

CHAMBER ACTION

1 The Future of Florida's Families Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to human trafficking; amending s. 787.06,
8 F.S.; providing legislative findings and intent;
9 redefining the term "forced labor or services" to include
10 labor obtained from a person when the person's
11 identification documents are destroyed, concealed, or
12 withheld by another or obtained through fraud or coercion;
13 defining the terms "financial harm" and "maintain";
14 prohibiting benefiting financially or receiving anything
15 of value from participation in a venture that has
16 subjected a person to forced labor or services; providing
17 criminal penalties; directing the Florida Court
18 Educational Council to establish standards for instructing
19 circuit and county court judges on matters relating to
20 victims of human trafficking; directing the council to
21 provide for periodic and timely instruction; amending s.
22 772.102, F.S.; expanding the definition of the term
23 "criminal activity" to include the offense of human

HB 469 CS

2006
CS

24 trafficking for purposes of seeking civil remedies for
 25 criminal offenses; amending s. 772.104, F.S.; providing
 26 that persons who are victims of sex trafficking have a
 27 civil action to recover three times the profit of the sex
 28 trafficking; amending s. 895.02, F.S.; redefining the term
 29 "racketeering activity" to include the offense of human
 30 trafficking for purposes of the Florida RICO Act;
 31 reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g),
 32 and 905.34, F.S., relating to the authority of the Office
 33 of the Statewide Prosecutor, the definition of "specified
 34 unlawful activity" in a law prohibiting money laundering
 35 in financial institutions and in the Florida Money
 36 Laundering Act, and the subject matter jurisdiction of a
 37 statewide grand jury, to incorporate the amendments made
 38 to s. 895.02, F.S., in references thereto; providing an
 39 effective date.

40

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

42

43 Section 1. Section 787.06, Florida Statutes, is amended to
 44 read:

45 787.06 Human trafficking.--

46 (1)(a) The Legislature finds that human trafficking is a
 47 form of modern-day slavery. Victims of human trafficking are
 48 young children, teenagers, and adults. Thousands of victims are
 49 trafficked annually across international borders worldwide. Many
 50 of these victims are trafficked into this state. The Legislature
 51 finds that victims of human trafficking are subjected to force,

HB 469 CS

2006
CS

52 fraud, or coercion for the purpose of sexual exploitation or
53 forced labor.

54 (b) The Legislature finds that while many victims of human
55 trafficking are forced to work in prostitution or the sexual
56 entertainment industry, trafficking also occurs in forms of
57 labor exploitation, such as domestic servitude, restaurant work,
58 janitorial work, sweatshop factory work, and migrant
59 agricultural work.

60 (c) The Legislature finds that traffickers use various
61 techniques to instill fear in victims and to keep them enslaved.
62 Some traffickers keep their victims under lock and key. However,
63 the most frequently used practices are less obvious techniques
64 that include isolating victims from the public and family
65 members; confiscating passports, visas, or other identification
66 documents; using or threatening to use violence toward victims
67 or their families; telling victims that they will be imprisoned
68 or deported for immigration violations if they contact
69 authorities; and controlling the victims' funds by holding the
70 money for "safekeeping."

71 (d) It is the intent of the Legislature that the
72 perpetrators of human trafficking be penalized for their illegal
73 conduct and that the victims of trafficking be protected and
74 assisted by this state and its agencies. In furtherance of this
75 policy, it is the intent of the Legislature that the state
76 Supreme Court, The Florida Bar, and relevant state agencies
77 prepare and implement training programs in order that judges,
78 attorneys, law enforcement personnel, investigators, and others
79 are able to identify traffickers and victims of human

80 trafficking and direct victims to appropriate agencies for
 81 assistance. It is the intent of the Legislature that the
 82 Department of Children and Family Services and other state
 83 agencies cooperate with other state and federal agencies to
 84 ensure that victims of human trafficking can access social
 85 services and benefits to alleviate their plight.

