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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to the Department of Legal Affairs;
amending s. 16.56, F.S.; revising the list of offenses
that may be investigated and prosecuted by the Office
of Statewide Prosecution; creating s. 16.62, F.S.;
authorizing the Department of Legal Affairs to spend
no more than \$20,000 annually to support specified
recognition and awards programs, in addition to
expenditures separately authorized by law; amending s.
409.9203, F.S.; specifying the distribution of certain
funds recovered in Medicaid fraud actions; amending s.
501.203, F.S.; revising the term "violation of this
part"; amending s. 501.204, F.S.; revising legislative
intent; amending s. 960.03, F.S.; revising the
definition of the term "crime" for purposes of
obtaining crime victim compensation from the
department to include certain forcible felonies;
revising provisions concerning acts involving the
operation of a motor vehicle, boat, or aircraft;
revising the definition of the term "disabled adult";
correcting a cross-reference; amending s. 960.13,
F.S.; exempting crime victim compensation awards for
catastrophic injury from certain deductions; amending
s. 960.195, F.S.; revising the maximum victim
compensation amounts that the department may award to
elderly persons or disabled adults who suffer a
property loss that causes a substantial diminution in



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28 their quality of life in certain circumstances;
29 revising the conditions under which elderly persons or
30 disabled adults who suffer a property loss are
31 eligible for an award; authorizing the department to
32 deny, reduce, or withdraw a specified award upon
33 finding that any claimant or award recipient has not
34 duly cooperated with certain persons and entities;
35 creating s. 960.196, F.S.; providing for relocation
36 assistance for human trafficking victims; amending s.
37 960.198, F.S.; prohibiting relocation assistance for a
38 domestic violence claim if the victim has received
39 previous relocation assistance for a human trafficking
40 claim; amending s. 960.199, F.S.; deleting provisions
41 relating to relocation assistance for human
42 trafficking victims; providing an effective date.

43

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

45

46 Section 1. Paragraphs (a) and (b) of subsection (1) of
47 section 16.56, Florida Statutes, are amended to read:

48 16.56 Office of Statewide Prosecution.—

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

53 (a) Investigate and prosecute the offenses of:

54 1. Bribery, burglary, criminal usury, extortion, gambling,
55 kidnapping, larceny, murder, prostitution, perjury, robbery,
56 carjacking, and home-invasion robbery;



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- 57 2. Any crime involving narcotic or other dangerous drugs;
- 58 3. Any violation of ~~the provisions of~~ the Florida RICO
- 59 (Racketeer Influenced and Corrupt Organization) Act, including
- 60 any offense listed in the definition of racketeering activity in
- 61 s. 895.02(1)(a), providing such listed offense is investigated
- 62 in connection with a violation of s. 895.03 and is charged in a
- 63 separate count of an information or indictment containing a
- 64 count charging a violation of s. 895.03, the prosecution of
- 65 which listed offense may continue independently if the
- 66 prosecution of the violation of s. 895.03 is terminated for any
- 67 reason;
- 68 4. Any violation of ~~the provisions of~~ the Florida Anti-
- 69 Fencing Act;
- 70 5. Any violation of ~~the provisions of~~ the Florida Antitrust
- 71 Act of 1980, as amended;
- 72 6. Any crime involving, or resulting in, fraud or deceit
- 73 upon any person;
- 74 7. Any violation of s. 847.0135, relating to computer
- 75 pornography and child exploitation prevention, or any offense
- 76 related to a violation of s. 847.0135 or any violation of
- 77 chapter 827 where the crime is facilitated by or connected to
- 78 the use of the Internet or any device capable of electronic data
- 79 storage or transmission;
- 80 8. Any violation of ~~the provisions of~~ chapter 815;
- 81 9. Any criminal violation of part I of chapter 499;
- 82 10. Any violation of ~~the provisions of~~ the Florida Motor
- 83 Fuel Tax Relief Act of 2004;
- 84 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 85 12. Any crime involving voter registration, voting, or



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86 candidate or issue petition activities;

87 13. Any criminal violation of the Florida Money Laundering
88 Act;

89 14. Any criminal violation of the Florida Securities and
90 Investor Protection Act; or

91 15. Any violation of ~~the provisions of~~ chapter 787, as well
92 as any and all offenses related to a violation of ~~the provisions~~
93 ~~of~~ chapter 787;

94
95 or any attempt, solicitation, or conspiracy to commit any of the
96 crimes specifically enumerated above. The office shall have such
97 power only when any such offense is occurring, or has occurred,
98 in two or more judicial circuits as part of a related
99 transaction, or when any such offense is connected with an
100 organized criminal conspiracy affecting two or more judicial
101 circuits. Informations or indictments charging such offenses
102 shall contain general allegations stating the judicial circuits
103 and counties in which crimes are alleged to have occurred or the
104 judicial circuits and counties in which crimes affecting such
105 circuits or counties are alleged to have been connected with an
106 organized criminal conspiracy.

