

1 A bill to be entitled

2 An act relating to the Department of Legal Affairs;
3 amending s. 16.56, F.S.; revising the list of offenses
4 that may be investigated and prosecuted by the Office
5 of Statewide Prosecution; creating s. 16.62, F.S.;
6 authorizing the Department of Legal Affairs to expend
7 a specified amount annually to purchase and distribute
8 promotional materials or expend funds for other
9 specified purposes to promote good will; amending s.
10 409.9203, F.S.; specifying the distribution of certain
11 funds recovered in Medicaid fraud actions; amending
12 ss. 501.203 and 501.204, F.S.; updating references for
13 purposes of the Florida Deceptive and Unfair Trade
14 Practices Act; amending s. 960.03, F.S.; revising the
15 definition of the term "crime" for purposes of
16 obtaining crime victim compensation from the
17 department to include certain forcible felonies;
18 revising provisions concerning acts involving the
19 operation of a motor vehicle, boat, or aircraft;
20 revising the definition of the term "disabled adult";
21 correcting a cross-reference; amending s. 960.13,
22 F.S.; exempting crime victim compensation awards for
23 catastrophic injury from certain deductions; amending
24 s. 960.195, F.S.; revising the maximum victim
25 compensation amounts that the department may award to
26 an elderly person or disabled adult who suffers a

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

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

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

47 | 16.56 Office of Statewide Prosecution.—

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

52 | (a) Investigate and prosecute the offenses of:

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

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

57 3. Any violation of ~~the provisions of~~ the Florida RICO
58 (Racketeer Influenced and Corrupt Organization) Act, including
59 any offense listed in the definition of racketeering activity in
60 s. 895.02(1)(a), providing such listed offense is investigated
61 in connection with a violation of s. 895.03 and is charged in a
62 separate count of an information or indictment containing a
63 count charging a violation of s. 895.03, the prosecution of
64 which listed offense may continue independently if the
65 prosecution of the violation of s. 895.03 is terminated for any
66 reason;

67 4. Any violation of ~~the provisions of~~ the Florida Anti-
68 Fencing Act;

69 5. Any violation of ~~the provisions of~~ the Florida
70 Antitrust Act of 1980, as amended;

71 6. Any crime involving, or resulting in, fraud or deceit
72 upon any person;

73 7. Any violation of s. 847.0135, relating to computer
74 pornography and child exploitation prevention, or any offense
75 related to a violation of s. 847.0135 or any violation of
76 chapter 827 where the crime is facilitated by or connected to
77 the use of the Internet or any device capable of electronic data
78 storage or transmission;

- 79 8. Any violation of ~~the provisions of~~ chapter 815;
- 80 9. Any criminal violation of part I of chapter 499;
- 81 10. Any violation of ~~the provisions of~~ the Florida Motor
- 82 Fuel Tax Relief Act of 2004;
- 83 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 84 12. Any crime involving voter registration, voting, or
- 85 candidate or issue petition activities;
- 86 13. Any criminal violation of the Florida Money Laundering
- 87 Act;
- 88 14. Any criminal violation of the Florida Securities and
- 89 Investor Protection Act; or
- 90 15. Any violation of ~~the provisions of~~ chapter 787, as
- 91 well as any and all offenses related to a violation of ~~the~~
- 92 ~~provisions of~~ chapter 787;
- 93
- 94 or any attempt, solicitation, or conspiracy to commit any of the
- 95 crimes specifically enumerated above. The office shall have such
- 96 power only when any such offense is occurring, or has occurred,
- 97 in two or more judicial circuits as part of a related
- 98 transaction, or when any such offense is connected with an
- 99 organized criminal conspiracy affecting two or more judicial
- 100 circuits. Informations or indictments charging such offenses
- 101 shall contain general allegations stating the judicial circuits
- 102 and counties in which crimes are alleged to have occurred or the
- 103 judicial circuits and counties in which crimes affecting such
- 104 circuits or counties are alleged to have been connected with an

105 organized criminal conspiracy.

