

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 for certain recognition
8 and awards programs; amending s. 409.9203, F.S.;
9 specifying the distribution of certain funds recovered
10 in Medicaid fraud actions; amending ss. 501.203 and
11 501.204, F.S.; updating references for purposes of the
12 Florida Deceptive and Unfair Trade Practices Act;
13 amending s. 960.03, F.S.; revising the definition of
14 the term "crime" for purposes of obtaining crime
15 victim compensation from the department to include
16 certain forcible felonies; revising provisions
17 concerning acts involving the operation of a motor
18 vehicle, boat, or aircraft; revising the definition of
19 the term "disabled adult"; correcting a cross-
20 reference; amending s. 960.13, F.S.; exempting crime
21 victim compensation awards for catastrophic injury
22 from certain deductions; amending s. 960.195, F.S.;
23 revising the maximum victim compensation amounts that
24 the department may award to an elderly person or
25 disabled adult who suffers a property loss that causes
26 a substantial diminution in his or her quality of life

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

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

43 |
44 | Section 1. Paragraphs (a) and (b) of subsection (1) of
45 | section 16.56, Florida Statutes, are amended to read:

46 | 16.56 Office of Statewide Prosecution.—

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

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

52 | 1. Bribery, burglary, criminal usury, extortion, gambling,

53 kidnapping, larceny, murder, prostitution, perjury, robbery,
54 carjacking, and home-invasion robbery;

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

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

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

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

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

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

78 8. Any violation of ~~the provisions of~~ chapter 815;

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

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

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

111 16.62 Recognition and awards.-In addition to expenditures
 112 separately authorized by law, the Department of Legal Affairs
 113 may expend no more than \$20,000 annually to support costs
 114 associated with the Law Enforcement Officer of the Year
 115 Recognition and Awards Program and the Victims Services
 116 Recognition and Awards Program.

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

119 409.9203 Rewards for reporting Medicaid fraud.-

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

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

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

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

131 501.203 Definitions.—As used in this chapter, unless the
132 context otherwise requires, the term:

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

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

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

141 (c) Any law, statute, rule, regulation, or ordinance which
142 proscribes unfair methods of competition, or unfair, deceptive,
143 or unconscionable acts or practices.

144 Section 5. Section 501.204, Florida Statutes, is amended
145 to read:

146 501.204 Unlawful acts and practices.—

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

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

156 Section 6. Subsections (3) and (6) of section 960.03,

157 Florida Statutes, are amended to read:

158 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 159 960.01-960.28, unless the context otherwise requires, the term:

160 (3) "Crime" means:

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

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

179 (c) ~~; however,~~ An act involving the operation of a motor
 180 vehicle, boat, or aircraft which results in another person's
 181 injury or death that is intentionally inflicted through the use
 182 of the vehicle, boat, or aircraft; however, no other act

183 involving the operation of a motor vehicle, boat, or aircraft
 184 constitutes a crime for purposes of this chapter ~~does not~~
 185 ~~constitute a crime for the purpose of this chapter unless the~~
 186 ~~injury or death was intentionally inflicted through the use of~~
 187 ~~the vehicle, boat, or aircraft.~~

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

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

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

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

205 960.13 Awards.—

206 (6) Any award made pursuant to this chapter, except an
 207 award for loss of support or catastrophic injury, shall be
 208 reduced by the amount of any payments or services received or to

209 | be received by the claimant as a result of the injury or death:

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

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

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

221 | (d) From an emergency award under s. 960.12.

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

224 | 960.195 Awards to elderly persons or disabled adults for
 225 | property loss.—

226 | (1) Notwithstanding the criteria in s. 960.13, for crime
 227 | victim compensation awards, the department may award a maximum
 228 | of \$500 on any one claim and a lifetime maximum of \$1,000 on all
 229 | claims to elderly persons or disabled adults who suffer a
 230 | property loss that causes a substantial diminution in their
 231 | quality of life when:

232 | (a)~~(1)~~ There is proof that a criminal or delinquent act
 233 | was committed.~~†~~

234 | (b)~~(2)~~ The criminal or delinquent act is reported to law

235 enforcement authorities within 72 hours, unless the department,
236 for good cause shown, finds the delay to have been justified.†

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

239 (c) ~~(4)~~ There is proof that the tangible personal property
240 in question belonged to the claimant.†

241 (d) ~~(5)~~ The claimant did not contribute to the criminal or
242 delinquent act.†

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

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

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

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

254 960.196 Relocation assistance for victims of human
255 trafficking.—

256 (1) Notwithstanding the criteria specified in ss.
257 960.07(2) and 960.13 for crime victim compensation awards, the
258 department may award a one-time payment of up to \$1,500 for any
259 one claim and a lifetime maximum of \$3,000 to a victim of human
260 trafficking who needs urgent assistance to escape from an unsafe

261 environment directly related to the human trafficking offense.

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

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

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

277 (c) The victim's need must be certified by a certified
278 domestic violence or rape crisis center in this state, unless a
279 state attorney, statewide prosecutor, or federal prosecutor has
280 certified in writing that the victim needs to relocate from an
281 unsafe environment due to the threat of future violence that is
282 directly related to the human trafficking offense. The center's
283 certification must assert that the victim is cooperating with
284 the proper authorities and must include documentation that the
285 victim has developed a safety plan.

286 (3) Relocation payments for a human trafficking claim

287 shall be denied if the department has previously approved or
 288 paid out a domestic violence or sexual battery relocation claim
 289 under s. 960.198 or s. 960.199 to the same victim regarding the
 290 same incident.

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

293 960.198 Relocation assistance for victims of domestic
 294 violence.—

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

300 Section 11. Section 960.199, Florida Statutes, is amended
 301 to read:

302 960.199 Relocation assistance for victims of sexual
 303 battery ~~or human trafficking.~~—

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

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

311 (a) There must be proof that a sexual battery offense ~~or~~
 312 ~~human trafficking offense, as described in s. 787.06(3) (b), (d),~~

313 ~~(f), or (g),~~ was committed.

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

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

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

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

338 (3) Relocation payments for a sexual battery ~~or human~~

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339 ~~trafficking~~ claim under this section shall be denied if the
340 department has previously approved or paid out a human
341 trafficking or domestic violence relocation claim under s.
342 960.196 or s. 960.198 to the same victim regarding the same
343 incident.

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