107 (b) Investigate and prosecute any crime enumerated in
108 paragraph (a) ~~subparagraphs (a)1.-14.~~ facilitated by or
109 connected to the use of the Internet. Any such crime is a crime
110 occurring in every judicial circuit within the state.

111 Section 2. Section 16.62, Florida Statutes, is created to
112 read:

113 16.62 Recognition and awards.—In addition to expenditures
114 separately authorized by law, the Department of Legal Affairs



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115 may expend no more than \$20,000 annually to support costs
116 associated with the agency's Law Enforcement Officer of the Year
117 Recognition and Awards Program and Victims Services Recognition
118 and Awards Program.

119 Section 3. Subsection (5) is added to section 409.9203,
120 Florida Statutes, to read:

121 409.9203 Rewards for reporting Medicaid fraud.—

122 (5) Notwithstanding s. 68.085(3), the 10 percent of any
123 remaining proceeds deposited into the Operating Trust Fund from
124 an action based on a claim of funds from the state Medicaid
125 program shall be allocated in the following manner:

126 (a) Fifty percent of such moneys shall be used to fund
127 rewards for reporting Medicaid fraud pursuant to this section.

128 (b) The remaining 50 percent of such moneys shall be used
129 by the Medicaid Fraud Control Unit to fund its investigations of
130 potential violations of s. 68.082 and any related civil actions.

131 Section 4. Subsection (3) of section 501.203, Florida
132 Statutes, is amended to read:

133 501.203 Definitions.—As used in this chapter, unless the
134 context otherwise requires, the term:

135 (3) "Violation of this part" means any violation of this
136 act or the rules adopted under this act and may be based upon
137 any of the following as of July 1, 2015 ~~2013~~:

138 (a) Any rules promulgated pursuant to the Federal Trade
139 Commission Act, 15 U.S.C. ss. 41 et seq.;

140 (b) The standards of unfairness and deception set forth and
141 interpreted by the Federal Trade Commission or the federal
142 courts;

143 (c) Any law, statute, rule, regulation, or ordinance which



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144 proscribes unfair methods of competition, or unfair, deceptive,
145 or unconscionable acts or practices.

146 Section 5. Section 501.204, Florida Statutes, is amended to
147 read:

148 501.204 Unlawful acts and practices.—

149 (1) Unfair methods of competition, unconscionable acts or
150 practices, and unfair or deceptive acts or practices in the
151 conduct of any trade or commerce are hereby declared unlawful.

152 (2) It is the intent of the Legislature that, in construing
153 subsection (1), due consideration and great weight shall be
154 given to the interpretations of the Federal Trade Commission and
155 the federal courts relating to s. 5(a)(1) of the Federal Trade
156 Commission Act, 15 U.S.C. s. 45(a)(1) as of July 1, 2015 ~~2013~~.

157 Section 6. Subsections (3) and (6) of section 960.03,
158 Florida Statutes, are amended to read:

159 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
160 960.01-960.28, unless the context otherwise requires, the term:

161 (3) "Crime" means:

162 (a) A felony or misdemeanor offense committed by an adult
163 or a juvenile which results in physical injury or death, a
164 forcible felony committed by an adult or juvenile which directly
165 results in psychiatric or psychological injury, or a felony or
166 misdemeanor offense of child abuse committed by an adult or a
167 juvenile which results in a mental injury, as defined in s.
168 827.03, to a person younger than 18 years of age who was not
169 physically injured by the criminal act. The mental injury to the
170 minor must be verified by a psychologist licensed under chapter
171 490, by a physician licensed in this state under chapter 458 or
172 chapter 459 who has completed an accredited residency in



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173 psychiatry, or by a physician who has obtained certification as
174 an expert witness pursuant to s. 458.3175. The term also
175 includes a criminal act that is committed within this state but
176 that falls exclusively within federal jurisdiction.

