

By Senator Margolis

35-370-06

1                                   A bill to be entitled

2           An act relating to human trafficking; amending

3           s. 787.06, F.S.; providing legislative findings

4           and intent; redefining the term "forced labor

5           or services" to include labor coerced from a

6           person when the person's identification

7           documents are destroyed, concealed, or withheld

8           by another; directing the Florida Court

9           Educational Council to establish standards for

10          instructing circuit and county court judges on

11          matters relating to victims of human

12          trafficking; directing the council to provide

13          for periodic and timely instruction; amending

14          s. 772.102, F.S.; expanding the definition of

15          the term "criminal activity" to include the

16          offense of human trafficking for purposes of

17          seeking civil remedies for criminal offenses;

18          amending s. 895.02, F.S.; redefining the term

19          "racketeering activity" to include the offense

20          of human trafficking for purposes of the

21          Florida RICO Act; reenacting ss. 16.56(1)(a),

22          655.50(3)(g), 896.101(2)(g), and 905.34, F.S.,

23          relating to the authority of the Office of the

24          Statewide Prosecutor, the definition of

25          "specified unlawful activity" in a law

26          prohibiting money laundering in financial

27          institutions and in the Florida Money

28          Laundering Act, and the subject matter

29          jurisdiction of a statewide grand jury, to

30          incorporate the amendments made to s. 895.02,

31

1 F.S., in references thereto; providing an  
2 effective date.  
3

4 Be It Enacted by the Legislature of the State of Florida:  
5

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

8 787.06 Human trafficking.--(1)(a) The Legislature  
9 finds that human trafficking is a form of modern-day slavery.  
10 Victims of human trafficking are young children, teenagers,  
11 and adults. Thousands of victims are trafficked annually  
12 across international borders worldwide. Many of these victims  
13 are trafficked into this state. The Legislature finds that  
14 victims of human trafficking are subjected to force, fraud, or  
15 coercion for the purpose of sexual exploitation or forced  
16 labor.

17 (b) The Legislature finds that while many victims of  
18 human trafficking are forced to work in prostitution or the  
19 sexual entertainment industry, trafficking also occurs in  
20 forms of labor exploitation, such as domestic servitude,  
21 restaurant work, janitorial work, sweatshop factory work, and  
22 migrant agricultural work.

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

1 violations if they contact authorities; and controlling the  
2 victims' funds by holding the money for "safekeeping."

3 (d) It is the intent of the Legislature that the  
4 perpetrators of human trafficking be penalized for their  
5 illegal conduct and that the victims of trafficking be  
6 protected and assisted by this state and its agencies. In  
7 furtherance of this policy, it is the intent of the  
8 Legislature that the State Supreme Court, The Florida Bar, and  
9 relevant state agencies prepare and implement training  
10 programs in order that judges, attorneys, law enforcement  
11 personnel, investigators, and others are able to identify  
12 traffickers and victims of human trafficking and direct  
13 victims to appropriate agencies for assistance. It is the  
14 intent of the Legislature that the Department of Children and  
15 Family Services and other state agencies cooperate with other  
16 state and federal agencies to ensure that victims of human  
17 trafficking can access social services and benefits to  
18 alleviate their plight.

19 (2)(1) As used in this section, the term:

20 (a) "Forced labor or services" means labor or services  
21 obtained from a person by:

22 1. Using or threatening to use physical force against  
23 that person or another person; ~~or~~

24 2. Restraining, isolating, or confining or threatening  
25 to restrain, isolate, or confine that person or another person  
26 without lawful authority and against her or his will; ~~or-~~

27 3. Destroying, concealing, removing, confiscating,  
28 withholding, or possessing any actual or purported passport,  
29 visa, or other immigration document, or any other actual or  
30 purported government identification document, of that person  
31 or another person.

1 (b) "Human trafficking" means transporting,  
2 soliciting, recruiting, harboring, providing, or obtaining  
3 another person for transport.

