



Judiciary Committee

Thursday, January 12, 2012

11:30 AM

404 HOB

Meeting Packet

REVISED

**Dean Cannon
Speaker**

**William Snyder
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Judiciary Committee

Start Date and Time: Thursday, January 12, 2012 11:30 am

End Date and Time: Thursday, January 12, 2012 01:00 pm

Location: 404 HOB

Duration: 1.50 hrs


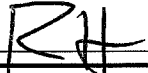
Consideration of the following proposed committee bill(s):

PCB JDC 12-01 -- Human Trafficking

NOTICE FINALIZED on 01/10/2012 16:16 by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB JDC 12-01 Human Trafficking
SPONSOR(S): Judiciary Committee
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1880

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Judiciary Committee		Thomas 	Havlicak 

SUMMARY ANALYSIS

The bill updates and enhances Florida's human trafficking laws by:

- Combining statutes on involuntary servitude, human trafficking, and sex trafficking into a single statute.
- Enhancing the applicability of these provisions and increasing penalties.
- Providing jurisdiction for human trafficking to the Office of the Statewide Prosecutor and to the statewide grand jury.
- Providing that human trafficking for the purpose of commercial sexual activity is a predicate offense for sex offender and sex predator status.

The bill makes changes to the human trafficking statute to:

- Eliminate the requirement that human trafficking be "for transport."
- Include within the definition of "commercial sexual activity" prostitution, pornography, and sexually explicit performances.
- Increase penalties to first degree felonies.
- Eliminate the requirement that prohibited trafficking of minors for commercial sexual activity be "coerced."
- Provide an enhanced penalty to those who traffic minors.
- Provide an enhanced penalty to those who traffic persons who are not legally authorized to work in the United States.

In addition, the bill:

- Increases the penalty for the crime of human smuggling from a first degree misdemeanor to a third degree felony.
- Permits a judge to authorize the interception of wire, oral, or electronic communications when such interception may provide evidence of the commission of the offense of human trafficking.

It is not anticipated that the bill will have a significant fiscal impact. While the bill increases penalties for human trafficking, it is not expected that the number of offenders will be high. A request has been made to the Criminal Justice Impact Conference to provide an estimate of any fiscal impact.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Nationwide Human Trafficking

The term "human trafficking" is a phrase commonly used to describe many forms of exploitation of human beings. It is often synonymous with "modern-day slavery." Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor. Many victims of human trafficking are forced to work in prostitution or the sex entertainment industry. But trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work and migrant agricultural work. The crime of human trafficking does not require that the victim be physically transported from one location to another.

Traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the more frequent practice is to use less obvious techniques including:

- Debt bondage - financial obligations, honor-bound to satisfy debt;
- Isolation from the public - limiting contact with outsiders and making sure that any contact is monitored or superficial in nature;
- Isolation from family members and members of their ethnic and religious community;
- Confiscation of passports, visas and/or identification documents;
- Use or threat of violence toward victims and/or families of victims;
- The threat of shaming victims by exposing circumstances to family;
- Telling victims they will be imprisoned or deported for immigration violations if they contact authorities;
- Control of the victims' money, e.g., holding their money for "safe-keeping."

Annually, between 700,000 and 2 million people are bought and sold worldwide as prostitutes, domestic workers, sex slaves, child laborers, and child soldiers.¹ After drug dealing, trafficking of humans is tied with arms dealing as the second largest criminal industry in the world, and is the fastest growing.² An estimated 15,000 – 18,000 people are trafficked annually in the United States.³

Federal Human Trafficking Law

The Trafficking Victims Protection Act (TVPA), which became law in 2000, was the first major comprehensive United States legislative effort to address human trafficking.⁴ Key provisions of the TVPA included:

- Created new laws that criminalized trafficking with respect to slavery, involuntary servitude, peonage, or forced labor;
- Permitted prosecution when nonviolent coercion is used to force victims to work in the belief they would be subject to serious harm;
- Permitted prosecution where the victim's service is compelled by confiscation of documents such as passports or birth certificates;
- Increased prison terms for all slavery violations from 10 years to 20 years and added life imprisonment where the violation involves the death, kidnapping, or sexual abuse of the victim;

¹ http://www.usaid.gov/our_work/cross-cutting_programs/trafficking/2594 (last visited Jan. 8, 2012).

