

By Senator Benacquisto

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1 A bill to be entitled
2 An act relating to protection of vulnerable persons;
3 amending s. 39.01, F.S.; deleting the definition of
4 the term "other person responsible for a child's
5 welfare"; conforming provisions; amending s. 39.201,
6 F.S.; revising language concerning child abuse
7 reporting; amending s. 39.205, F.S.; requiring
8 specified educational institutions and their law
9 enforcement agencies to report known or suspected
10 child abuse, abandonment, or neglect in certain
11 circumstances; providing financial penalties for
12 violations; amending s. 39.302, F.S.; correcting a
13 cross-reference; repealing s. 787.05, F.S., relating
14 to unlawfully obtaining labor or services; amending s.
15 787.06, F.S.; providing additional legislative
16 findings and intent concerning human trafficking;
17 providing definitions; revising the definition of the
18 terms "forced labor or services" and "human
19 trafficking"; prohibiting knowingly or in reckless
20 disregard of the facts engaging in certain acts
21 relating to human trafficking; providing criminal
22 penalties; increasing the felony classification of
23 certain human trafficking violations; providing that
24 each instance of human trafficking of any individual
25 is a separate crime for which a separate punishment is
26 authorized; prohibiting knowingly or in reckless
27 disregard of the facts engaging in human trafficking
28 by the transfer or transport of any individual from
29 outside the state to within the state or from one

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30 jurisdiction within the state to another; providing
31 criminal penalties; prohibiting knowingly or in
32 reckless disregard of the facts engaging in human
33 trafficking in which any child under the age of 18 is
34 involved; providing criminal penalties; prohibiting
35 knowingly or in reckless disregard of the facts
36 engaging in human trafficking in which any child under
37 the age of 15 is involved; providing criminal
38 penalties; prohibiting specified persons with custody
39 or control of a minor from engaging in certain acts
40 with knowledge that, as a consequence, the minor will
41 engage in commercial sexual activity or forced labor
42 or services; providing criminal penalties; providing
43 that sexual history or history of commercial sexual
44 activity of a person alleged to have been trafficked
45 shall be excluded from evidence in certain
46 circumstances; providing that a corporation may be
47 prosecuted under this section for an act or omission
48 constituting a crime under this section only in
49 certain circumstances; providing additional duties for
50 the Criminal Justice Standards and Training Commission
51 concerning instruction in human trafficking; requiring
52 the Department of Children and Family Services to
53 develop guidelines for serving children who have been
54 the victims of human trafficking; requiring a report
55 by the department; amending s. 796.035, F.S.;
56 substituting a reference to human trafficking for a
57 reference to sex trafficking; creating s. 796.036,
58 F.S.; providing for upward reclassification of certain

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59 prostitution offenses involving minors; repealing s.
60 796.045, F.S., relating to sex trafficking; amending
61 s. 796.07, F.S.; providing that a court may, in
62 certain circumstances, vacate certain convictions on
63 the ground that the defendant's participation in the
64 offense was a result of having been a victim of
65 trafficking in violation of specified provisions;
66 requiring due diligence for a motion for vacation of a
67 conviction on that ground; requiring documentation of
68 such trafficking; amending s. 932.701, F.S.; providing
69 for forfeiture of real and personal property intended
70 for use in the course of, derived from, or realized
71 through specified human trafficking violations;
72 amending s. 960.198, F.S.; providing for relocation
73 assistance for certain victims of sexual violence;
74 amending s. 921.0022, F.S.; ranking specified offenses
75 for purposes of the offense severity ranking chart of
76 the Criminal Punishment Code; amending ss. 90.404,
77 772.102, 794.056, 895.02, and 938.085, F.S.;
78 conforming cross-references; providing an effective
79 date.

80
81 Be It Enacted by the Legislature of the State of Florida:

82
83 Section 1. Subsections (48) through (76) of section 39.01,
84 Florida Statutes, are renumbered as subsections (47) through
85 (75), respectively, and present subsections (10) and (47) of
86 that section are amended to read:

87 39.01 Definitions.—When used in this chapter, unless the

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88 context otherwise requires:

89 (10) "Caregiver" means the parent, legal custodian,
90 permanent guardian, adult household member, or other person
91 responsible for a child's welfare as ~~defined in subsection (47)~~.

92 ~~(47) "Other person responsible for a child's welfare"~~
93 ~~includes the child's legal guardian or foster parent; an~~
94 ~~employee of any school, public or private child day care center,~~
95 ~~residential home, institution, facility, or agency; a law~~
96 ~~enforcement officer employed in any facility, service, or~~
97 ~~program for children that is operated or contracted by the~~
98 ~~Department of Juvenile Justice; or any other person legally~~
99 ~~responsible for the child's welfare in a residential setting;~~
100 ~~and also includes an adult sitter or relative entrusted with a~~
101 ~~child's care. For the purpose of departmental investigative~~
102 ~~jurisdiction, this definition does not include the following~~
103 ~~persons when they are acting in an official capacity: law~~
104 ~~enforcement officers, except as otherwise provided in this~~
105 ~~subsection; employees of municipal or county detention~~
106 ~~facilities; or employees of the Department of Corrections.~~

107 Section 2. Paragraph (a) of subsection (1) and paragraph
108 (a) of subsection (2) of section 39.201, Florida Statutes, are
109 amended to read:

110 39.201 Mandatory reports of child abuse, abandonment, or
111 neglect; mandatory reports of death; central abuse hotline.—

112 (1) (a) Any person who knows, or has reasonable cause to
113 suspect, that a child is abused, abandoned, or neglected by any
114 person ~~a parent, legal custodian, caregiver, or other person~~
115 ~~responsible for the child's welfare, as defined in this chapter,~~
116 or that a child is in need of supervision and care and has no

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117 parent, legal custodian, or responsible adult relative
118 immediately known and available to provide supervision and care,
119 shall report such knowledge or suspicion to the department in
120 the manner prescribed in subsection (2).

