

1 A bill to be entitled
 2 An act relating to human trafficking; amending s. 787.06,
 3 F.S.; providing legislative findings and intent;
 4 redefining the term "forced labor or services" to include
 5 labor coerced from a person when the person's
 6 identification documents are destroyed, concealed, or
 7 withheld by another; directing the Florida Court
 8 Educational Council to establish standards for instructing
 9 circuit and county court judges on matters relating to
 10 victims of human trafficking; directing the council to
 11 provide for periodic and timely instruction; amending s.
 12 772.102, F.S.; expanding the definition of the term
 13 "criminal activity" to include the offense of human
 14 trafficking for purposes of seeking civil remedies for
 15 criminal offenses; amending s. 895.02, F.S.; redefining
 16 the term "racketeering activity" to include the offense of
 17 human trafficking for purposes of the Florida RICO Act;
 18 reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g),
 19 and 905.34, F.S., relating to the authority of the Office
 20 of the Statewide Prosecutor, the definition of "specified
 21 unlawful activity" in a law prohibiting money laundering
 22 in financial institutions and in the Florida Money
 23 Laundering Act, and the subject matter jurisdiction of a
 24 statewide grand jury, to incorporate the amendments made
 25 to s. 895.02, F.S., in references thereto; providing an
 26 effective date.

27
 28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 787.06, Florida Statutes, is amended to
31 read:

32 787.06 Human trafficking.--

33 (1)(a) The Legislature finds that human trafficking is a
34 form of modern-day slavery. Victims of human trafficking are
35 young children, teenagers, and adults. Thousands of victims are
36 trafficked annually across international borders worldwide. Many
37 of these victims are trafficked into this state. The Legislature
38 finds that victims of human trafficking are subjected to force,
39 fraud, or coercion for the purpose of sexual exploitation or
40 forced labor.

41 (b) The Legislature finds that while many victims of human
42 trafficking are forced to work in prostitution or the sexual
43 entertainment industry, trafficking also occurs in forms of
44 labor exploitation, such as domestic servitude, restaurant work,
45 janitorial work, sweatshop factory work, and migrant
46 agricultural work.

47 (c) The Legislature finds that traffickers use various
48 techniques to instill fear in victims and to keep them enslaved.
49 Some traffickers keep their victims under lock and key. However,
50 the most frequently used practices are less-obvious techniques
51 that include isolating victims from the public and family
52 members; confiscating passports, visas, or other identification
53 documents; using or threatening to use violence toward victims
54 or their families; telling victims that they will be imprisoned
55 or deported for immigration violations if they contact
56 authorities; and controlling the victims' funds by holding the

57 money for "safekeeping."

58 (d) It is the intent of the Legislature that the
 59 perpetrators of human trafficking be penalized for their illegal
 60 conduct and that the victims of trafficking be protected and
 61 assisted by this state and its agencies. In furtherance of this
 62 policy, it is the intent of the Legislature that the State
 63 Supreme Court, The Florida Bar, and relevant state agencies
 64 prepare and implement training programs in order that judges,
 65 attorneys, law enforcement personnel, investigators, and others
 66 are able to identify traffickers and victims of human
 67 trafficking and direct victims to appropriate agencies for
 68 assistance. It is the intent of the Legislature that the
 69 Department of Children and Family Services and other state
 70 agencies cooperate with other state and federal agencies to
 71 ensure that victims of human trafficking can access social
 72 services and benefits to alleviate their plight.

73 (2)(1) As used in this section, the term:

74 (a) "Forced labor or services" means labor or services
 75 obtained from a person by:

76 1. Using or threatening to use physical force against that
 77 person or another person; ~~or~~

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

81 3. Destroying, concealing, removing, confiscating,
 82 withholding, or possessing any actual or purported passport,
 83 visa, or other immigration document, or any other actual or
 84 purported government identification document, of that person or

85 another person.

86 (b) "Human trafficking" means transporting, soliciting,
87 recruiting, harboring, providing, or obtaining another person
88 for transport.

89 ~~(3)(2)~~ Any person who knowingly engages in human
90 trafficking with the intent that the trafficked person engage in
91 forced labor or services commits a felony of the second degree,
92 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

93 (4) The Florida Court Educational Council shall establish
94 standards of instruction for circuit and county court judges who
95 hear cases involving victims of human trafficking and shall
96 provide for periodic and timely instruction.