86 (2)~~(1)~~ As used in this section, the term:

87 (a) "Financial harm" includes extortionate extension of
 88 credit, loan sharking as defined in s. 687.071, or employment
 89 contracts that violate the statute of frauds as provided in s.
 90 725.01.

91 (b) "Forced labor or services" means labor or services
 92 obtained from a person by:

93 1. Using or threatening to use physical force against that
 94 person or another person; ~~or~~

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

98 3. Destroying, concealing, removing, confiscating,
 99 withholding, or possessing any actual or purported passport,
 100 visa, or other immigration document, or any other actual or
 101 purported government identification document, of that person or
 102 another person; or

103 4. Fraud or coercion.

104 (c)~~(b)~~ "Human trafficking" means transporting, soliciting,
 105 recruiting, harboring, providing, or obtaining another person
 106 for transport.

107 (d) "Maintain," when used in relation to labor or
 108 services, means to secure continued performance thereof,
 109 regardless of any initial agreement on the part of the victim to
 110 perform such type of service.

111 (3)~~(2)~~ Any person who knowingly:

112 (a) Engages in human trafficking with the intent or
 113 knowledge that the trafficked person will be subjected to engage
 114 in forced labor or services; or

115 (b) Benefits financially or by receiving anything of value
 116 from participation in a venture that has subjected a person to
 117 forced labor or services,

118
 119 commits a felony of the second degree, punishable as provided in
 120 s. 775.082, s. 775.083, or s. 775.084.

121 (4) The Florida Court Educational Council shall establish
 122 standards of instruction for circuit and county court judges who
 123 hear cases involving victims of human trafficking and shall
 124 provide for periodic and timely instruction.

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

127 772.102 Definitions.--As used in this chapter, the term:

128 (1) "Criminal activity" means to commit, to attempt to
 129 commit, to conspire to commit, or to solicit, coerce, or
 130 intimidate another person to commit:

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

133 1. Section 210.18, relating to evasion of payment of
 134 cigarette taxes.

HB 469 CS

2006
CS

- 135 2. Section 414.39, relating to public assistance fraud.
- 136 3. Section 440.105 or s. 440.106, relating to workers'
- 137 compensation.
- 138 4. Part IV of chapter 501, relating to telemarketing.
- 139 5. Chapter 517, relating to securities transactions.
- 140 6. Section 550.235, s. 550.3551, or s. 550.3605, relating
- 141 to dogracing and horseracing.
- 142 7. Chapter 550, relating to jai alai frontons.
- 143 8. Chapter 552, relating to the manufacture, distribution,
- 144 and use of explosives.
- 145 9. Chapter 562, relating to beverage law enforcement.
- 146 10. Section 624.401, relating to transacting insurance
- 147 without a certificate of authority, s. 624.437(4)(c)1., relating
- 148 to operating an unauthorized multiple-employer welfare
- 149 arrangement, or s. 626.902(1)(b), relating to representing or
- 150 aiding an unauthorized insurer.
- 151 11. Chapter 687, relating to interest and usurious
- 152 practices.
- 153 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 154 real estate timeshare plans.
- 155 13. Chapter 782, relating to homicide.
- 156 14. Chapter 784, relating to assault and battery.
- 157 15. Chapter 787, relating to kidnapping or human
- 158 trafficking.
- 159 16. Chapter 790, relating to weapons and firearms.
- 160 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or
- 161 s. 796.07, relating to prostitution or sex trafficking.
- 162 18. Chapter 806, relating to arson.