121 (2) (a) Each report of known or suspected child abuse,
122 abandonment, or neglect by any person ~~a parent, legal custodian,~~
123 ~~caregiver, or other person responsible for the child's welfare~~
124 ~~as defined in this chapter,~~ except those solely under s.
125 827.04(3), and each report that a child is in need of
126 supervision and care and has no parent, legal custodian, or
127 responsible adult relative immediately known and available to
128 provide supervision and care shall be made immediately to the
129 department's central abuse hotline. Such reports may be made on
130 the single statewide toll-free telephone number or via fax or
131 web-based report. Personnel at the department's central abuse
132 hotline shall determine if the report received meets the
133 statutory definition of child abuse, abandonment, or neglect.
134 Any report meeting one of these definitions shall be accepted
135 for the protective investigation pursuant to part III of this
136 chapter.

137 Section 3. Subsections (3) through (6) of section 39.205,
138 Florida Statutes, are renumbered as subsections (5) through (8),
139 respectively, and new subsections (3) and (4) are added to that
140 section to read:

141 39.205 Penalties relating to reporting of child abuse,
142 abandonment, or neglect.—

143 (3) Any Florida College System institution, state
144 university, or nonpublic college, university, or school, as
145 defined in s. 1000.21 or s. 1005.02, whose administrators,

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146 faculty, or staff knowingly and willfully fail to report known
147 or suspected child abuse, abandonment, or neglect committed on
148 the property of the institution, university, college, or school,
149 or during an event or function sponsored by the institution,
150 university, college, or school, or who knowingly and willfully
151 prevent another person from doing so, shall be subject to fines
152 of \$1 million for each such failure and the loss of all state
153 funding, including the funds under the Florida Resident Access
154 Grant Program, for a period of 2 years.

155 (4) Any Florida College System institution, state
156 university, or nonpublic college, university, or school, as
157 defined in s. 1000.21 or s. 1005.02, whose law enforcement
158 agency fails to transmit to prosecutorial authorities any report
159 of known or suspected child abuse, abandonment, or neglect
160 committed on the property of the institution, university,
161 college, or school, or during an event or function sponsored by
162 the institution, university, college, or school, shall be
163 subject to fines of \$1 million for each such failure and the
164 loss of all state funding, including the funds under the Florida
165 Resident Access Grant Program, for a period of 2 years.

166 Section 4. Subsection (1) of section 39.302, Florida
167 Statutes, is amended to read:

168 39.302 Protective investigations of institutional child
169 abuse, abandonment, or neglect.—

170 (1) The department shall conduct a child protective
171 investigation of each report of institutional child abuse,
172 abandonment, or neglect. Upon receipt of a report that alleges
173 that an employee or agent of the department, or any other entity
174 or person covered by s. 39.01(33) ~~or (47)~~, acting in an official

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175 capacity, has committed an act of child abuse, abandonment, or
176 neglect, the department shall initiate a child protective
177 investigation within the timeframe established under s.
178 39.201(5) and orally notify the appropriate state attorney, law
179 enforcement agency, and licensing agency, which shall
180 immediately conduct a joint investigation, unless independent
181 investigations are more feasible. When conducting investigations
182 onsite or having face-to-face interviews with the child,
183 investigation visits shall be unannounced unless it is
184 determined by the department or its agent that unannounced
185 visits threaten the safety of the child. If a facility is exempt
186 from licensing, the department shall inform the owner or
187 operator of the facility of the report. Each agency conducting a
188 joint investigation is entitled to full access to the
189 information gathered by the department in the course of the
190 investigation. A protective investigation must include an onsite
191 visit of the child's place of residence. The department shall
192 make a full written report to the state attorney within 3
193 working days after making the oral report. A criminal
194 investigation shall be coordinated, whenever possible, with the
195 child protective investigation of the department. Any interested
196 person who has information regarding the offenses described in
197 this subsection may forward a statement to the state attorney as
198 to whether prosecution is warranted and appropriate. Within 15
199 days after the completion of the investigation, the state
200 attorney shall report the findings to the department and shall
201 include in the report a determination of whether or not
202 prosecution is justified and appropriate in view of the
203 circumstances of the specific case.

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204 Section 5. Section 787.05, Florida Statutes, is repealed.

205 Section 6. Section 787.06, Florida Statutes, is amended to
206 read:

207 787.06 Human trafficking.—

208 (1) (a) The Legislature finds that human trafficking is a
209 form of modern-day slavery. Victims of human trafficking are
210 young children, teenagers, and adults. Thousands of victims are
211 trafficked annually across international borders worldwide. Many
212 of these victims are trafficked into this state. Also, many
213 Florida youth are trafficked within the state. The Legislature
214 finds that victims of human trafficking are subjected to force,
215 fraud, or coercion for the purpose of sexual exploitation or
216 forced labor.

217 (b) The Legislature finds that while many victims of human
218 trafficking are forced to work in prostitution or the sexual
219 entertainment industry, trafficking also occurs in forms of
220 labor exploitation, such as domestic servitude, restaurant work,
221 janitorial work, sweatshop factory work, and migrant
222 agricultural work.

223 (c) The Legislature finds that traffickers use various
224 techniques to instill fear in victims and to keep them enslaved.
225 Some traffickers keep their victims under lock and key. However,
226 the most frequently used practices are less obvious techniques
227 that include isolating victims from the public and family
228 members; confiscating passports, visas, or other identification
229 documents; using or threatening to use violence toward victims
230 or their families; telling victims that they will be imprisoned
231 or deported for immigration violations if they contact
232 authorities; and controlling the victims' funds by holding the

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233 money ostensibly for safekeeping.

234 (d) It is the intent of the Legislature that the
235 perpetrators of human trafficking be penalized for their illegal
236 conduct and that the victims of trafficking be protected and
237 assisted by this state and its agencies. In furtherance of this
238 policy, it is the intent of the Legislature that the state
239 Supreme Court, The Florida Bar, and relevant state agencies
240 prepare and implement training programs in order that judges,
241 attorneys, law enforcement personnel, investigators, and others
242 are able to identify traffickers and victims of human
243 trafficking and direct victims to appropriate agencies for
244 assistance. It is the intent of the Legislature that the
245 Department of Children and Family Services and other state
246 agencies cooperate with other state, local, and federal agencies
247 to ensure that victims of human trafficking can access social
248 services and benefits, including those made available to victims
249 of sexual and domestic violence, to alleviate their plight.