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

99 772.102 Definitions.--As used in this chapter, the term:

100 (1) "Criminal activity" means to commit, to attempt to
101 commit, to conspire to commit, or to solicit, coerce, or
102 intimidate another person to commit:

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

105 1. Section 210.18, relating to evasion of payment of
106 cigarette taxes.

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

108 3. Section 440.105 or s. 440.106, relating to workers'
109 compensation.

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

111 5. Chapter 517, relating to securities transactions.

112 6. Section 550.235, s. 550.3551, or s. 550.3605, relating

- 113 | to dogracing and horseracing.
- 114 | 7. Chapter 550, relating to jai alai frontons.
- 115 | 8. Chapter 552, relating to the manufacture, distribution,
116 | and use of explosives.
- 117 | 9. Chapter 562, relating to beverage law enforcement.
- 118 | 10. Section 624.401, relating to transacting insurance
119 | without a certificate of authority, s. 624.437(4)(c)1., relating
120 | to operating an unauthorized multiple-employer welfare
121 | arrangement, or s. 626.902(1)(b), relating to representing or
122 | aiding an unauthorized insurer.
- 123 | 11. Chapter 687, relating to interest and usurious
124 | practices.
- 125 | 12. Section 721.08, s. 721.09, or s. 721.13, relating to
126 | real estate timeshare plans.
- 127 | 13. Chapter 782, relating to homicide.
- 128 | 14. Chapter 784, relating to assault and battery.
- 129 | 15. Chapter 787, relating to kidnapping or human
130 | trafficking.
- 131 | 16. Chapter 790, relating to weapons and firearms.
- 132 | 17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07,
133 | relating to prostitution.
- 134 | 18. Chapter 806, relating to arson.
- 135 | 19. Section 810.02(2)(c), relating to specified burglary
136 | of a dwelling or structure.
- 137 | 20. Chapter 812, relating to theft, robbery, and related
138 | crimes.
- 139 | 21. Chapter 815, relating to computer-related crimes.
- 140 | 22. Chapter 817, relating to fraudulent practices, false

141 | pretenses, fraud generally, and credit card crimes.
 142 | 23. Section 827.071, relating to commercial sexual
 143 | exploitation of children.
 144 | 24. Chapter 831, relating to forgery and counterfeiting.
 145 | 25. Chapter 832, relating to issuance of worthless checks
 146 | and drafts.
 147 | 26. Section 836.05, relating to extortion.
 148 | 27. Chapter 837, relating to perjury.
 149 | 28. Chapter 838, relating to bribery and misuse of public
 150 | office.
 151 | 29. Chapter 843, relating to obstruction of justice.
 152 | 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 153 | s. 847.07, relating to obscene literature and profanity.
 154 | 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 155 | 849.25, relating to gambling.
 156 | 32. Chapter 893, relating to drug abuse prevention and
 157 | control.
 158 | 33. Section 914.22 or s. 914.23, relating to witnesses,
 159 | victims, or informants.
 160 | 34. Section 918.12 or s. 918.13, relating to tampering
 161 | with jurors and evidence.
 162 | (b) Any conduct which is subject to indictment or
 163 | information as a criminal offense and listed in 18 U.S.C. s.
 164 | 1961(1) (A), (B), (C), or (D).
 165 | Section 3. Subsection (1) of section 895.02, Florida
 166 | Statutes, is amended to read:
 167 | 895.02 Definitions.--As used in ss. 895.01-895.08, the
 168 | term:

169 (1) "Racketeering activity" means to commit, to attempt to
 170 commit, to conspire to commit, or to solicit, coerce, or
 171 intimidate another person to commit:

172 (a) Any crime that ~~which~~ is chargeable by indictment or
 173 information under the following provisions of the Florida
 174 Statutes:

175 1. Section 210.18, relating to evasion of payment of
 176 cigarette taxes.

177 2. Section 403.727(3)(b), relating to environmental
 178 control.

179 3. Section 409.920 or s. 409.9201, relating to Medicaid
 180 fraud.

181 4. Section 414.39, relating to public assistance fraud.

182 5. Section 440.105 or s. 440.106, relating to workers'
 183 compensation.

184 6. Section 443.071(4), relating to creation of a
 185 fictitious employer scheme to commit unemployment compensation
 186 fraud.

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

189 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
 190 499.0691, relating to crimes involving contraband and
 191 adulterated drugs.

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

193 10. Chapter 517, relating to sale of securities and
 194 investor protection.

195 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
 196 to dogracing and horseracing.