² *Id.*

³ http://www.fbi.gov/news/stories/2006/june/humantrafficking_0612062594 (last visited Jan. 8, 2012).

⁴ Public Law 106-386.

- Required courts to order restitution and forfeiture of assets upon conviction; Enabled victims to seek witness protection and other types of assistance; and
- Gave prosecutors and agents new tools to get legal immigration status for victims of trafficking during investigation and prosecution.⁵

The TVPA was reauthorized in 2003 (H.R. 2620) and in 2005 (H.R. 972). On December 23, 2008, President Bush signed into law the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.⁶ The William Wilberforce Act added to the tools available to prosecute traffickers and increased protection and services for victims.⁷

Human Trafficking in Florida

In 2009, the Florida Legislature created within the Department of Children and Family Services the Florida Task Force on Human Trafficking "...for the express purpose of examining the problem of human trafficking and recommending strategies and actions for reducing or eliminating the unlawful trafficking of men, women, and children into this state."⁸ This same legislation also directed the Center for the Advancement of Human Rights at Florida State University to provide the Task Force with a "Statewide Strategic Plan on Human Trafficking."⁹ The 276-page Strategic Plan was published in October 2010.¹⁰

The Strategic Plan found that Florida is the third most popular American destination for human traffickers. Due to the agricultural nature of Florida, it has been known for many years that human trafficking in labor to work in our fields has been an issue. However, as a tourism-based economy, Florida is also ripe for trafficking in labor to work at restaurants, country clubs, and hotels. Labor trafficking is the most prevalent type of human trafficking that occurs in Florida. However, sex trafficking (including domestic minor sex trafficking) is also a significant problem, and is the most under-reported offense. The Strategic Plan states that "Sex trafficking in Florida remains a scourge throughout the state and is more complex and nuanced than previously thought."¹¹

Florida Human Trafficking Law

Florida first passed legislation specifically criminalizing human trafficking in 2004, making it a second-degree felony.¹² This legislation created separate statutes for involuntary servitude,¹³ human trafficking in labor and services,¹⁴ and human sex trafficking.¹⁵ In 2006, legislation amended Florida's human trafficking laws by adding legislative intent language, expanding the definition of "forced labor and services," criminalizing attempted trafficking, and including human trafficking within the crimes under which a civil remedy is available to the victim.¹⁶

Based on these legislative efforts, Florida has several laws that address human trafficking. Each addresses a particular aspect of human trafficking. Some of these laws are codified within ch. 787, F.S., relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses. Sex trafficking, a crime involved with human trafficking and modern-day slavery, is codified within ch. 796, F.S., relating to crimes involving prostitution. These statutes are:

⁵ Trafficking Victims Protection Act of 2000.

⁶ Pub. L. No. 110-457 (2008).

⁷ Polaris Project Action Center, The Trafficking Victims Protection Reauthorization Act Passed Congress, available at <http://actioncenter.polarisproject.org/take-action/advocate-for-policy> (last visited Jan. 8, 2012).

⁸ Section 1.(2)(a), ch. 2009-95, L.O.F.

⁹ Section 1.(3)(a), ch. 2009-95, L.O.F.

¹⁰ The plan is available and can be viewed at http://www.cahr.fsu.edu/sub_category/Florida_StrategicPlanonHumanTrafficking.html (last visited Jan. 8, 2012).

¹¹ Page 3 of the Strategic Plan.

¹² Chapter 2004-391, L.O.F.

¹³ Section 1 of ch. 2004-391, L.O.F., created s. 787.05, F.S., relating to unlawfully obtaining labor or services.

¹⁴ Section 2 of ch. 2004-391, L.O.F., created s. 787.06, F.S., relating to human trafficking for labor and services.

¹⁵ Section 4 of ch. 2004-391, L.O.F., created s. 796.045, F.S., relating to human sex trafficking.

¹⁶ Chapter 2006-168, L.O.F.