250 (e) The Legislature finds that sex trafficking is a large
251 part of human trafficking and that children are often the
252 victims of sex trafficking by becoming prostitutes. It is the
253 intent of the Legislature to protect children from sexual
254 exploitation. The Legislature finds that children are at an
255 increased risk of being exploited because they are
256 psychologically less developed than adults. Children may
257 perceive the persons who exploit them for purposes of
258 prostitution as protectors, parental surrogates, boyfriends, or
259 girlfriends and they may be uncooperative with the attempts of
260 law enforcement to prosecute these persons. It is the intent of
261 the Legislature to provide liability for persons who benefit

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262 financially or receive anything of value knowing or in reckless
263 disregard of the fact that children will be caused to engage in
264 prostitution. It is the intent of the Legislature to prevent
265 those persons from using more experienced prostitutes to recruit
266 and manage new child prostitutes in order to distance themselves
267 from overt criminal acts.

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

269 (a) "Commercial sexual activity" means any violation of
270 chapter 796 or any offense that is in violation of a law of any
271 other jurisdiction if the elements of such offense are
272 substantially similar to the elements of any offense contained
273 in chapter 796, or an attempt to commit any such offense.

274 (b)~~(a)~~ "Financial harm" includes extortionate extension of
275 credit, loan sharking as defined in s. 687.071, or employment
276 contracts that violate the statute of frauds as provided in s.
277 725.01.

278 (c)~~(b)~~ "Forced labor or services" means labor or services
279 obtained from a person by:

280 1. Using or threatening to use physical force against that
281 person or another person;

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

285 3. Using lending or other credit methods to establish a
286 debt by that person or another person when labor or services are
287 pledged as a security for the debt, if the value of the labor or
288 services as reasonably assessed is not applied toward the
289 liquidation of the debt, and the length and nature of the labor
290 or services are not respectively limited and defined;

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291 4. Destroying, concealing, removing, confiscating,
292 withholding, or possessing any actual or purported passport,
293 visa, or other immigration document, or any other actual or
294 purported government identification document, of that person or
295 another person;

296 5. Causing or threatening to cause financial harm to any
297 person; ~~or~~

298 6. Enticing or luring any person by fraud, deceit, or
299 coercion; or

300 7. Providing a controlled substance as outlined in Schedule
301 I or Schedule II of s. 893.03 to that person for the purpose of
302 compelling that person to engage in labor or sexual servitude
303 against her or his will.

304 (d)(e) "Human trafficking" means transporting, soliciting,
305 recruiting, harboring, providing, enticing, maintaining, or
306 obtaining another person by means of the threat or use of force
307 or other forms of coercion, abduction, fraud, deception, abuse
308 of power or of a position of vulnerability, or the giving or
309 receiving of payments or benefits to achieve the consent of a
310 person having control over another person for the purpose of
311 exploitation of that person for transport. Exploitation
312 includes, but is not limited to, the exploitation of commercial
313 sexual activity of others or other forms of sexual exploitation,
314 forced labor or services, slavery, practices similar to slavery,
315 forced marriage, servitude, or the removal of organs.

316 (e) "Labor" means work of economic or financial value.

317 (f)(d) "Maintain~~r~~" means, ~~when used~~ in relation to labor
318 services, ~~means~~ to secure or make possible continued performance
319 thereof, regardless of any initial agreement on the part of the

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320 victim to perform such type service.

321 (g) "Obtain" means, in relation to labor or services, to
322 secure performance thereof.

323 (h) "Services" means an ongoing relationship between a
324 person and an actor in which the person performs activities
325 under the supervision of or for the benefit of the actor.
326 Commercial sexual activity, production of pornography, and
327 sexually explicit performances are forms of services under this
328 section.

329 (i) "Sexually explicit performance" means a live or public
330 act or show intended to arouse or satisfy the sexual desires or
331 appeal to the prurient interests of patrons.

332 (j) "Venture" means any group of two or more individuals
333 associated in fact, whether or not a legal entity.

334 (3) Any person who knowingly or in reckless disregard of
335 the facts:

336 (a) Engages, or attempts to engage, in human trafficking
337 ~~with the intent or knowledge that the trafficked person will be~~
338 ~~subjected to forced labor or services; or~~

339 (b) Benefits financially by receiving anything of value
340 from participation in a venture that has subjected a person to
341 human trafficking ~~forced labor or services;~~

342
343 commits a felony of the first ~~second~~ degree, punishable as
344 provided in s. 775.082, s. 775.083, or s. 775.084. For each
345 instance of human trafficking of any individual, a separate
346 crime is committed and a separate punishment is authorized.

347 (4) Any person who knowingly or in reckless disregard of
348 the facts engages in human trafficking and who does so by the

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349 transfer or transport of any individual from outside the state
350 to within the state or from one jurisdiction within this state
351 to another commits a felony of the first degree, punishable as
352 provided in s. 775.082, s. 775.083, or s. 775.084. For each
353 instance of human trafficking of any individual from outside
354 this state to within the state or from one jurisdiction within
355 this state to another, a separate crime is committed and a
356 separate punishment is authorized.

357 (5) Any person who knowingly or in reckless disregard of
358 the facts engages in human trafficking in which a child under
359 the age of 18 is involved commits a felony of the first degree,
360 punishable by imprisonment for a term of years not exceeding
361 life, or as provided in s. 775.082, s. 775.083, or s. 775.084.
362 For each instance of human trafficking of a child under the age
363 of 18, a separate crime is committed and a separate punishment
364 is authorized. In a prosecution under this subsection in which
365 the defendant had a reasonable opportunity to observe the person
366 so recruited, enticed, harbored, transported, provided,
367 obtained, or maintained, the state need not prove that the
368 defendant knew that the person had not attained the age of 18
369 years.

370 (6) Any person who knowingly or in reckless disregard of
371 the facts engages in human trafficking in which any child under
372 the age of 15 is involved commits a life felony, punishable as
373 provided in s. 775.082, s. 775.083, or s. 775.084. For each
374 instance of human trafficking of a child under the age of 15, a
375 separate crime is committed and a separate punishment is
376 authorized. In a prosecution under this subsection in which the
377 defendant had a reasonable opportunity to observe the person so

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378 recruited, enticed, harbored, transported, provided, obtained,
379 or maintained, the state need not prove that the defendant knew
380 that the person had not attained the age of 15 years.