HB 469 CS

2006
CS

- 163 19. Section 810.02(2)(c), relating to specified burglary
164 of a dwelling or structure.
- 165 20. Chapter 812, relating to theft, robbery, and related
166 crimes.
- 167 21. Chapter 815, relating to computer-related crimes.
- 168 22. Chapter 817, relating to fraudulent practices, false
169 pretenses, fraud generally, and credit card crimes.
- 170 23. Section 827.071, relating to commercial sexual
171 exploitation of children.
- 172 24. Chapter 831, relating to forgery and counterfeiting.
- 173 25. Chapter 832, relating to issuance of worthless checks
174 and drafts.
- 175 26. Section 836.05, relating to extortion.
- 176 27. Chapter 837, relating to perjury.
- 177 28. Chapter 838, relating to bribery and misuse of public
178 office.
- 179 29. Chapter 843, relating to obstruction of justice.
- 180 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
181 s. 847.07, relating to obscene literature and profanity.
- 182 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
183 849.25, relating to gambling.
- 184 32. Chapter 893, relating to drug abuse prevention and
185 control.
- 186 33. Section 914.22 or s. 914.23, relating to witnesses,
187 victims, or informants.
- 188 34. Section 918.12 or s. 918.13, relating to tampering
189 with jurors and evidence.

HB 469 CS

2006
CS

190 (b) Any conduct which is subject to indictment or
 191 information as a criminal offense and listed in 18 U.S.C. s.
 192 1961(1) (A), (B), (C), or (D).

193 Section 3. Section 772.104, Florida Statutes, is amended
 194 to read:

195 772.104 Civil cause of action.--Any person who proves by
 196 clear and convincing evidence that he or she has been injured by
 197 reason of any violation of the provisions of s. 772.103 shall
 198 have a cause of action for threefold the actual damages
 199 sustained and, in any such action, is entitled to minimum
 200 damages in the amount of \$200, and reasonable attorney's fees
 201 and court costs in the trial and appellate courts. If the
 202 violation is related to sex trafficking, the injured person
 203 shall have a cause of action for threefold the amount of profit
 204 gained from the sex trafficking. In no event shall punitive
 205 damages be awarded under this section. The defendant shall be
 206 entitled to recover reasonable attorney's fees and court costs
 207 in the trial and appellate courts upon a finding that the
 208 claimant raised a claim which was without substantial fact or
 209 legal support. In awarding attorney's fees and costs under this
 210 section, the court shall not consider the ability of the
 211 opposing party to pay such fees and costs. Nothing under this
 212 section shall be interpreted as limiting any right to recover
 213 attorney's fees or costs provided under other provisions of law.

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

HB 469 CS

2006
CS

217 895.02 Definitions.--As used in ss. 895.01-895.08, the
218 term:

219 (1) "Racketeering activity" means to commit, to attempt to
220 commit, to conspire to commit, or to solicit, coerce, or
221 intimidate another person to commit:

222 (a) Any crime that ~~which~~ is chargeable by indictment or
223 information under the following provisions of the Florida
224 Statutes:

225 1. Section 210.18, relating to evasion of payment of
226 cigarette taxes.

227 2. Section 403.727(3)(b), relating to environmental
228 control.

229 3. Section 409.920 or s. 409.9201, relating to Medicaid
230 fraud.

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

232 5. Section 440.105 or s. 440.106, relating to workers'
233 compensation.

234 6. Section 443.071(4), relating to creation of a
235 fictitious employer scheme to commit unemployment compensation
236 fraud.

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

239 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
240 499.0691, relating to crimes involving contraband and
241 adulterated drugs.

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

243 10. Chapter 517, relating to sale of securities and
244 investor protection.

HB 469 CS

2006
CS

- 245 | 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
246 | to dogracing and horseracing.
- 247 | 12. Chapter 550, relating to jai alai frontons.
- 248 | 13. Section 551.109, relating to slot machine gaming.
- 249 | 14. Chapter 552, relating to the manufacture,
250 | distribution, and use of explosives.
- 251 | 15. Chapter 560, relating to money transmitters, if the
252 | violation is punishable as a felony.
- 253 | 16. Chapter 562, relating to beverage law enforcement.
- 254 | 17. Section 624.401, relating to transacting insurance
255 | without a certificate of authority, s. 624.437(4)(c)1., relating
256 | to operating an unauthorized multiple-employer welfare
257 | arrangement, or s. 626.902(1)(b), relating to representing or
258 | aiding an unauthorized insurer.
- 259 | 18. Section 655.50, relating to reports of currency
260 | transactions, when such violation is punishable as a felony.
- 261 | 19. Chapter 687, relating to interest and usurious
262 | practices.
- 263 | 20. Section 721.08, s. 721.09, or s. 721.13, relating to
264 | real estate timeshare plans.
- 265 | 21. Chapter 782, relating to homicide.
- 266 | 22. Chapter 784, relating to assault and battery.
- 267 | 23. Chapter 787, relating to kidnapping or human
268 | trafficking.
- 269 | 24. Chapter 790, relating to weapons and firearms.
- 270 | 25. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
271 | 796.05, or s. 796.07, relating to prostitution and sex
272 | trafficking.