177 (b) A violation of s. 316.027(2), s. 316.193, s. 316.1935
178 ~~s. 316.027(1)~~, s. 327.35(1), s. 782.071(1)(b), or s.
179 860.13(1)(a) which results in physical injury or death.

180 (c) ~~however,~~ An act involving the operation of a motor
181 vehicle, boat, or aircraft which results in another person's
182 injury or death that is intentionally inflicted through the use
183 of the vehicle, boat, or aircraft; however, no other act
184 involving the operation of a motor vehicle, boat, or aircraft
185 constitutes a crime for purposes of this chapter does not
186 constitute a crime for the purpose of this chapter unless the
187 injury or death was intentionally inflicted through the use of
188 the vehicle, boat, or aircraft.

189 (d) ~~(e)~~ A criminal act committed outside this state against
190 a resident of this state which would have been compensable if it
191 had occurred in this state and which occurred in a jurisdiction
192 that does not have an eligible crime victim compensation program
193 as the term is defined in the federal Victims of Crime Act of
194 1984.

195 (e) ~~(d)~~ A violation of s. 827.071, s. 847.0135, s. 847.0137,
196 or s. 847.0138, related to online sexual exploitation and child
197 pornography.

198 (6) "Disabled adult" means a person 18 years of age or
199 older who suffers from a condition of physical or mental
200 incapacitation due to a developmental disability, ~~or~~ organic
201 brain damage, or mental illness or who has one or more physical



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202 or mental limitations that restrict the person's ability to
203 perform the normal activities of daily living.

204 Section 7. Subsection (6) of section 960.13, Florida
205 Statutes, is amended to read:

206 960.13 Awards.—

207 (6) Any award made pursuant to this chapter, except an
208 award for loss of support or catastrophic injury, shall be
209 reduced by the amount of any payments or services received or to
210 be received by the claimant as a result of the injury or death:

211 (a) From or on behalf of the person who committed the
212 crime; provided, however, that a restitution award ordered by a
213 court to be paid to the claimant by the person who committed the
214 crime shall not reduce any award made pursuant to this chapter
215 unless it appears to the department that the claimant will be
216 unjustly enriched thereby.

217 (b) From any other public or private source or provider,
218 including, but not limited to, an award of workers' compensation
219 pursuant to chapter 440.

220 (c) From agencies mandated by other Florida statutes to
221 provide or pay for services, except as provided in s. 960.28.

222 (d) From an emergency award under s. 960.12.

223 Section 8. Section 960.195, Florida Statutes, is amended to
224 read:

225 960.195 Awards to elderly persons or disabled adults for
226 property loss.—

227 (1) Notwithstanding the criteria in s. 960.13, for crime
228 victim compensation awards, the department may award a maximum
229 of \$500 on any one claim and a lifetime maximum of \$1,000 on all
230 claims to elderly persons or disabled adults who suffer a



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231 property loss that causes a substantial diminution in their
232 quality of life when:

233 (a)~~(1)~~ There is proof that a criminal or delinquent act was
234 committed;

235 (b)~~(2)~~ The criminal or delinquent act is reported to law
236 enforcement authorities within 72 hours, unless the department,
237 for good cause shown, finds the delay to have been justified;

238 ~~(3) The victim cooperates with law enforcement authorities~~
239 ~~in the investigation of the criminal or delinquent act;~~

240 (c)~~(4)~~ There is proof that the tangible personal property
241 in question belonged to the claimant;

242 (d)~~(5)~~ The claimant did not contribute to the criminal or
243 delinquent act;

244 (e)~~(6)~~ There is no other source of reimbursement or
245 indemnification available to the claimant; and

246 (f)~~(7)~~ The claimant would not be able to replace the
247 tangible personal property in question without incurring a
248 serious financial hardship.

249 (2) The department may deny, reduce, or withdraw any award
250 under subsection (1) upon finding that any claimant or award
251 recipient has not duly cooperated with the state attorney, all
252 law enforcement agencies, and the department.