381 (7) Any parent, legal guardian, or other person having
382 custody or control of a minor who sells or otherwise transfers
383 custody or control of such minor, or offers to sell or otherwise
384 transfer custody of such minor, with knowledge that, as a
385 consequence of the sale or transfer, the minor will engage in
386 commercial sexual activity or forced labor or services commits a
387 life felony, punishable as provided in s. 775.082, s. 775.083,
388 or s. 775.084.

389 (8) The sexual history or history of commercial sexual
390 activity of a person alleged to have been trafficked shall be
391 excluded from evidence if the court finds at a hearing outside
392 the presence of the jury that the probative value of the
393 evidence is substantially outweighed by the danger of unfair
394 prejudice, confusion of the issues, or misleading the jury.

395 (9) A corporation may be prosecuted under this section for
396 an act or omission constituting a crime under this section only
397 if an agent of the corporation performs the conduct that is an
398 element of the crime while acting within the scope of her or his
399 office or employment and on behalf of the corporation and the
400 commission of the crime was authorized, requested, commanded,
401 performed, or within the scope of her or his employment on
402 behalf of the corporation or constituted a pattern of illegal
403 activity that an agent of the company knew or should have known
404 was occurring.

405 (10)~~(4)~~ The Criminal Justice Standards and Training
406 Commission shall establish standards for basic and advanced

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407 training programs for law enforcement officers in the subjects
408 of investigating and preventing human trafficking crimes. ~~After~~
409 ~~January 1, 2007,~~ Every basic skills course required for law
410 enforcement officers to obtain initial certification must
411 include training on human trafficking crime prevention and
412 investigation, as well as methods by which the victimization of
413 children by human traffickers occurs. Every advanced training
414 program on human trafficking must also include the methods by
415 which victimization of children by human traffickers occurs.

416 (11) ~~(5)~~ Each state attorney shall develop standards of
417 instruction for prosecutors to receive training on the
418 investigation and prosecution of human trafficking crimes and
419 shall provide for periodic and timely instruction.

420 (12) The Department of Children and Family Services shall
421 develop guidelines for serving children who have been victims of
422 human trafficking and shall produce a report to the President of
423 the Senate and the Speaker of the House of Representatives
424 detailing the department's plan by June 1, 2013. At a minimum,
425 the plan must include the following elements:

426 (a) An assessment of need.—The department shall estimate
427 the number of children who have been the victims of human
428 trafficking and who are in need of services currently and over
429 the next 5 years.

430 (b) Residential services.—The department shall consider all
431 options for treating children who have been victims of human
432 trafficking and provide recommendations on the best options of
433 care for these children and reunification with the child's
434 family, if appropriate.

435 (c) Other services.—The department shall recommend specific

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436 service needs, including, but not limited to, assessment,
437 security, crisis, and behavioral health services that are needed
438 for children who have been victims of human trafficking.

439 (d) Coordination.—The department shall consider and
440 recommend partnership opportunities with law enforcement and
441 other state and local governmental entities to best serve
442 children who have been victims of human trafficking.

443 Section 7. Section 796.035, Florida Statutes, is amended to
444 read:

445 796.035 Selling or buying of minors into human ~~sex~~
446 trafficking or prostitution; penalties.—Any parent, legal
447 guardian, or other person having custody or control of a minor
448 who sells or otherwise transfers custody or control of such
449 minor, or offers to sell or otherwise transfer custody of such
450 minor, with knowledge that, as a consequence of the sale or
451 transfer, the minor will engage in prostitution, perform naked
452 for compensation, or otherwise participate in the trade of human
453 ~~sex~~ trafficking, commits a felony of the first degree,
454 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455 Section 8. Section 796.036, Florida Statutes, is created to
456 read:

457 796.036 Violations involving minors; reclassification.—
458 (1) The felony or misdemeanor degree of any violation of
459 this chapter, other than s. 796.03 or s. 796.035, in which a
460 minor engages in prostitution, lewdness, assignation, sexual
461 conduct, or other conduct as defined in or prohibited by this
462 chapter, but the minor is not the person charged with the
463 violation, is reclassified as provided in this section.

464 (2) Offenses shall be reclassified as follows:

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465 (a) A misdemeanor of the second degree is reclassified to a
466 misdemeanor of the first degree.

467 (b) A misdemeanor of the first degree is reclassified to a
468 felony of the third degree.

469 (c) A felony of the third degree is reclassified to a
470 felony of the second degree.

471 (d) A felony of the second degree is reclassified to a
472 felony of the first degree.

473 (e) A felony of the first degree is reclassified to a life
474 felony.

475 Section 9. Section 796.045, Florida Statutes, is repealed.

476 Section 10. Section 796.07, Florida Statutes, is amended to
477 read:

478 796.07 Prohibiting prostitution, etc.; evidence; penalties;
479 definitions.-

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

481 (a) "Prostitution" means the giving or receiving of the
482 body for sexual activity for hire but excludes sexual activity
483 between spouses.

484 (b) "Lewdness" means any indecent or obscene act.

485 (c) "Assignment" means the making of any appointment or
486 engagement for prostitution or lewdness, or any act in
487 furtherance of such appointment or engagement.

488 (d) "Sexual activity" means oral, anal, or vaginal
489 penetration by, or union with, the sexual organ of another; anal
490 or vaginal penetration of another by any other object; or the
491 handling or fondling of the sexual organ of another for the
492 purpose of masturbation; however, the term does not include acts
493 done for bona fide medical purposes.

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494 (2) It is unlawful:

495 (a) To own, establish, maintain, or operate any place,
496 structure, building, or conveyance for the purpose of lewdness,
497 assignation, or prostitution.

498 (b) To offer, or to offer or agree to secure, another for
499 the purpose of prostitution or for any other lewd or indecent
500 act.

501 (c) To receive, or to offer or agree to receive, any person
502 into any place, structure, building, or conveyance for the
503 purpose of prostitution, lewdness, or assignation, or to permit
504 any person to remain there for such purpose.