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

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

112 16.62 Promotional materials and good will.—In addition to
 113 expenditures separately authorized by law, the Department of
 114 Legal Affairs may expend no more than \$20,000 annually to
 115 purchase and distribute promotional materials or items that
 116 serve to advance, with dignity and integrity, the good will of
 117 this state and the department and to provide basic refreshments
 118 at official functions, seminars, or meetings of the department
 119 in which dignitaries or representatives from the Federal
 120 Government, other states or nationalities, or other agencies are
 121 in attendance.

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

124 409.9203 Rewards for reporting Medicaid fraud.—

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

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

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

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

136 501.203 Definitions.—As used in this chapter, unless the
 137 context otherwise requires, the term:

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

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

143 (b) The standards of unfairness and deception set forth
 144 and interpreted by the Federal Trade Commission or the federal
 145 courts; or

146 (c) Any law, statute, rule, regulation, or ordinance which
 147 proscribes unfair methods of competition, or unfair, deceptive,
 148 or unconscionable acts or practices.

149 Section 5. Section 501.204, Florida Statutes, is amended
 150 to read:

151 501.204 Unlawful acts and practices.—

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

155 (2) It is the intent of the Legislature that, in
 156 construing subsection (1), due consideration and great weight

157 shall be given to the interpretations of the Federal Trade
 158 Commission and the federal courts relating to s. 5(a)(1) of the
 159 Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July
 160 1, 2015 ~~2013~~.

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

163 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 164 960.01-960.28, unless the context otherwise requires, the term:

165 (3) "Crime" means:

166 (a) A felony or misdemeanor offense committed by an adult
 167 or a juvenile which results in physical injury or death, a
 168 forcible felony committed by an adult or juvenile which directly
 169 results in psychiatric or psychological injury, or a felony or
 170 misdemeanor offense of child abuse committed by an adult or a
 171 juvenile which results in a mental injury, as defined in s.
 172 827.03, to a person younger than 18 years of age who was not
 173 physically injured by the criminal act. The mental injury to the
 174 minor must be verified by a psychologist licensed under chapter
 175 490, by a physician licensed in this state under chapter 458 or
 176 chapter 459 who has completed an accredited residency in
 177 psychiatry, or by a physician who has obtained certification as
 178 an expert witness pursuant to s. 458.3175. The term also
 179 includes a criminal act that is committed within this state but
 180 that falls exclusively within federal jurisdiction.

181 (b) A violation of s. 316.027(2), s. 316.193, s. 316.1935
 182 ~~s. 316.027(1)~~, s. 327.35(1), s. 782.071(1)(b), or s.

183 860.13(1) (a) which results in physical injury or death.

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

193 (d) ~~(e)~~ A criminal act committed outside this state against
 194 a resident of this state which would have been compensable if it
 195 had occurred in this state and which occurred in a jurisdiction
 196 that does not have an eligible crime victim compensation program
 197 as the term is defined in the federal Victims of Crime Act of
 198 1984.

199 (e) ~~(d)~~ A violation of s. 827.071, s. 847.0135, s.
 200 847.0137, or s. 847.0138, related to online sexual exploitation
 201 and child pornography.

202 (6) "Disabled adult" means a person 18 years of age or
 203 older who suffers from a condition of physical or mental
 204 incapacitation due to a developmental disability, ~~or~~ organic
 205 brain damage, or mental illness, or who has one or more physical
 206 or mental limitations that restrict the person's ability to
 207 perform the normal activities of daily living.

