

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; defining the term "financial harm";  
5           redefining the term "forced labor or services"  
6           to include circumstances involving the use of  
7           fraud or coercion against a person, the use of  
8           certain debt practices, and the destruction,  
9           concealing, or withholding of a person's  
10          identification documents; providing for  
11          attempted human trafficking to be an equal  
12          crime to human trafficking; prohibiting  
13          knowingly benefiting financially or receiving  
14          anything of value from human trafficking when  
15          the trafficked person engages in forced labor  
16          or services; providing criminal penalties;  
17          requiring the Criminal Justice Standards and  
18          Training Commission to establish specified  
19          standards concerning human trafficking  
20          programs; requiring certain law enforcement  
21          officer basic skills courses to include  
22          training on human trafficking crime prevention  
23          and investigation; requiring state attorneys to  
24          develop standards of instruction for  
25          prosecutors concerning human trafficking  
26          crimes; amending s. 772.102, F.S.; expanding  
27          the definition of the term "criminal activity"  
28          to include the offense of human trafficking and  
29          the offense of sex trafficking for purposes of  
30          seeking civil remedies for criminal offenses;  
31          amending s. 772.104, F.S.; revising a civil

1 cause of action relating to injuries by reason  
2 of criminal activity; providing for alternative  
3 damages for violations relating to sex  
4 trafficking and human trafficking; amending s.  
5 895.02, F.S.; redefining the term "racketeering  
6 activity" to include the offense of human  
7 trafficking for purposes of the Florida RICO  
8 Act; reenacting ss. 655.50(3)(g),  
9 896.101(2)(g), and 905.34, F.S., relating to  
10 the definition of "specified unlawful activity"  
11 in a law prohibiting money laundering in  
12 financial institutions and in the Florida Money  
13 Laundering Act and to the subject matter  
14 jurisdiction of a statewide grand jury, to  
15 incorporate the amendments made to s. 895.02,  
16 F.S., in references thereto; providing an  
17 effective date.

18

19 Be It Enacted by the Legislature of the State of Florida:

20

21 Section 1. Section 787.06, Florida Statutes, is  
22 amended to read:

23 787.06 Human trafficking.--

24 (1)(a) The Legislature finds that human trafficking is  
25 a form of modern-day slavery. Victims of human trafficking are  
26 young children, teenagers, and adults. Thousands of victims  
27 are trafficked annually across international borders  
28 worldwide. Many of these victims are trafficked into this  
29 state. The Legislature finds that victims of human trafficking  
30 are subjected to force, fraud, or coercion for the purpose of  
31 sexual exploitation or forced labor.

1           (b) The Legislature finds that while many victims of  
2 human trafficking are forced to work in prostitution or the  
3 sexual entertainment industry, trafficking also occurs in  
4 forms of labor exploitation, such as domestic servitude,  
5 restaurant work, janitorial work, sweatshop factory work, and  
6 migrant agricultural work.

7           (c) The Legislature finds that traffickers use various  
8 techniques to instill fear in victims and to keep them  
9 enslaved. Some traffickers keep their victims under lock and  
10 key. However, the most frequently used practices are less  
11 obvious techniques that include isolating victims from the  
12 public and family members; confiscating passports, visas, or  
13 other identification documents; using or threatening to use  
14 violence toward victims or their families; telling victims  
15 that they will be imprisoned or deported for immigration  
16 violations if they contact authorities; and controlling the  
17 victims' funds by holding the money ostensibly for  
18 safekeeping.

19           (d) It is the intent of the Legislature that the  
20 perpetrators of human trafficking be penalized for their  
21 illegal conduct and that the victims of trafficking be  
22 protected and assisted by this state and its agencies. In  
23 furtherance of this policy, it is the intent of the  
24 Legislature that the state Supreme Court, The Florida Bar, and  
25 relevant state agencies prepare and implement training  
26 programs in order that judges, attorneys, law enforcement  
27 personnel, investigators, and others are able to identify  
28 traffickers and victims of human trafficking and direct  
29 victims to appropriate agencies for assistance. It is the  
30 intent of the Legislature that the Department of Children and  
31 Family Services and other state agencies cooperate with other

1 state and federal agencies to ensure that victims of human  
2 trafficking can access social services and benefits to  
3 alleviate their plight.