505 (d) To direct, take, or transport, or to offer or agree to
506 direct, take, or transport, any person to any place, structure,
507 or building, or to any other person, with knowledge or
508 reasonable cause to believe that the purpose of such directing,
509 taking, or transporting is prostitution, lewdness, or
510 assignation.

511 (e) To offer to commit, or to commit, or to engage in,
512 prostitution, lewdness, or assignation.

513 (f) To solicit, induce, entice, or procure another to
514 commit prostitution, lewdness, or assignation.

515 (g) To reside in, enter, or remain in, any place,
516 structure, or building, or to enter or remain in any conveyance,
517 for the purpose of prostitution, lewdness, or assignation.

518 (h) To aid, abet, or participate in any of the acts or
519 things enumerated in this subsection.

520 (i) To purchase the services of any person engaged in
521 prostitution.

522 (3) (a) In the trial of a person charged with a violation of

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523 this section, testimony concerning the reputation of any place,
524 structure, building, or conveyance involved in the charge,
525 testimony concerning the reputation of any person residing in,
526 operating, or frequenting such place, structure, building, or
527 conveyance, and testimony concerning the reputation of the
528 defendant is admissible in evidence in support of the charge.

529 (b) Notwithstanding any other provision of law, a police
530 officer may testify as an offended party in an action regarding
531 charges filed pursuant to this section.

532 (4) A person who violates ~~any provision of~~ this section
533 commits:

534 (a) A misdemeanor of the second degree for a first
535 violation, punishable as provided in s. 775.082 or s. 775.083.

536 (b) A misdemeanor of the first degree for a second
537 violation, punishable as provided in s. 775.082 or s. 775.083.

538 (c) A felony of the third degree for a third or subsequent
539 violation, punishable as provided in s. 775.082, s. 775.083, or
540 s. 775.084.

541 (5) A person who is charged with a third or subsequent
542 violation of this section shall be offered admission to a
543 pretrial intervention program or a substance-abuse treatment
544 program as provided in s. 948.08.

545 (6) In addition to the punishment provided in subsection
546 (4), a person who violates paragraph (2) (f) shall be assessed a
547 civil penalty of \$500 if the violation results in any judicial
548 disposition other than acquittal or dismissal. The proceeds from
549 penalties assessed under this subsection shall be paid to the
550 circuit court administrator for the sole purpose of paying the
551 administrative costs of treatment-based drug court programs

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552 provided under s. 397.334.

553 (7) (a) At any time after the entry of a judgment for a
554 conviction where the arresting charge was under this section,
555 the court in which it was entered may, upon motion of the
556 defendant, with the consent of the state attorney, vacate such
557 judgment upon the ground that the defendant's participation in
558 the offense was a result of having been a victim of trafficking
559 under s. 787.06 or trafficking in persons under the federal
560 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

561 (b) A motion under this subsection must be made with due
562 diligence, after the defendant has ceased to be a victim of such
563 trafficking or has sought services for victims of such
564 trafficking, subject to reasonable concerns for the safety of
565 the defendant, family members of the defendant, or other victims
566 of such trafficking who may be jeopardized by the bringing of
567 such motion, or for other reasons consistent with the purpose of
568 this subsection.

569 (c) Official documentation of the defendant's status as a
570 victim of sex trafficking or trafficking in persons at the time
571 of the offense from a federal, state, or local government law
572 enforcement agency or prosecuting authority creates a
573 presumption that the defendant's participation in the offense
574 was a result of having been a victim of sex trafficking or
575 trafficking in persons, but is not required for granting a
576 motion under this subsection.

577 Section 11. Subsection (2) of section 932.701, Florida
578 Statutes, is amended to read:

579 932.701 Short title; definitions.—

580 (2) As used in the Florida Contraband Forfeiture Act, the

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581 term:

582 (a) "Contraband article" means:

583 1. Any controlled substance as defined in chapter 893 or
584 any substance, device, paraphernalia, or currency or other means
585 of exchange that was used, was attempted to be used, or was
586 intended to be used in violation of any provision of chapter
587 893, if the totality of the facts presented by the state is
588 clearly sufficient to meet the state's burden of establishing
589 probable cause to believe that a nexus exists between the
590 article seized and the narcotics activity, whether or not the
591 use of the contraband article can be traced to a specific
592 narcotics transaction.

593 2. Any gambling paraphernalia, lottery tickets, money,
594 currency, or other means of exchange which was used, was
595 attempted, or intended to be used in violation of the gambling
596 laws of the state.

597 3. Any equipment, liquid or solid, which was being used, is
598 being used, was attempted to be used, or intended to be used in
599 violation of the beverage or tobacco laws of the state.

600 4. Any motor fuel upon which the motor fuel tax has not
601 been paid as required by law.

602 5. Any personal property, including, but not limited to,
603 any vessel, aircraft, item, object, tool, substance, device,
604 weapon, machine, vehicle of any kind, money, securities, books,
605 records, research, negotiable instruments, or currency, which
606 was used or was attempted to be used as an instrumentality in
607 the commission of, or in aiding or abetting in the commission
608 of, any felony, whether or not comprising an element of the
609 felony, or which is acquired by proceeds obtained as a result of

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610 a violation of the Florida Contraband Forfeiture Act.

611 6. Any real property, including any right, title,
612 leasehold, or other interest in the whole of any lot or tract of
613 land, which was used, is being used, or was attempted to be used
614 as an instrumentality in the commission of, or in aiding or
615 abetting in the commission of, any felony, or which is acquired
616 by proceeds obtained as a result of a violation of the Florida
617 Contraband Forfeiture Act.

618 7. Any personal property, including, but not limited to,
619 equipment, money, securities, books, records, research,
620 negotiable instruments, currency, or any vessel, aircraft, item,
621 object, tool, substance, device, weapon, machine, or vehicle of
622 any kind in the possession of or belonging to any person who
623 takes aquaculture products in violation of s. 812.014(2)(c).

624 8. Any motor vehicle offered for sale in violation of s.
625 320.28.

626 9. Any motor vehicle used during the course of committing
627 an offense in violation of s. 322.34(9)(a).