- 197 | 12. Chapter 550, relating to jai alai frontons.
- 198 | 13. Chapter 552, relating to the manufacture,
- 199 | distribution, and use of explosives.
- 200 | 14. Chapter 560, relating to money transmitters, if the
- 201 | violation is punishable as a felony.
- 202 | 15. Chapter 562, relating to beverage law enforcement.
- 203 | 16. Section 624.401, relating to transacting insurance
- 204 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 205 | to operating an unauthorized multiple-employer welfare
- 206 | arrangement, or s. 626.902(1)(b), relating to representing or
- 207 | aiding an unauthorized insurer.
- 208 | 17. Section 655.50, relating to reports of currency
- 209 | transactions, when such violation is punishable as a felony.
- 210 | 18. Chapter 687, relating to interest and usurious
- 211 | practices.
- 212 | 19. Section 721.08, s. 721.09, or s. 721.13, relating to
- 213 | real estate timeshare plans.
- 214 | 20. Chapter 782, relating to homicide.
- 215 | 21. Chapter 784, relating to assault and battery.
- 216 | 22. Chapter 787, relating to kidnapping or human
- 217 | trafficking.
- 218 | 23. Chapter 790, relating to weapons and firearms.
- 219 | 24. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 220 | 796.05, or s. 796.07, relating to prostitution and sex
- 221 | trafficking.
- 222 | 25. Chapter 806, relating to arson.
- 223 | 26. Section 810.02(2)(c), relating to specified burglary
- 224 | of a dwelling or structure.

- 225 | 27. Chapter 812, relating to theft, robbery, and related
- 226 | crimes.
- 227 | 28. Chapter 815, relating to computer-related crimes.
- 228 | 29. Chapter 817, relating to fraudulent practices, false
- 229 | pretenses, fraud generally, and credit card crimes.
- 230 | 30. Chapter 825, relating to abuse, neglect, or
- 231 | exploitation of an elderly person or disabled adult.
- 232 | 31. Section 827.071, relating to commercial sexual
- 233 | exploitation of children.
- 234 | 32. Chapter 831, relating to forgery and counterfeiting.
- 235 | 33. Chapter 832, relating to issuance of worthless checks
- 236 | and drafts.
- 237 | 34. Section 836.05, relating to extortion.
- 238 | 35. Chapter 837, relating to perjury.
- 239 | 36. Chapter 838, relating to bribery and misuse of public
- 240 | office.
- 241 | 37. Chapter 843, relating to obstruction of justice.
- 242 | 38. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 243 | s. 847.07, relating to obscene literature and profanity.
- 244 | 39. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 245 | 849.25, relating to gambling.
- 246 | 40. Chapter 874, relating to criminal street gangs.
- 247 | 41. Chapter 893, relating to drug abuse prevention and
- 248 | control.
- 249 | 42. Chapter 896, relating to offenses related to financial
- 250 | transactions.
- 251 | 43. Sections 914.22 and 914.23, relating to tampering with
- 252 | a witness, victim, or informant, and retaliation against a

253 witness, victim, or informant.

254 44. Sections 918.12 and 918.13, relating to tampering with
255 jurors and evidence.

256 (b) Any conduct defined as "racketeering activity" under
257 18 U.S.C. s. 1961(1).

258 Section 4. For the purpose of incorporating the amendment
259 made by this act to section 895.02, Florida Statutes, in a
260 reference thereto, paragraph (a) of subsection (1) of section
261 16.56, Florida Statutes, is reenacted to read:

262 16.56 Office of Statewide Prosecution.--

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

267 (a) Investigate and prosecute the offenses of:

268 1. Bribery, burglary, criminal usury, extortion, gambling,
269 kidnapping, larceny, murder, prostitution, perjury, robbery,
270 carjacking, and home-invasion robbery;

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

272 3. Any violation of the provisions of the Florida RICO
273 (Racketeer Influenced and Corrupt Organization) Act, including
274 any offense listed in the definition of racketeering activity in
275 s. 895.02(1)(a), providing such listed offense is investigated
276 in connection with a violation of s. 895.03 and is charged in a
277 separate count of an information or indictment containing a
278 count charging a violation of s. 895.03, the prosecution of
279 which listed offense may continue independently if the
280 prosecution of the violation of s. 895.03 is terminated for any

281 reason;

282 4. Any violation of the provisions of the Florida Anti-

283 Fencing Act;

284 5. Any violation of the provisions of the Florida

285 Antitrust Act of 1980, as amended;

286 6. Any crime involving, or resulting in, fraud or deceit

287 upon any person;