- Section 787.05, F.S., relating to *unlawfully obtaining labor or services*. The law makes it a second-degree felony for any person to knowingly obtain the labor or services of a person by:
 - Causing or threatening to cause bodily injury to that person or another person;
 - Restraining or threatening to restrain that person or another person without lawful authority and against her or his will; or
 - Withholding that person's governmental records, identifying information, or other personal property.
- Section 787.06, F.S., relating to *human trafficking*. "Human trafficking" is defined in that section as "transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport." The law makes it a second-degree felony for any person to knowingly:
 - Engage, or attempt to engage, in human trafficking with the intent or knowledge that the trafficked person will be subjected to forced labor or services; or
 - Benefit financially by receiving anything of value from participation in a venture that has subjected a person to forced labor or services.
- Section 787.07, F.S., relating to *human smuggling*. The law makes it a first degree misdemeanor for a person to transport into Florida an individual who the person knows, or should know, is illegally entering the United States from another country. A person commits a separate offense for each individual he or she transports into Florida in violation of this section.
- Section 796.045, F.S., relating to *sex trafficking*. The law makes it a second-degree felony for any person to knowingly recruit, entice, harbor, transport, provide, or obtain by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution. However, a person commits a *first-degree* felony if the offense of sex trafficking is committed against a person who is under the age of 14, or if such offense results in death.

Criminal Punishment Code Offense Severity Ranking Chart

The Criminal Punishment Code (CPC) offense severity ranking chart is listed in s. 921.0022, F.S. The chart lists 10 offense levels, ranked from least severe (level 1 offenses), to most severe (level 10 offenses). Each felony offense is assigned to a level according to the severity of the offense, as determined by the Legislature. The higher the level a felony is designated, the more points that will appear on an offender's CPC scoresheet. The offender's score determines the possible sentence. If an offender scores more than 44 points, he or she is subject to a minimum term of imprisonment. If an offender scores 44 points or less, a judge is not required to sentence the offender to prison, but may still do so.¹⁷ If a specific offense is not listed in the CPC, then it defaults to a score as provided in s. 921.0023, F.S. Since the human trafficking crimes are not listed in the CPC, they default to a Level 4 (for second degree felonies) or a Level 7 (for first degree felonies).

Prosecutions under Florida Human Trafficking Laws

While Florida has adopted laws criminalizing human trafficking, they have not been used as anticipated. Information provided by the Florida Department of Law Enforcement shows almost no use of these statutes by law enforcement. There has been no use of s. 787.05, F.S. (unlawfully obtaining labor or services), or s. 796.045, F.S. (sex trafficking). There does appear to have been two arrests with one conviction under s. 787.06, F.S. (human trafficking), and one arrest under s. 787.07, F.S. (human smuggling).

The lack of use of these statutes is likely due to several factors. Human trafficking cases are difficult to prove and require the use of reluctant and transient witnesses. They typically cross law enforcement and prosecutorial jurisdictions. The Office of Statewide Prosecution is only authorized to prosecute human trafficking cases if they constitute racketeering. Finally, it is likely any human trafficking cases that are prosecuted are brought in federal courts using federal human trafficking laws. Federal human trafficking laws have much more severe penalties than Florida's human trafficking laws.

¹⁷ Section 921.0024(2), F.S.

Effect of the Bill

Statewide Prosecutorial Jurisdiction

Current Situation

The Office of Statewide Prosecution (OSP), within the Office of the Florida Attorney General, investigates and prosecutes organized crime involving multiple judicial circuits and assists other law enforcement officials in their efforts against organized crimes. The prosecutors in the OSP work regularly with their federal and state counterparts to coordinate efforts against criminal activity. Section 16.56, F.S., lists the specific crimes the OSP investigates and prosecutes, and includes any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated, as well as any enumerated crime facilitated by or connected to use of the Internet.

Effect of the Bill

The bill expands the jurisdiction of the OSP by amending s. 16.56(a)(1)(15), to allow the OSP to investigate and prosecute any violation of ch. 787, F.S., as well as any and all offenses related to a violation of ch. 787, F.S.