628 10. Any photograph, film, or other recorded image,
629 including an image recorded on videotape, a compact disc,
630 digital tape, or fixed disk, that is recorded in violation of s.
631 810.145 and is possessed for the purpose of amusement,
632 entertainment, sexual arousal, gratification, or profit, or for
633 the purpose of degrading or abusing another person.

634 11. Any real property, including any right, title,
635 leasehold, or other interest in the whole of any lot or tract of
636 land, which is acquired by proceeds obtained as a result of
637 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
638 property, including, but not limited to, equipment, money,

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639 securities, books, records, research, negotiable instruments, or
640 currency; or any vessel, aircraft, item, object, tool,
641 substance, device, weapon, machine, or vehicle of any kind in
642 the possession of or belonging to any person which is acquired
643 by proceeds obtained as a result of Medicaid fraud under s.
644 409.920 or s. 409.9201.

645 12. Any personal property, including, but not limited to,
646 any vehicle, item, object, tool, device, weapon, machine, money,
647 security, book, or record, that is used or attempted to be used
648 as an instrumentality in the commission of, or in aiding and
649 abetting in the commission of, a person's third or subsequent
650 violation of s. 509.144, whether or not comprising an element of
651 the offense.

652 13. All real and personal property of every kind used or
653 intended for use in the course of, derived from, or realized
654 through a violation of s. 787.06.

655 (b) "Bona fide lienholder" means the holder of a lien
656 perfected pursuant to applicable law.

657 (c) "Promptly proceed" means to file the complaint within
658 45 days after seizure.

659 (d) "Complaint" means ~~is~~ a petition for forfeiture filed in
660 the civil division of the circuit court by the seizing agency
661 requesting the court to issue a judgment of forfeiture.

662 (e) "Person entitled to notice" means any owner, entity,
663 bona fide lienholder, or person in possession of the property
664 subject to forfeiture when seized, who is known to the seizing
665 agency after a diligent search and inquiry.

666 (f) "Adversarial preliminary hearing" means a hearing in
667 which the seizing agency is required to establish probable cause

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668 that the property subject to forfeiture was used in violation of
669 the Florida Contraband Forfeiture Act.

670 (g) "Forfeiture proceeding" means a hearing or trial in
671 which the court or jury determines whether the subject property
672 shall be forfeited.

673 (h) "Claimant" means any party who has proprietary interest
674 in property subject to forfeiture and has standing to challenge
675 such forfeiture, including owners, registered owners, bona fide
676 lienholders, and titleholders.

677 Section 12. Section 960.198, Florida Statutes, is amended
678 to read:

679 960.198 Relocation assistance for victims of domestic
680 violence or sexual violence.-

681 (1) Notwithstanding the criteria set forth in s. 960.13 for
682 crime victim compensation awards, the department may award a
683 one-time payment of up to \$1,500 on any one claim and a lifetime
684 maximum of \$3,000 to a victim of domestic violence who needs
685 immediate assistance to escape from a domestic violence
686 environment or to a victim of sexual violence who reasonably
687 fears for her or his safety.

688 (2) In order for an award to be granted to a victim for
689 relocation assistance:

690 (a) There must be proof that a domestic violence or sexual
691 violence offense was committed;

692 (b) The domestic violence or sexual violence offense must
693 be reported to the proper authorities;

694 (c) The victim's need for assistance must be certified by a
695 certified domestic violence center or a certified rape crisis
696 center in this state; and

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697 (d) The center certification must assert that the victim is
 698 cooperating with law enforcement officials, if applicable, and
 699 must include documentation that the victim has developed a
 700 safety plan.

701 Section 13. Paragraphs (i) and (j) of subsection (3) of
 702 section 921.0022, Florida Statutes, are amended to read:

703 921.0022 Criminal Punishment Code; offense severity ranking
 704 chart.-

705 (3) OFFENSE SEVERITY RANKING CHART

706 (i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

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560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

713

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

714

775.0844 1st Aggravated white collar crime.

715

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

716

782.04 (3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

717

782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .

718

782.07 (2) 1st Aggravated manslaughter of an elderly person or disabled adult.

719

787.01 (1) (a) 1. 1st,PBL Kidnapping; hold for ransom or reward

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or as a shield or hostage.

720

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

721

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

722

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

723

787.06(3) 1st Human trafficking; benefitting financially from human trafficking.

724

787.06(4) 1st Human trafficking; transfer or transport into state.

725

790.161 1st Attempted capital destructive device offense.

726

790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

727

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728	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
729	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
730	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
731	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
732	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
733	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
734	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
735	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
	812.135(2)(b)	1st	Home-invasion robbery with weapon.

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817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03 (2)	1st	Aggravated child abuse.
847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

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745 893.135 1st Trafficking in illegal drugs, more
 (1) (c) 1.c. than 28 grams, less than 30 kilograms.

746 893.135 1st Trafficking in phencyclidine, more
 (1) (d) 1.c. than 400 grams.

747 893.135 1st Trafficking in methaqualone, more than
 (1) (e) 1.c. 25 kilograms.

748 893.135 1st Trafficking in amphetamine, more than
 (1) (f) 1.c. 200 grams.

749 893.135 1st Trafficking in gamma-hydroxybutyric
 (1) (h) 1.c. acid (GHB), 10 kilograms or more.

750 893.135 1st Trafficking in 1,4-Butanediol, 10
 (1) (j) 1.c. kilograms or more.

751 893.135 1st Trafficking in Phenethylamines, 400
 (1) (k) 2.c. grams or more.

752 896.101 (5) (c) 1st Money laundering, financial
 instruments totaling or exceeding
 \$100,000.

896.104 (4) (a) 3. 1st Structuring transactions to evade
 reporting or registration
 requirements, financial transactions
 totaling or exceeding \$100,000.