4 ~~(2)(1)~~ As used in this section, the term:

5 (a) "Financial harm" includes extortionate extension  
6 of credit, loan sharking as defined in s. 687.071, or  
7 employment contracts that violate the statute of frauds as  
8 provided in s. 725.01.

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

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

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

16 3. Using lending or other credit methods to establish  
17 a debt by that person or another person when labor or services  
18 are pledged as a security for the debt, if the value of the  
19 labor or services as reasonably assessed is not applied toward  
20 the liquidation of the debt, the length and nature of the  
21 labor, or services are not respectively limited and defined;

22 4. Destroying, concealing, removing, confiscating,  
23 withholding, or possessing any actual or purported passport,  
24 visa, or other immigration document, or any other actual or  
25 purported government identification document, of that person  
26 or another person;

27 5. Causing or threatening to cause financial harm to  
28 any person; or

29 6. Fraud or coercion.  
30  
31

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

4           ~~(d)~~ "Maintain," when used in relation to labor  
5 services, means to secure continued performance thereof,  
6 regardless of any initial agreement on the part of the victim  
7 to perform such type service.

8           ~~(3)(2)~~ Any person who knowingly:

9           ~~(a)~~ Engages, or attempts to engage, in human  
10 trafficking with the intent or knowledge that the trafficked  
11 person will be subjected to engage in forced labor or  
12 services; or

13           ~~(b)~~ Benefits financially by receiving anything of  
14 value from participation in a venture that has subjected a  
15 person to forced labor or services;

16  
17 commits a felony of the second degree, punishable as provided  
18 in s. 775.082, s. 775.083, or s. 775.084.

19           ~~(4)~~ The Criminal Justice Standards and Training  
20 Commission shall establish standards for basic and advanced  
21 training programs for law enforcement officers in the subjects  
22 of investigating and preventing human trafficking crimes.  
23 After January 1, 2007, every basic skills course required for  
24 law enforcement officers to obtain initial certification must  
25 include training on human trafficking crime prevention and  
26 investigation.

27           ~~(5)~~ Each state attorney shall develop standards of  
28 instruction for prosecutors to receive training on the  
29 investigation and prosecution of human trafficking crimes and  
30 shall provide for periodic and timely instruction.

31

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

3           772.102 Definitions.--As used in this chapter, the  
4 term:

5           (1) "Criminal activity" means to commit, to attempt to  
6 commit, to conspire to commit, or to solicit, coerce, or  
7 intimidate another person to commit:

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

10           1. Section 210.18, relating to evasion of payment of  
11 cigarette taxes.

12           2. Section 414.39, relating to public assistance  
13 fraud.

14           3. Section 440.105 or s. 440.106, relating to workers'  
15 compensation.

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

17           5. Chapter 517, relating to securities transactions.

18           6. Section 550.235, s. 550.3551, or s. 550.3605,  
19 relating to dogracing and horseracing.

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

21           8. Chapter 552, relating to the manufacture,  
22 distribution, and use of explosives.

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

24           10. Section 624.401, relating to transacting insurance  
25 without a certificate of authority, s. 624.437(4)(c)1.,  
26 relating to operating an unauthorized multiple-employer  
27 welfare arrangement, or s. 626.902(1)(b), relating to  
28 representing or aiding an unauthorized insurer.

29           11. Chapter 687, relating to interest and usurious  
30 practices.