Statewide Grand Jury Jurisdiction

Current Situation

The Governor may request the Florida Supreme Court to empanel a statewide grand jury to examine critical issues in criminal law affecting the state and to seek indictments against offenders. The subject matter jurisdiction of a statewide grand jury is limited to certain types of offenses, including, among others, bribery, narcotics crimes, Racketeer Influenced and Corrupt Organization Act violations, fraud or deceit upon a person, and child pornography or exploitation.¹⁸

Effect of the Bill

The bill expands the subject matter jurisdiction of a statewide grand jury by creating s. 905.34(13), F.S., to include any violation of ch. 787 F.S., as well as any and all offenses related to a violation of ch. 787, F.S.

Human Trafficking

Current Situation

Florida has several laws that address human trafficking. Each addresses a particular aspect of human trafficking. These laws are discussed in detail under the "Background" section above.

Effect of Bill

The bill combines the human trafficking provisions into one statute. The bill repeals s. 787.05, F.S. (unlawfully obtaining labor or services), and s. 796.045, F.S. (sex trafficking). These repealed provisions are revised and placed in a significantly amended s. 787.06, F.S. The revised human trafficking statute:

- Adds legislative intent regarding victims who may be U.S. citizens and are trafficked domestically.
- Applies to both trafficking for labor or services and to trafficking for commercial sexual activity.
- Amends the definition of "human trafficking" by eliminating the requirement that trafficking be "for transport."
- Includes within the definition of "commercial sexual activity" prostitution, pornography, and sexually explicit performances.
- Increases penalties to first degree felonies.
- Eliminates the requirement that prohibited trafficking of minors for commercial sexual activity be "coerced."
- Provides an enhanced penalty to those who traffic minors, whether for labor and services or for commercial sexual activity.

¹⁸ Section 905.34, F.S.

- Provides an enhanced penalty to those who traffic persons who are not legally authorized to work in the U.S.

The bill makes the following changes to the human trafficking statute:

Definitions:

The bill revises and adds several terms and definitions used in s. 787.06, F.S.

- *Coercion*. The bill replaces the term “forced labor or services” with the term “coercion.” The bill makes the providing of a controlled substance to any person for the purpose of exploitation of that person sufficient to constitute “coercion.”
- *Commercial Sexual Activity*. The bill defines “commercial sexual activity” as any violation of ch. 796, F.S.,¹⁹ or any *attempt* to commit such a violation, including sexually-explicit performances²⁰ and the production of pornography.
- *Human Trafficking*. The bill amends the definition of “human trafficking” so that it is no longer limited by the phrase “for transport,” and includes within its meaning “for the purpose of exploitation.”
- *Labor*. The bill provides a definition of “labor” to mean work of economic or financial value.
- *Services*. The bill adds a definition of “services” to mean any act committed:
 - At the behest of another; or
 - Under the supervision of another; or
 - For the benefit of another.²¹
- *Unauthorized Alien*. The bill defines an unauthorized alien as an alien who is not authorized under federal law to be employed in the United States, as provided in 8 U.S.C. s. 1324a(h)(3).²²
- *Venture*. The bill defines a venture as any group of two or more individuals associated *in fact*, whether or not they are a legal entity.

Prohibited Conduct and Related Penalties:

The bill amends s. 787.06(3), F.S., by prohibiting a person from knowingly, or in reckless disregard of the fact:

- Engaging in human trafficking;
- Attempting to engage in human trafficking; or
- Benefitting financially from participating in human trafficking.²³

The bill itemizes various types of prohibited exploitation. Each offense constitutes a first degree felony.²⁴ However, different CPC offense severity levels apply.²⁵

- *Coercion for labor or services*: The bill creates s. 787.06(3)(a), F.S., which provides that a person who is illegally involved in human trafficking by using coercion for *labor or services* commits a felony of the first degree, with a Level 7 CPC offense severity ranking.
- *Coercion for commercial sexual activity*: The bill creates s. 787.06(3)(b), F.S., which provides that a person who is illegally involved in human trafficking by using coercion for *commercial sexual activity* commits a felony of the first degree, with a Level 8 CPC offense severity ranking.

Enhanced Penalties. The bill provides for penalty enhancements based on the age of the minor victim involved in the human trafficking:

¹⁹ Chapter 796, F.S., prohibits prostitution.