- 273 26. Chapter 806, relating to arson.
- 274 27. Section 810.02(2)(c), relating to specified burglary
- 275 of a dwelling or structure.
- 276 28. Chapter 812, relating to theft, robbery, and related
- 277 crimes.
- 278 29. Chapter 815, relating to computer-related crimes.
- 279 30. Chapter 817, relating to fraudulent practices, false
- 280 pretenses, fraud generally, and credit card crimes.
- 281 31. Chapter 825, relating to abuse, neglect, or
- 282 exploitation of an elderly person or disabled adult.
- 283 32. Section 827.071, relating to commercial sexual
- 284 exploitation of children.
- 285 33. Chapter 831, relating to forgery and counterfeiting.
- 286 34. Chapter 832, relating to issuance of worthless checks
- 287 and drafts.
- 288 35. Section 836.05, relating to extortion.
- 289 36. Chapter 837, relating to perjury.
- 290 37. Chapter 838, relating to bribery and misuse of public
- 291 office.
- 292 38. Chapter 843, relating to obstruction of justice.
- 293 39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 294 s. 847.07, relating to obscene literature and profanity.
- 295 40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 296 849.25, relating to gambling.
- 297 41. Chapter 874, relating to criminal street gangs.
- 298 42. Chapter 893, relating to drug abuse prevention and
- 299 control.

HB 469 CS

2006
CS

300 43. Chapter 896, relating to offenses related to financial
301 transactions.

302 44. Sections 914.22 and 914.23, relating to tampering with
303 a witness, victim, or informant, and retaliation against a
304 witness, victim, or informant.

305 45. Sections 918.12 and 918.13, relating to tampering with
306 jurors and evidence.

307 (b) Any conduct defined as "racketeering activity" under
308 18 U.S.C. s. 1961(1).

309 Section 5. For the purpose of incorporating the amendment
310 made by this act to section 895.02, Florida Statutes, in a
311 reference thereto, paragraph (a) of subsection (1) of section
312 16.56, Florida Statutes, is reenacted to read:

313 16.56 Office of Statewide Prosecution.--

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

318 (a) Investigate and prosecute the offenses of:

319 1. Bribery, burglary, criminal usury, extortion, gambling,
320 kidnapping, larceny, murder, prostitution, perjury, robbery,
321 carjacking, and home-invasion robbery;

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

323 3. Any violation of the provisions of the Florida RICO
324 (Racketeer Influenced and Corrupt Organization) Act, including
325 any offense listed in the definition of racketeering activity in
326 s. 895.02(1)(a), providing such listed offense is investigated
327 in connection with a violation of s. 895.03 and is charged in a

HB 469 CS

2006
CS

328 separate count of an information or indictment containing a
 329 count charging a violation of s. 895.03, the prosecution of
 330 which listed offense may continue independently if the
 331 prosecution of the violation of s. 895.03 is terminated for any
 332 reason;

333 4. Any violation of the provisions of the Florida Anti-
 334 Fencing Act;

335 5. Any violation of the provisions of the Florida
 336 Antitrust Act of 1980, as amended;

337 6. Any crime involving, or resulting in, fraud or deceit
 338 upon any person;

339 7. Any violation of s. 847.0135, relating to computer
 340 pornography and child exploitation prevention, or any offense
 341 related to a violation of s. 847.0135;

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

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

344 10. Any violation of the provisions of the Florida Motor
 345 Fuel Tax Relief Act of 2004;

346 11. Any criminal violation of s. 409.920 or s. 409.9201;
 347 or

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

350
 351 or any attempt, solicitation, or conspiracy to commit any of the
 352 crimes specifically enumerated above. The office shall have such
 353 power only when any such offense is occurring, or has occurred,
 354 in two or more judicial circuits as part of a related
 355 transaction, or when any such offense is connected with an

HB 469 CS

2006
CS

356 | organized criminal conspiracy affecting two or more judicial
357 | circuits.