208 Section 7. Subsection (6) of section 960.13, Florida

209 Statutes, is amended to read:

210 960.13 Awards.—

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

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

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

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

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

227 Section 8. Section 960.195, Florida Statutes, is amended
 228 to read:

229 960.195 Awards to elderly persons or disabled adults for
 230 property loss.—

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

235 property loss that causes a substantial diminution in their
 236 quality of life when:

237 (a)~~(1)~~ There is proof that a criminal or delinquent act
 238 was committed.~~;~~

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

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

244 (c)~~(4)~~ There is proof that the tangible personal property
 245 in question belonged to the claimant.~~;~~

246 (d)~~(5)~~ The claimant did not contribute to the criminal or
 247 delinquent act.~~;~~

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

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

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

257 Section 9. Section 960.196, Florida Statutes, is created
 258 to read:

259 960.196 Relocation assistance for victims of human
 260 trafficking.-

261 (1) Notwithstanding the criteria specified in ss.
262 960.07(2) and 960.13 for crime victim compensation awards, the
263 department may award a one-time payment of up to \$1,500 for any
264 one claim and a lifetime maximum of \$3,000 to a victim of human
265 trafficking who needs urgent assistance to escape from an unsafe
266 environment directly related to the human trafficking offense.

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

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

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

282 (c) The victim's need must be certified by a certified
283 domestic violence or rape crisis center in this state, unless a
284 state attorney, statewide prosecutor, or federal prosecutor has
285 certified in writing that the victim needs to relocate from an
286 unsafe environment due to the threat of future violence that is

287 directly related to the human trafficking offense. The center's
 288 certification must assert that the victim is cooperating with
 289 the proper authorities and must include documentation that the
 290 victim has developed a safety plan.

291 (3) Relocation payments for a human trafficking claim
 292 shall be denied if the department has previously approved or
 293 paid out a domestic violence or sexual battery relocation claim
 294 under s. 960.198 or s. 960.199 to the same victim regarding the
 295 same incident.

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

298 960.198 Relocation assistance for victims of domestic
 299 violence.—

300 (3) Relocation payments for a domestic violence claim
 301 shall be denied if the department has previously approved or
 302 paid out a human trafficking or sexual battery relocation claim
 303 under s. 960.196 or s. 960.199 to the same victim regarding the
 304 same incident.

305 Section 11. Section 960.199, Florida Statutes, is amended
 306 to read:

307 960.199 Relocation assistance for victims of sexual
 308 battery ~~or human trafficking.~~—

309 (1) The department may award a one-time payment of up to
 310 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
 311 victim of sexual battery, as defined in s. 794.011, ~~or a victim~~
 312 ~~of human trafficking, as described in s. 787.06(3)(b), (d), (f),~~

313 ~~or (g)~~, who needs relocation assistance.

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

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

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

322 (c) The victim's need for assistance must be certified by
323 a certified rape crisis center in this state ~~or by the state~~
324 ~~attorney or statewide prosecutor having jurisdiction over the~~
325 ~~offense. A victim of human trafficking's need for assistance may~~
326 ~~also be certified by a certified domestic violence center in~~
327 ~~this state.~~

328 (d) The center's certification must assert that the victim
329 is cooperating with law enforcement officials, if applicable,
330 and must include documentation that the victim has developed a
331 safety plan. ~~If the victim seeking relocation assistance is a~~
332 ~~victim of a human trafficking offense as described in s.~~
333 ~~787.06(3)(b), (d), (f), or (g), the certified rape crisis~~
334 ~~center's or certified domestic violence center's certification~~
335 ~~must include, if applicable, approval of the state attorney or~~
336 ~~statewide prosecutor attesting that the victim is cooperating~~
337 ~~with law enforcement officials.~~

338 (e) The act of sexual battery ~~or human trafficking, as~~

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339 ~~described in s. 787.06(3)(b), (d), (f), or (g),~~ must be
340 committed in the victim's place of residence or in a location
341 that would lead the victim to reasonably fear for his or her
342 continued safety in the place of residence.

343 (3) Relocation payments for a sexual battery ~~or human~~
344 ~~trafficking~~ claim under this section shall be denied if the
345 department has previously approved or paid out a human
346 trafficking or domestic violence relocation claim under s.
347 960.196 or s. 960.198 to the same victim regarding the same
348 incident.

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