²⁰ “Sexually-explicit performance” is defined as an act or show, whether public or private, live, photographed, recorded, or videotaped intended to arouse or satisfy the sexual desires or appeal to the prurient interest.

²¹ “Services” includes, but is not limited to: forced marriage, servitude, or the removal of organs.

²² The bill provides that the term shall be interpreted consistently with that section and any applicable federal rules and regulations.

²³ Specifically, by receiving anything of value from participation in a venture that has subjected a person to human trafficking.

²⁴ A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S. If the offense qualifies the offender as a “violent career criminal” under s. 775.084, F.S., it is punishable by a term of life imprisonment.

²⁵ See Section 18 of the bill.

- *Commercial sexual activity involving a minor*: The bill creates s. 787.06(3)(g), F.S., which enhances the penalty for human trafficking of minors (15-, 16-, or 17-years old victims) to a felony with a Level 9 CPC offense severity ranking. The bill also specifies the elements that must be proven in a prosecution under this paragraph, providing that the State does not need to prove that the defendant *knew* that the person had not attained the age of 18 years, *if* the defendant had a reasonable opportunity to observe the person who was subject to human trafficking.
- *Commercial sexual activity involving a child under age 15*: The bill creates s. 787.06(3)(h), F.S., which enhances the penalty for human trafficking of minors under the age of 15 for commercial sexual activity to a life felony with a Level 10 CPC offense severity ranking. The bill also specifies the elements that must be proven in a prosecution under this paragraph, providing that the State does not need to prove that the defendant *knew* that the person had not attained the age of 15 years, *if* the defendant had a reasonable opportunity to observe the person who was subject to human trafficking.
- *Coercion of unauthorized aliens*: The bill creates s. 787.06(3)(c), F.S., which provides that a person who is illegally involved in human trafficking by using coercion for labor or services of any individual who is an *unauthorized alien* commits a felony of the first degree, with a Level 8 CPC offense severity ranking.

The bill creates s. 787.06(3)(d), F.S., which provides that a person who is illegally involved in human trafficking by using coercion for commercial sexual activity of any individual who is an *unauthorized alien* commits a felony of the first degree, with a Level 9 CPC offense severity ranking.

- *Transport across state lines*: The bill creates s. 787.06(3)(e), F.S., which provides that a person who is illegally involved in human trafficking by using coercion for labor or services by the *transfer or transport of any individual from outside Florida* to within Florida commits a felony of the first degree, with a Level 7 CPC offense severity ranking.

The bill creates s. 787.06(3)(f), F.S., which provides that a person who is illegally involved in human trafficking by using coercion for labor or services or commercial sexual activity by the *transfer or transport of any individual from outside Florida* to within Florida commits a felony of the first degree, with a Level 8 CPC offense severity ranking.

The bill provides that each instance of human trafficking constitutes a separate crime, and authorizes separate punishment for each crime.

The bill creates s. 787.06(4), F.S., which makes it a first degree felony²⁶ for a parent, legal guardian, or other person having custody or control of a minor to:

- Transfer custody or control²⁷ of the minor, or offer to transfer custody or control of the minor;
- With knowledge or in reckless disregard to the fact that;
- As a consequence of the sale or transfer, the minor will be subject to human trafficking.

Legislative Findings:

The bill adds to Legislative findings by including the finding that “[v]ictims of human trafficking also include citizens of the United States and those persons trafficked domestically within the borders of the United States.”

²⁶ A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. ss. 775.082 and 775.083, F.S. If the offense qualifies the offender as a “violent career criminal” under s. 775.084, F.S., it is punishable by a term of life imprisonment.

²⁷ Transferring custody or control includes the act of selling the minor.

Human Smuggling

Current Situation

Section 787.07, F.S., relates to *human smuggling*. The law makes it a first degree misdemeanor²⁸ for a person to transport into Florida an individual who the person knows, or should know, is illegally entering the United States from another country. A person commits a separate offense for each individual he or she transports into Florida in violation of this section.

Effect of the Bill

The bill increases the penalty for the crime of human smuggling from a misdemeanor to a third degree felony with a Level 4 CPC offense severity ranking.