31

- 1           12. Section 721.08, s. 721.09, or s. 721.13, relating  
2 to real estate timeshare plans.
- 3           13. Chapter 782, relating to homicide.
- 4           14. Chapter 784, relating to assault and battery.
- 5           15. Chapter 787, relating to kidnapping or human  
6 trafficking.
- 7           16. Chapter 790, relating to weapons and firearms.
- 8           17. Section 796.03, s. 796.04, s. 796.045, s. 796.05,  
9 or s. 796.07, relating to prostitution.
- 10          18. Chapter 806, relating to arson.
- 11          19. Section 810.02(2)(c), relating to specified  
12 burglary of a dwelling or structure.
- 13          20. Chapter 812, relating to theft, robbery, and  
14 related crimes.
- 15          21. Chapter 815, relating to computer-related crimes.
- 16          22. Chapter 817, relating to fraudulent practices,  
17 false pretenses, fraud generally, and credit card crimes.
- 18          23. Section 827.071, relating to commercial sexual  
19 exploitation of children.
- 20          24. Chapter 831, relating to forgery and  
21 counterfeiting.
- 22          25. Chapter 832, relating to issuance of worthless  
23 checks and drafts.
- 24          26. Section 836.05, relating to extortion.
- 25          27. Chapter 837, relating to perjury.
- 26          28. Chapter 838, relating to bribery and misuse of  
27 public office.
- 28          29. Chapter 843, relating to obstruction of justice.
- 29          30. 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           31. Section 849.09, s. 849.14, s. 849.15, s. 849.23,  
2 or s. 849.25, relating to gambling.

3           32. Chapter 893, relating to drug abuse prevention and  
4 control.

5           33. Section 914.22 or s. 914.23, relating to  
6 witnesses, victims, or informants.

7           34. Section 918.12 or s. 918.13, relating to tampering  
8 with jurors and evidence.

9           (b) Any conduct which is subject to indictment or  
10 information as a criminal offense and listed in 18 U.S.C. s.  
11 1961(1) (A), (B), (C), or (D).

12           Section 3. Section 772.104, Florida Statutes, is  
13 amended to read:

14           772.104 Civil cause of action.--

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

22           (2) As an alternative to recovery under subsection  
23 (1), any person who proves by clear and convincing evidence  
24 that he or she has been injured by reason of any violation of  
25 the provisions of s. 772.103 due to sex trafficking or human  
26 trafficking shall have a cause of action for threefold the  
27 amount gained from the sex trafficking or human trafficking  
28 and in any such action is entitled to minimum damages in the  
29 amount of \$200 and reasonable attorney's fees and court costs  
30 in the trial and appellate courts.

31



1           (3) In no event shall punitive damages be awarded  
2 under this section. The defendant shall be entitled to recover  
3 reasonable attorney's fees and court costs in the trial and  
4 appellate courts upon a finding that the claimant raised a  
5 claim which was without substantial fact or legal support. In  
6 awarding attorney's fees and costs under this section, the  
7 court shall not consider the ability of the opposing party to  
8 pay such fees and costs. Nothing under this section shall be  
9 interpreted as limiting any right to recover attorney's fees  
10 or costs provided under other provisions of law.

11           Section 4. Subsection (1) of section 895.02, Florida  
12 Statutes, as amended by section 3 of chapter 2005-362, Laws of  
13 Florida, is amended to read:

14           895.02 Definitions.--As used in ss. 895.01-895.08, the  
15 term:

16           (1) "Racketeering activity" means to commit, to  
17 attempt to commit, to conspire to commit, or to solicit,  
18 coerce, or intimidate another person to commit:

19           (a) Any crime that ~~which~~ is chargeable by indictment  
20 or information under the following provisions of the Florida  
21 Statutes:

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

24           2. Section 403.727(3)(b), relating to environmental  
25 control.

26           3. Section 409.920 or s. 409.9201, relating to  
27 Medicaid fraud.

28           4. Section 414.39, relating to public assistance  
29 fraud.

30           5. Section 440.105 or s. 440.106, relating to workers'  
31 compensation.