288 7. Any violation of s. 847.0135, relating to computer

289 pornography and child exploitation prevention, or any offense

290 related to a violation of s. 847.0135;

291 8. Any violation of the provisions of chapter 815;

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

293 10. Any violation of the provisions of the Florida Motor

294 Fuel Tax Relief Act of 2004;

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

296 or

297 12. Any crime involving voter registration, voting, or

298 candidate or issue petition activities;

299

300 or any attempt, solicitation, or conspiracy to commit any of the

301 crimes specifically enumerated above. The office shall have such

302 power only when any such offense is occurring, or has occurred,

303 in two or more judicial circuits as part of a related

304 transaction, or when any such offense is connected with an

305 organized criminal conspiracy affecting two or more judicial

306 circuits.

307 Section 5. For the purpose of incorporating the amendment

308 made by this act to section 895.02, Florida Statutes, in a

309 reference thereto, paragraph (g) of subsection (3) of section
 310 655.50, Florida Statutes, is reenacted to read:

311 655.50 Florida Control of Money Laundering in Financial
 312 Institutions Act; reports of transactions involving currency or
 313 monetary instruments; when required; purpose; definitions;
 314 penalties.--

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

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

318 Section 6. For the purpose of incorporating the amendment
 319 made by this act to section 895.02, Florida Statutes, in a
 320 reference thereto, paragraph (g) of subsection (2) of section
 321 896.101, Florida Statutes, is reenacted to read:

322 896.101 Florida Money Laundering Act; definitions;
 323 penalties; injunctions; seizure warrants; immunity.--

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

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

327 Section 7. For the purpose of incorporating the amendment
 328 made by this act to section 895.02, Florida Statutes, in a
 329 reference thereto, section 905.34, Florida Statutes, is
 330 reenacted to read:

331 905.34 Powers and duties; law applicable.--The
 332 jurisdiction of a statewide grand jury impaneled under this
 333 chapter shall extend throughout the state. The subject matter
 334 jurisdiction of the statewide grand jury shall be limited to the
 335 offenses of:

336 (1) Bribery, burglary, carjacking, home-invasion robbery,

337 criminal usury, extortion, gambling, kidnapping, larceny,
 338 murder, prostitution, perjury, and robbery;
 339 (2) Crimes involving narcotic or other dangerous drugs;
 340 (3) Any violation of the provisions of the Florida RICO
 341 (Racketeer Influenced and Corrupt Organization) Act, including
 342 any offense listed in the definition of racketeering activity in
 343 s. 895.02(1)(a), providing such listed offense is investigated
 344 in connection with a violation of s. 895.03 and is charged in a
 345 separate count of an information or indictment containing a
 346 count charging a violation of s. 895.03, the prosecution of
 347 which listed offense may continue independently if the
 348 prosecution of the violation of s. 895.03 is terminated for any
 349 reason;
 350 (4) Any violation of the provisions of the Florida Anti-
 351 Fencing Act;
 352 (5) Any violation of the provisions of the Florida
 353 Antitrust Act of 1980, as amended;
 354 (6) Any violation of the provisions of chapter 815;
 355 (7) Any crime involving, or resulting in, fraud or deceit
 356 upon any person;
 357 (8) Any violation of s. 847.0135, s. 847.0137, or s.
 358 847.0138 relating to computer pornography and child exploitation
 359 prevention, or any offense related to a violation of s.
 360 847.0135, s. 847.0137, or s. 847.0138;
 361 (9) Any criminal violation of part I of chapter 499; or
 362 (10) Any criminal violation of s. 409.920 or s. 409.9201;
 363
 364 or any attempt, solicitation, or conspiracy to commit any

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365 violation of the crimes specifically enumerated above, when any
366 such offense is occurring, or has occurred, in two or more
367 judicial circuits as part of a related transaction or when any
368 such offense is connected with an organized criminal conspiracy
369 affecting two or more judicial circuits. The statewide grand
370 jury may return indictments and presentments irrespective of the
371 county or judicial circuit where the offense is committed or
372 triable. If an indictment is returned, it shall be certified
373 and transferred for trial to the county where the offense was
374 committed. The powers and duties of, and law applicable to,
375 county grand juries shall apply to a statewide grand jury except
376 when such powers, duties, and law are inconsistent with the
377 provisions of ss. 905.31-905.40.

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