4 ~~(3)(2)~~ Any person who knowingly engages in human  
5 trafficking with the intent that the trafficked person engage  
6 in forced labor or services commits a felony of the second  
7 degree, punishable as provided in s. 775.082, s. 775.083, or  
8 s. 775.084.

9 (4) The Florida Court Educational Council shall  
10 establish standards of instruction for circuit and county  
11 court judges who hear cases involving victims of human  
12 trafficking and shall provide for periodic and timely  
13 instruction.

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

16 772.102 Definitions.--As used in this chapter, the  
17 term:

18 (1) "Criminal activity" means to commit, to attempt to  
19 commit, to conspire to commit, or to solicit, coerce, or  
20 intimidate another person to commit:

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

23 1. Section 210.18, relating to evasion of payment of  
24 cigarette taxes.

25 2. Section 414.39, relating to public assistance  
26 fraud.

27 3. Section 440.105 or s. 440.106, relating to workers'  
28 compensation.

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

30 5. Chapter 517, relating to securities transactions.

31

- 1           6. Section 550.235, s. 550.3551, or s. 550.3605,  
2 relating to dogracing and horseracing.
- 3           7. Chapter 550, relating to jai alai frontons.
- 4           8. Chapter 552, relating to the manufacture,  
5 distribution, and use of explosives.
- 6           9. Chapter 562, relating to beverage law enforcement.
- 7           10. Section 624.401, relating to transacting insurance  
8 without a certificate of authority, s. 624.437(4)(c)1.,  
9 relating to operating an unauthorized multiple-employer  
10 welfare arrangement, or s. 626.902(1)(b), relating to  
11 representing or aiding an unauthorized insurer.
- 12           11. Chapter 687, relating to interest and usurious  
13 practices.
- 14           12. Section 721.08, s. 721.09, or s. 721.13, relating  
15 to real estate timeshare plans.
- 16           13. Chapter 782, relating to homicide.
- 17           14. Chapter 784, relating to assault and battery.
- 18           15. Chapter 787, relating to kidnapping or human  
19 trafficking.
- 20           16. Chapter 790, relating to weapons and firearms.
- 21           17. Section 796.03, s. 796.04, s. 796.05, or s.  
22 796.07, relating to prostitution.
- 23           18. Chapter 806, relating to arson.
- 24           19. Section 810.02(2)(c), relating to specified  
25 burglary of a dwelling or structure.
- 26           20. Chapter 812, relating to theft, robbery, and  
27 related crimes.
- 28           21. Chapter 815, relating to computer-related crimes.
- 29           22. Chapter 817, relating to fraudulent practices,  
30 false pretenses, fraud generally, and credit card crimes.
- 31

- 1           23. Section 827.071, relating to commercial sexual  
2 exploitation of children.
- 3           24. Chapter 831, relating to forgery and  
4 counterfeiting.
- 5           25. Chapter 832, relating to issuance of worthless  
6 checks and drafts.
- 7           26. Section 836.05, relating to extortion.
- 8           27. Chapter 837, relating to perjury.
- 9           28. Chapter 838, relating to bribery and misuse of  
10 public office.
- 11          29. Chapter 843, relating to obstruction of justice.
- 12          30. Section 847.011, s. 847.012, s. 847.013, s.  
13 847.06, or s. 847.07, relating to obscene literature and  
14 profanity.
- 15          31. Section 849.09, s. 849.14, s. 849.15, s. 849.23,  
16 or s. 849.25, relating to gambling.
- 17          32. Chapter 893, relating to drug abuse prevention and  
18 control.
- 19          33. Section 914.22 or s. 914.23, relating to  
20 witnesses, victims, or informants.
- 21          34. Section 918.12 or s. 918.13, relating to tampering  
22 with jurors and evidence.
- 23           (b) Any conduct which is subject to indictment or  
24 information as a criminal offense and listed in 18 U.S.C. s.  
25 1961(1) (A), (B), (C), or (D).
- 26          Section 3. Subsection (1) of section 895.02, Florida  
27 Statutes, is amended to read:
- 28           895.02 Definitions.--As used in ss. 895.01-895.08, the  
29 term:  
30  
31

1           (1) "Racketeering activity" means to commit, to  
2 attempt to commit, to conspire to commit, or to solicit,  
3 coerce, or intimidate another person to commit:

4           (a) Any crime which is chargeable by indictment or  
5 information under the following provisions of the Florida  
6 Statutes:

7           1. Section 210.18, relating to evasion of payment of  
8 cigarette taxes.