358 | Section 6. For the purpose of incorporating the amendment
359 | made by this act to section 895.02, Florida Statutes, in a
360 | reference thereto, paragraph (g) of subsection (3) of section
361 | 655.50, Florida Statutes, is reenacted to read:

362 | 655.50 Florida Control of Money Laundering in Financial
363 | Institutions Act; reports of transactions involving currency or
364 | monetary instruments; when required; purpose; definitions;
365 | penalties.--

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

367 | (g) "Specified unlawful activity" means any "racketeering
368 | activity" as defined in s. 895.02.

369 | Section 7. For the purpose of incorporating the amendment
370 | made by this act to section 895.02, Florida Statutes, in a
371 | reference thereto, paragraph (g) of subsection (2) of section
372 | 896.101, Florida Statutes, is reenacted to read:

373 | 896.101 Florida Money Laundering Act; definitions;
374 | penalties; injunctions; seizure warrants; immunity.--

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

376 | (g) "Specified unlawful activity" means any "racketeering
377 | activity" as defined in s. 895.02.

378 | Section 8. For the purpose of incorporating the amendment
379 | made by this act to section 895.02, Florida Statutes, in a
380 | reference thereto, section 905.34, Florida Statutes, is
381 | reenacted to read:

382 | 905.34 Powers and duties; law applicable.--The
383 | jurisdiction of a statewide grand jury impaneled under this

HB 469 CS

2006
CS

384 chapter shall extend throughout the state. The subject matter
385 jurisdiction of the statewide grand jury shall be limited to the
386 offenses of:

387 (1) Bribery, burglary, carjacking, home-invasion robbery,
388 criminal usury, extortion, gambling, kidnapping, larceny,
389 murder, prostitution, perjury, and robbery;

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

391 (3) Any violation of the provisions of the Florida RICO
392 (Racketeer Influenced and Corrupt Organization) Act, including
393 any offense listed in the definition of racketeering activity in
394 s. 895.02(1)(a), providing such listed offense is investigated
395 in connection with a violation of s. 895.03 and is charged in a
396 separate count of an information or indictment containing a
397 count charging a violation of s. 895.03, the prosecution of
398 which listed offense may continue independently if the
399 prosecution of the violation of s. 895.03 is terminated for any
400 reason;

401 (4) Any violation of the provisions of the Florida Anti-
402 Fencing Act;

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

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

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

408 (8) Any violation of s. 847.0135, s. 847.0137, or s.
409 847.0138 relating to computer pornography and child exploitation
410 prevention, or any offense related to a violation of s.
411 847.0135, s. 847.0137, or s. 847.0138;

HB 469 CS

2006
CS

412 (9) Any criminal violation of part I of chapter 499; or
 413 (10) Any criminal violation of s. 409.920 or s. 409.9201;
 414
 415 or any attempt, solicitation, or conspiracy to commit any
 416 violation of the crimes specifically enumerated above, when any
 417 such offense is occurring, or has occurred, in two or more
 418 judicial circuits as part of a related transaction or when any
 419 such offense is connected with an organized criminal conspiracy
 420 affecting two or more judicial circuits. The statewide grand
 421 jury may return indictments and presentments irrespective of the
 422 county or judicial circuit where the offense is committed or
 423 triable. If an indictment is returned, it shall be certified
 424 and transferred for trial to the county where the offense was
 425 committed. The powers and duties of, and law applicable to,
 426 county grand juries shall apply to a statewide grand jury except
 427 when such powers, duties, and law are inconsistent with the
 428 provisions of ss. 905.31-905.40.

429 Section 9. This act shall take effect October 1, 2006.