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	(j) LEVEL 10		
Florida	Felony		
Statute	Degree		Description
499.0051(10)	1st		Knowing sale or purchase of contraband prescription drugs resulting in death.
782.04(2)	1st,PBL		Unlawful killing of human; act is homicide, unpremeditated.
787.01(1)(a)3.	1st,PBL		Kidnapping; inflict bodily harm upon or terrorize victim.
787.01(3)(a)	Life		Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
782.07(3)	1st		Aggravated manslaughter of a child.
<u>787.06(5)</u>	<u>1st,PBL</u>		<u>Human trafficking; minors.</u>
<u>787.06(6)</u>	<u>Life</u>		<u>Human trafficking; child under 15.</u>
<u>787.06(7)</u>	<u>Life</u>		<u>Human trafficking; sale or transfer of minor.</u>

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794.011(3) Life Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.

764

796.035 1st Selling or buying minors; human trafficking or prostitution.

765

812.135(2)(a) 1st,PBL Home-invasion robbery with firearm or other deadly weapon.

766

876.32 1st Treason against the state.

767

768 Section 14. Paragraphs (b) and (c) of subsection (2) of
769 section 90.404, Florida Statutes, are amended to read:

770 90.404 Character evidence; when admissible.—

771 (2) OTHER CRIMES, WRONGS, OR ACTS.—

772 (b)1. In a criminal case in which the defendant is charged
773 with a crime involving child molestation, evidence of the
774 defendant's commission of other crimes, wrongs, or acts of child
775 molestation is admissible and may be considered for its bearing
776 on any matter to which it is relevant.

777 2. For the purposes of this paragraph, the term "child
778 molestation" means conduct proscribed by s. 787.025(2)(c), s.
779 787.06 only as it relates to commercial sexual activity, s.
780 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s.
781 796.035, ~~s. 796.045~~, s. 800.04, s. 827.071, s. 847.0135(5), s.
782 847.0145, or s. 985.701(1) when committed against a person 16
783 years of age or younger.

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784 (c)1. In a criminal case in which the defendant is charged
785 with a sexual offense, evidence of the defendant's commission of
786 other crimes, wrongs, or acts involving a sexual offense is
787 admissible and may be considered for its bearing on any matter
788 to which it is relevant.

789 2. For the purposes of this paragraph, the term "sexual
790 offense" means conduct proscribed by s. 787.025(2)(c), s. 787.06
791 only as it relates to commercial sexual activity, s. 794.011,
792 excluding s. 794.011(10), s. 794.05, s. 796.03, s. 796.035, ~~s.~~
793 ~~796.045~~, s. 825.1025(2)(b), s. 827.071, s. 847.0135(5), s.
794 847.0145, or s. 985.701(1).

795 Section 15. Paragraph (a) of subsection (1) of section
796 772.102, Florida Statutes, is amended to read:

797 772.102 Definitions.—As used in this chapter, the term:

798 (1) "Criminal activity" means to commit, to attempt to
799 commit, to conspire to commit, or to solicit, coerce, or
800 intimidate another person to commit:

801 (a) Any crime that is chargeable by indictment or
802 information under the following provisions:

803 1. Section 210.18, relating to evasion of payment of
804 cigarette taxes.

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

806 3. Section 440.105 or s. 440.106, relating to workers'
807 compensation.

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

809 5. Chapter 517, relating to securities transactions.

810 6. Section 550.235 or s. 550.3551, relating to dogracing
811 and horseracing.

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

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- 813 8. Chapter 552, relating to the manufacture, distribution,
814 and use of explosives.
- 815 9. Chapter 562, relating to beverage law enforcement.
- 816 10. Section 624.401, relating to transacting insurance
817 without a certificate of authority, s. 624.437(4)(c)1., relating
818 to operating an unauthorized multiple-employer welfare
819 arrangement, or s. 626.902(1)(b), relating to representing or
820 aiding an unauthorized insurer.
- 821 11. Chapter 687, relating to interest and usurious
822 practices.
- 823 12. Section 721.08, s. 721.09, or s. 721.13, relating to
824 real estate timeshare plans.
- 825 13. Chapter 782, relating to homicide.
- 826 14. Chapter 784, relating to assault and battery.
- 827 15. Chapter 787, relating to kidnapping or human
828 trafficking.
- 829 16. Chapter 790, relating to weapons and firearms.
- 830 17. Section 796.03, s. 796.04, ~~s. 796.045~~, s. 796.05, or s.
831 796.07, relating to prostitution.
- 832 18. Chapter 806, relating to arson.
- 833 19. Section 810.02(2)(c), relating to specified burglary of
834 a dwelling or structure.
- 835 20. Chapter 812, relating to theft, robbery, and related
836 crimes.
- 837 21. Chapter 815, relating to computer-related crimes.
- 838 22. Chapter 817, relating to fraudulent practices, false
839 pretenses, fraud generally, and credit card crimes.
- 840 23. Section 827.071, relating to commercial sexual
841 exploitation of children.

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- 842 24. Chapter 831, relating to forgery and counterfeiting.
- 843 25. Chapter 832, relating to issuance of worthless checks
844 and drafts.
- 845 26. Section 836.05, relating to extortion.
- 846 27. Chapter 837, relating to perjury.
- 847 28. Chapter 838, relating to bribery and misuse of public
848 office.
- 849 29. Chapter 843, relating to obstruction of justice.
- 850 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
851 s. 847.07, relating to obscene literature and profanity.
- 852 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
853 849.25, relating to gambling.
- 854 32. Chapter 893, relating to drug abuse prevention and
855 control.
- 856 33. Section 914.22 or s. 914.23, relating to witnesses,
857 victims, or informants.
- 858 34. Section 918.12 or s. 918.13, relating to tampering with
859 jurors and evidence.
- 860 Section 16. Subsection (1) of section 794.056, Florida
861 Statutes, is amended to read:
- 862 794.056 Rape Crisis Program Trust Fund.—
- 863 (1) The Rape Crisis Program Trust Fund is created within
864 the Department of Health for the purpose of providing funds for
865 rape crisis centers in this state. Trust fund moneys shall be
866 used exclusively for the purpose of providing services for
867 victims of sexual assault. Funds credited to the trust fund
868 consist of those funds collected as an additional court
869 assessment in each case in which a defendant pleads guilty or
870 nolo contendere to, or is found guilty of, regardless of

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871 adjudication, an offense provided in s. 775.21(6) and (10)(a),
872 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
873 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
874 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
875 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
876 s. 796.03; s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s.
877 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
878 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
879 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
880 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
881 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
882 fund also shall include revenues provided by law, moneys
883 appropriated by the Legislature, and grants from public or
884 private entities.