- 1           6. Section 443.071(4), relating to creation of a  
2 fictitious employer scheme to commit unemployment compensation  
3 fraud.
- 4           7. Section 465.0161, relating to distribution of  
5 medicinal drugs without a permit as an Internet pharmacy.
- 6           8. Sections 499.0051, 499.0052, 499.00535, 499.00545,  
7 and 499.0691, relating to crimes involving contraband and  
8 adulterated drugs.
- 9           9. Part IV of chapter 501, relating to telemarketing.
- 10          10. Chapter 517, relating to sale of securities and  
11 investor protection.
- 12          11. Section 550.235, s. 550.3551, or s. 550.3605,  
13 relating to dogracing and horseracing.
- 14          12. Chapter 550, relating to jai alai frontons.
- 15          13. Section 551.109, relating to slot machine gaming.
- 16          14. Chapter 552, relating to the manufacture,  
17 distribution, and use of explosives.
- 18          15. Chapter 560, relating to money transmitters, if  
19 the violation is punishable as a felony.
- 20          16. Chapter 562, relating to beverage law enforcement.
- 21          17. 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          18. Section 655.50, relating to reports of currency  
27 transactions, when such violation is punishable as a felony.
- 28          19. Chapter 687, relating to interest and usurious  
29 practices.
- 30          20. Section 721.08, s. 721.09, or s. 721.13, relating  
31 to real estate timeshare plans.

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

4           40. Section 849.09, s. 849.14, s. 849.15, s. 849.23,  
5 or s. 849.25, relating to gambling.

6           41. Chapter 874, relating to criminal street gangs.

7           42. Chapter 893, relating to drug abuse prevention and  
8 control.

9           43. Chapter 896, relating to offenses related to  
10 financial transactions.

11           44. Sections 914.22 and 914.23, relating to tampering  
12 with a witness, victim, or informant, and retaliation against  
13 a witness, victim, or informant.

14           45. Sections 918.12 and 918.13, relating to tampering  
15 with jurors and evidence.

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

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

22           655.50 Florida Control of Money Laundering in  
23 Financial Institutions Act; reports of transactions involving  
24 currency or monetary instruments; when required; purpose;  
25 definitions; penalties.--

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

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

29           Section 6. For the purpose of incorporating the  
30 amendment made by this act to section 895.02, Florida  
31 Statutes, in a reference thereto, paragraph (g) of subsection

1 (2) of section 896.101, Florida Statutes, is reenacted to  
2 read:

3 896.101 Florida Money Laundering Act; definitions;  
4 penalties; injunctions; seizure warrants; immunity.--

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

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

8 Section 7. For the purpose of incorporating the  
9 amendment made by this act to section 895.02, Florida  
10 Statutes, in a reference thereto, section 905.34, Florida  
11 Statutes, is reenacted to read:

12 905.34 Powers and duties; law applicable.--The  
13 jurisdiction of a statewide grand jury impaneled under this  
14 chapter shall extend throughout the state. The subject matter  
15 jurisdiction of the statewide grand jury shall be limited to  
16 the offenses of:

17 (1) Bribery, burglary, carjacking, home-invasion  
18 robbery, criminal usury, extortion, gambling, kidnapping,  
19 larceny, murder, prostitution, perjury, and robbery;

20 (2) Crimes involving narcotic or other dangerous  
21 drugs;

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

1           (4) Any violation of the provisions of the Florida  
2 Anti-Fencing Act;

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

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

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

8           (8) Any violation of s. 847.0135, s. 847.0137, or s.  
9 847.0138 relating to computer pornography and child  
10 exploitation prevention, or any offense related to a violation  
11 of s. 847.0135, s. 847.0137, or s. 847.0138;

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

14           (10) Any criminal violation of s. 409.920 or s.  
15 409.9201;

16  
17 or any attempt, solicitation, or conspiracy to commit any  
18 violation of the crimes specifically enumerated above, when  
19 any such offense is occurring, or has occurred, in two or more  
20 judicial circuits as part of a related transaction or when any  
21 such offense is connected with an organized criminal  
22 conspiracy affecting two or more judicial circuits. The  
23 statewide grand jury may return indictments and presentments  
24 irrespective of the county or judicial circuit where the  
25 offense is committed or triable. If an indictment is returned,  
26 it shall be certified and transferred for trial to the county  
27 where the offense was committed. The powers and duties of, and  
28 law applicable to, county grand juries shall apply to a  
29 statewide grand jury except when such powers, duties, and law  
30 are inconsistent with the provisions of ss. 905.31-905.40.

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