trafficking and human
398 trafficking; amending s. 895.02, F.S.; redefining the term
399 "racketeering activity" to include the offense of human
400 trafficking for purposes of the Florida RICO Act;
401 reenacting ss. 655.50(3)(g), 896.101(2)(g), and 905.34,
402 F.S., relating to the definition of "specified unlawful
403 activity" in a law prohibiting money laundering in
404 financial institutions and in the Florida Money Laundering
405 Act and to the subject matter jurisdiction of a statewide
406 grand jury, to incorporate the amendments made to s.
407 895.02, F.S., in references thereto; providing an
408 effective date.