885 Section 17. Paragraph (a) of subsection (1) of section
886 895.02, Florida Statutes, is amended to read:

887 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

888 (1) "Racketeering activity" means to commit, to attempt to
889 commit, to conspire to commit, or to solicit, coerce, or
890 intimidate another person to commit:

891 (a) Any crime that is chargeable by petition, indictment,
892 or information under the following provisions of the Florida
893 Statutes:

894 1. Section 210.18, relating to evasion of payment of
895 cigarette taxes.

896 2. Section 316.1935, relating to fleeing or attempting to
897 elude a law enforcement officer and aggravated fleeing or
898 eluding.

899 3. Section 403.727(3)(b), relating to environmental

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- 900 control.
- 901 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 902 fraud.
- 903 5. Section 414.39, relating to public assistance fraud.
- 904 6. Section 440.105 or s. 440.106, relating to workers'
- 905 compensation.
- 906 7. Section 443.071(4), relating to creation of a fictitious
- 907 employer scheme to commit unemployment compensation fraud.
- 908 8. Section 465.0161, relating to distribution of medicinal
- 909 drugs without a permit as an Internet pharmacy.
- 910 9. Section 499.0051, relating to crimes involving
- 911 contraband and adulterated drugs.
- 912 10. Part IV of chapter 501, relating to telemarketing.
- 913 11. Chapter 517, relating to sale of securities and
- 914 investor protection.
- 915 12. Section 550.235 or s. 550.3551, relating to dogracing
- 916 and horseracing.
- 917 13. Chapter 550, relating to jai alai frontons.
- 918 14. Section 551.109, relating to slot machine gaming.
- 919 15. Chapter 552, relating to the manufacture, distribution,
- 920 and use of explosives.
- 921 16. Chapter 560, relating to money transmitters, if the
- 922 violation is punishable as a felony.
- 923 17. Chapter 562, relating to beverage law enforcement.
- 924 18. Section 624.401, relating to transacting insurance
- 925 without a certificate of authority, s. 624.437(4)(c)1., relating
- 926 to operating an unauthorized multiple-employer welfare
- 927 arrangement, or s. 626.902(1)(b), relating to representing or
- 928 aiding an unauthorized insurer.

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- 929 19. Section 655.50, relating to reports of currency
930 transactions, when such violation is punishable as a felony.
- 931 20. Chapter 687, relating to interest and usurious
932 practices.
- 933 21. Section 721.08, s. 721.09, or s. 721.13, relating to
934 real estate timeshare plans.
- 935 22. Section 775.13(5)(b), relating to registration of
936 persons found to have committed any offense for the purpose of
937 benefiting, promoting, or furthering the interests of a criminal
938 gang.
- 939 23. Section 777.03, relating to commission of crimes by
940 accessories after the fact.
- 941 24. Chapter 782, relating to homicide.
- 942 25. Chapter 784, relating to assault and battery.
- 943 26. Chapter 787, relating to kidnapping or human
944 trafficking.
- 945 27. Chapter 790, relating to weapons and firearms.
- 946 28. Chapter 794, relating to sexual battery, but only if
947 such crime was committed with the intent to benefit, promote, or
948 further the interests of a criminal gang, or for the purpose of
949 increasing a criminal gang member's own standing or position
950 within a criminal gang.
- 951 29. Section 796.03, s. 796.035, s. 796.04, ~~s. 796.045~~, s.
952 796.05, or s. 796.07, relating to prostitution and sex
953 trafficking.
- 954 30. Chapter 806, relating to arson and criminal mischief.
- 955 31. Chapter 810, relating to burglary and trespass.
- 956 32. Chapter 812, relating to theft, robbery, and related
957 crimes.

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- 958 33. Chapter 815, relating to computer-related crimes.
- 959 34. Chapter 817, relating to fraudulent practices, false
960 pretenses, fraud generally, and credit card crimes.
- 961 35. Chapter 825, relating to abuse, neglect, or
962 exploitation of an elderly person or disabled adult.
- 963 36. Section 827.071, relating to commercial sexual
964 exploitation of children.
- 965 37. Chapter 831, relating to forgery and counterfeiting.
- 966 38. Chapter 832, relating to issuance of worthless checks
967 and drafts.
- 968 39. Section 836.05, relating to extortion.
- 969 40. Chapter 837, relating to perjury.
- 970 41. Chapter 838, relating to bribery and misuse of public
971 office.
- 972 42. Chapter 843, relating to obstruction of justice.
- 973 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
974 s. 847.07, relating to obscene literature and profanity.
- 975 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
976 849.25, relating to gambling.
- 977 45. Chapter 874, relating to criminal gangs.
- 978 46. Chapter 893, relating to drug abuse prevention and
979 control.
- 980 47. Chapter 896, relating to offenses related to financial
981 transactions.
- 982 48. Sections 914.22 and 914.23, relating to tampering with
983 or harassing a witness, victim, or informant, and retaliation
984 against a witness, victim, or informant.
- 985 49. Sections 918.12 and 918.13, relating to tampering with
986 jurors and evidence.

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987 Section 18. Section 938.085, Florida Statutes, is amended
988 to read:

989 938.085 Additional cost to fund rape crisis centers.—In
990 addition to any sanction imposed when a person pleads guilty or
991 nolo contendere to, or is found guilty of, regardless of
992 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
993 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
994 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
995 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
996 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; s. 796.03;
997 s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s. 796.06; s.
998 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
999 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
1000 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
1001 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and
1002 (14) (c); or s. 985.701(1), the court shall impose a surcharge of
1003 \$151. Payment of the surcharge shall be a condition of
1004 probation, community control, or any other court-ordered
1005 supervision. The sum of \$150 of the surcharge shall be deposited
1006 into the Rape Crisis Program Trust Fund established within the
1007 Department of Health by chapter 2003-140, Laws of Florida. The
1008 clerk of the court shall retain \$1 of each surcharge that the
1009 clerk of the court collects as a service charge of the clerk's
1010 office.

1011 Section 19. This act shall take effect October 1, 2012.