9           2. Section 403.727(3)(b), relating to environmental  
10 control.

11           3. Section 409.920 or s. 409.9201, relating to  
12 Medicaid fraud.

13           4. Section 414.39, relating to public assistance  
14 fraud.

15           5. Section 440.105 or s. 440.106, relating to workers'  
16 compensation.

17           6. Section 443.071(4), relating to creation of a  
18 fictitious employer scheme to commit unemployment compensation  
19 fraud.

20           7. Section 465.0161, relating to distribution of  
21 medicinal drugs without a permit as an Internet pharmacy.

22           8. Sections 499.0051, 499.0052, 499.00535, 499.00545,  
23 and 499.0691, relating to crimes involving contraband and  
24 adulterated drugs.

25           9. Part IV of chapter 501, relating to telemarketing.

26           10. Chapter 517, relating to sale of securities and  
27 investor protection.

28           11. Section 550.235, s. 550.3551, or s. 550.3605,  
29 relating to dogracing and horseracing.

30           12. Chapter 550, relating to jai alai frontons.  
31

- 1           13. Chapter 552, relating to the manufacture,  
2 distribution, and use of explosives.
- 3           14. Chapter 560, relating to money transmitters, if  
4 the violation is punishable as a felony.
- 5           15. Chapter 562, relating to beverage law enforcement.
- 6           16. Section 624.401, relating to transacting insurance  
7 without a certificate of authority, s. 624.437(4)(c)1.,  
8 relating to operating an unauthorized multiple-employer  
9 welfare arrangement, or s. 626.902(1)(b), relating to  
10 representing or aiding an unauthorized insurer.
- 11           17. Section 655.50, relating to reports of currency  
12 transactions, when such violation is punishable as a felony.
- 13           18. Chapter 687, relating to interest and usurious  
14 practices.
- 15           19. Section 721.08, s. 721.09, or s. 721.13, relating  
16 to real estate timeshare plans.
- 17           20. Chapter 782, relating to homicide.
- 18           21. Chapter 784, relating to assault and battery.
- 19           22. Chapter 787, relating to kidnapping or human  
20 trafficking.
- 21           23. Chapter 790, relating to weapons and firearms.
- 22           24. Section 796.03, s. 796.035, s. 796.04, s. 796.045,  
23 s. 796.05, or s. 796.07, relating to prostitution and sex  
24 trafficking.
- 25           25. Chapter 806, relating to arson.
- 26           26. Section 810.02(2)(c), relating to specified  
27 burglary of a dwelling or structure.
- 28           27. Chapter 812, relating to theft, robbery, and  
29 related crimes.
- 30           28. Chapter 815, relating to computer-related crimes.
- 31



- 1           29. Chapter 817, relating to fraudulent practices,  
2 false pretenses, fraud generally, and credit card crimes.
- 3           30. Chapter 825, relating to abuse, neglect, or  
4 exploitation of an elderly person or disabled adult.
- 5           31. Section 827.071, relating to commercial sexual  
6 exploitation of children.
- 7           32. Chapter 831, relating to forgery and  
8 counterfeiting.
- 9           33. Chapter 832, relating to issuance of worthless  
10 checks and drafts.
- 11          34. Section 836.05, relating to extortion.
- 12          35. Chapter 837, relating to perjury.
- 13          36. Chapter 838, relating to bribery and misuse of  
14 public office.
- 15          37. Chapter 843, relating to obstruction of justice.
- 16          38. Section 847.011, s. 847.012, s. 847.013, s.  
17 847.06, or s. 847.07, relating to obscene literature and  
18 profanity.
- 19          39. Section 849.09, s. 849.14, s. 849.15, s. 849.23,  
20 or s. 849.25, relating to gambling.
- 21          40. Chapter 874, relating to criminal street gangs.
- 22          41. Chapter 893, relating to drug abuse prevention and  
23 control.
- 24          42. Chapter 896, relating to offenses related to  
25 financial transactions.
- 26          43. Sections 914.22 and 914.23, relating to tampering  
27 with a witness, victim, or informant, and retaliation against  
28 a witness, victim, or informant.
- 29          44. Sections 918.12 and 918.13, relating to tampering  
30 with jurors and evidence.
- 31