253 Section 9. Section 960.196, Florida Statutes, is created to
254 read:

255 960.196 Relocation assistance for victims of human
256 trafficking.-

257 (1) Notwithstanding the criteria specified in ss. 960.07(2)
258 and 960.13 for crime victim compensation awards, the department
259 may award a one-time payment of up to \$1,500 for any one claim



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260 and a lifetime maximum of \$3,000 to a victim of human
261 trafficking who needs urgent assistance to escape from an unsafe
262 environment directly related to the human trafficking offense.

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

265 (a) There must be proof that a human trafficking offense,
266 as described in s. 787.06(3)(b), (d), (f), or (g), was
267 committed.

268 (b) The crime must be reported to the proper authorities
269 and the claim must be filed within 1 year, or 2 years with good
270 cause, after the date of the last human trafficking offense, as
271 described in s. 787.06(3)(b), (d), (f), or (g). In a case that
272 exceeds the 2-year requirement due to an active and ongoing
273 investigation, a state attorney, statewide prosecutor, or
274 federal prosecutor may certify in writing a human trafficking
275 victim's need to relocate from an unsafe environment due to the
276 threat of future violence which is directly related to the human
277 trafficking offense.

278 (c) The victim's need must be certified by a certified
279 domestic violence or rape crisis center in this state, except as
280 provided in paragraph (b). The center's certification must
281 assert that the victim is cooperating with the proper
282 authorities and must include documentation that the victim has
283 developed a safety plan.

284 (3) Relocation payments for a human trafficking claim shall
285 be denied if the department has previously approved or paid out
286 a domestic violence or sexual battery relocation claim under s.
287 960.198 or s. 960.199 to the same victim regarding the same
288 incident.



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289 Section 10. Subsection (3) of section 960.198, Florida
290 Statutes, is amended to read:

291 960.198 Relocation assistance for victims of domestic
292 violence.—

293 (3) Relocation payments for a domestic violence claim shall
294 be denied if the department has previously approved or paid out
295 a human trafficking or sexual battery relocation claim under s.
296 960.196 or s. 960.199 to the same victim regarding the same
297 incident.

298 Section 11. Section 960.199, Florida Statutes, is amended
299 to read:

300 960.199 Relocation assistance for victims of sexual battery
301 ~~or human trafficking.~~—

302 (1) The department may award a one-time payment of up to
303 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
304 victim of sexual battery, as defined in s. 794.011, ~~or a victim~~
305 ~~of human trafficking, as described in s. 787.06(3)(b), (d), (f),~~
306 ~~or (g),~~ who needs relocation assistance.

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

309 (a) There must be proof that a sexual battery offense ~~or~~
310 ~~human trafficking offense, as described in s. 787.06(3)(b), (d),~~
311 ~~(f), or (g),~~ was committed.

312 (b) The sexual battery offense ~~or human trafficking~~
313 ~~offense, as defined in s. 787.06(3)(b), (d), (f), or (g),~~ must
314 be reported to the proper authorities.

315 (c) The victim's need for assistance must be certified by a
316 certified rape crisis center in this state ~~or by the state~~
317 ~~attorney or statewide prosecutor having jurisdiction over the~~



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318 ~~offense. A victim of human trafficking's need for assistance may~~
319 ~~also be certified by a certified domestic violence center in~~
320 ~~this state.~~

321 (d) The center's certification must assert that the victim
322 is cooperating with law enforcement officials, if applicable,
323 and must include documentation that the victim has developed a
324 safety plan. ~~If the victim seeking relocation assistance is a~~
325 ~~victim of a human trafficking offense as described in s.~~
326 ~~787.06(3)(b), (d), (f), or (g), the certified rape crisis~~
327 ~~center's or certified domestic violence center's certification~~
328 ~~must include, if applicable, approval of the state attorney or~~
329 ~~statewide prosecutor attesting that the victim is cooperating~~
330 ~~with law enforcement officials.~~

331 (e) The act of sexual battery ~~or human trafficking, as~~
332 ~~described in s. 787.06(3)(b), (d), (f), or (g),~~ must be
333 committed in the victim's place of residence or in a location
334 that would lead the victim to reasonably fear for his or her
335 continued safety in the place of residence.

336 (3) Relocation payments for a sexual battery ~~or human~~
337 ~~trafficking~~ claim under this section shall be denied if the
338 department has previously approved or paid out a human
339 trafficking or domestic violence relocation claim under s.
340 960.196 or s. 960.198 to the same victim regarding the same
341 incident.

342 Section 12. This act shall take effect July 1, 2015.