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

3 Section 4. For the purpose of incorporating the  
4 amendment made by this act to section 895.02, Florida  
5 Statutes, in a reference thereto, paragraph (a) of subsection  
6 (1) of section 16.56, 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;

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

8           10. Any violation of the provisions of the Florida  
9           Motor Fuel Tax Relief Act of 2004;

10          11. Any criminal violation of s. 409.920 or s.  
11          409.9201; or

12          12. Any crime involving voter registration, voting, or  
13          candidate or issue petition activities;

14  
15          or any attempt, solicitation, or conspiracy to commit any of  
16          the crimes specifically enumerated above. The office shall  
17          have such power only when any such offense is occurring, or  
18          has occurred, in two or more judicial circuits as part of a  
19          related transaction, or when any such offense is connected  
20          with an organized criminal conspiracy affecting two or more  
21          judicial circuits.

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

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

30                 (3) As used in this section, the term:  
31

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

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

8 896.101 Florida Money Laundering Act; definitions;  
9 penalties; injunctions; seizure warrants; immunity.--

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

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

13 Section 7. For the purpose of incorporating the  
14 amendment made by this act to section 895.02, Florida  
15 Statutes, in a reference thereto, section 905.34, Florida  
16 Statutes, is reenacted to read:

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

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

25 (2) Crimes involving narcotic or other dangerous  
26 drugs;

27 (3) Any violation of the provisions of the Florida  
28 RICO (Racketeer Influenced and Corrupt Organization) Act,  
29 including any offense listed in the definition of racketeering  
30 activity in s. 895.02(1)(a), providing such listed offense is  
31 investigated in connection with a violation of s. 895.03 and

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

6 |       (4) Any violation of the provisions of the Florida  
7 | Anti-Fencing Act;

8 |       (5) Any violation of the provisions of the Florida  
9 | Antitrust Act of 1980, as amended;

10 |       (6) Any violation of the provisions of chapter 815;

11 |       (7) Any crime involving, or resulting in, fraud or  
12 | deceit upon any person;

13 |       (8) Any violation of s. 847.0135, s. 847.0137, or s.  
14 | 847.0138 relating to computer pornography and child  
15 | exploitation prevention, or any offense related to a violation  
16 | of s. 847.0135, s. 847.0137, or s. 847.0138;

17 |       (9) Any criminal violation of part I of chapter 499;  
18 | or

19 |       (10) Any criminal violation of s. 409.920 or s.  
20 | 409.9201;

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

1 the county where the offense was committed. The powers and  
 2 duties of, and law applicable to, county grand juries shall  
 3 apply to a statewide grand jury except when such powers,  
 4 duties, and law are inconsistent with the provisions of ss.  
 5 905.31-905.40.

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

7  
 8 \*\*\*\*\*

9 SENATE SUMMARY

10 Redefines the term "forced labor or services" to include  
 11 labor coerced from a person when the person's  
 12 identification documents are destroyed, concealed, or  
 13 withheld by another. Requires the Florida Court  
 14 Educational Council to establish standards for  
 15 instructing circuit and county court judges on matters  
 16 relating to victims of human trafficking. Expands the  
 17 definition of the term "criminal activity" to include the  
 18 offense of human trafficking for purposes of seeking  
 19 civil remedies for criminal offenses. Redefines the term  
 20 "racketeering activity" to include the offense of human  
 21 trafficking for purposes of the Florida RICO Act.  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31