Selling or buying minors into sex trafficking or prostitution

Current Situation

Section 796.035, F.S., makes it a first degree felony²⁹ for any parent, legal guardian, or other person having custody or control of a minor to:

- Transfer custody or control of such minor, or offer to transfer custody³⁰ of such minor;
- With knowledge that, as a consequence of the sale or transfer, the minor will engage in prostitution, perform naked for compensation, or otherwise participate in the trade of sex trafficking.

Effect of the Bill

The bill repeals s. 796.045, F.S., relating to sex trafficking, and expands the scope of s. 787.06, F.S., to include commercial sexual activity. It therefore amends s. 796.035, F.S., by narrowing the scope of prohibited activity from sex trafficking, specified commercial sexual activity, and prostitution, to prostitution only. The bill lowers the threshold of “knowledge” required in order to commit an offense by including “reckless disregard.” The bill ranks this first degree felony a Level 9 on the CPC offense severity rating chart.

Florida Contraband Forfeiture Act

Current Situation

Dispositions of liens and forfeited property: Sections 932.701-932.706, F.S., are known as the Florida Contraband Forfeiture Act. Contraband includes any real property or personal property used in the commission of any felony or obtained as a result of a violation of the Florida Contraband Forfeiture Act. An order of forfeiture gives the law enforcement agency that seized the property the right or title to the contraband property. The law enforcement agency can then retain the property for the agency’s use or sell the property. Section 932.7055, F.S., governs the disposition of forfeited property.

Effect of the Bill

The bill provides that any real property or personal property may be seized and shall be forfeited subject to the provisions of the Florida Contraband Forfeiture Act if it was used, attempted to be used, or was intended to be used for human trafficking.

Sexual Predator/Sexual Offender Criteria

Current Situation

Sexual predator registration: Section 775.21, F.S., provides that a person convicted of an enumerated sexual offense must be designated a “sexual predator.” Specifically, a person *must* be designated a sexual predator if he or she has been convicted of certain serious crimes related to sexual and lewd offenses, and similar offenses. A designated sexual predator must meet certain registration requirements. If the sexual predator is not in custody or under supervision, and the predator establishes or maintains a residence in this state, the predator must initially register in person at a

²⁸ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

²⁹ A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. ss. 775.082 and 775.083, F.S. If the offense qualifies the offender as a “violent career criminal” under s. 775.084, F.S., it is punishable by a term of life imprisonment.

³⁰ Transferring custody or control includes the act of selling the minor.

sheriff's office in the county of residence within 48 hours after establishing permanent or temporary residence.³¹

Within 48 hours of initial registration, a sexual predator who is not incarcerated and who resides in the community must register at a driver's license office of the Department of Highway Safety and Motor Vehicles (DHSMV) and present proof of registration, provide specified information, and secure a driver's license, if qualified, or an identification card.³² Each time a sexual predator's driver's license or identification card is subject to renewal, and within 48 hours after any change in the predator's residence or name, he or she must report in person to a driver's license facility of the DHSMV and is subject to specified registration requirements.³³ This information is provided to the Florida Department of Law Enforcement (FDLE) which maintains the statewide registry of all sexual predators and sexual offenders (discussed further below). FDLE maintains a searchable web-site containing the names and addresses of all sexual predators and offenders as well as a toll-free telephone number.

Extensive procedures are provided for notifying communities about certain information relating to sexual predators, much of which is compiled during the registration process.³⁴ A sexual predator must report in person every three months to the sheriff's office in the county in which he or she resides to reregister.³⁵ A sexual predator's failure to comply with registration requirements is a third degree felony.³⁶

Sexual offender registration: In general terms, the distinction between a sexual predator and a sexual offender is based on what offense the person has been convicted of, whether the person has previously been convicted of a sexual offense, and the date the offense was committed. Specifically, a sexual offender is a person who has been convicted of one of the following offenses and has been released on or after October 1, 1997 from the sanction imposed for the offense:

1. Kidnapping, false imprisonment or luring or enticing a child³⁷ where the victim is a minor and the defendant is not the victim's parent;
2. Sexual battery;³⁸
3. Procuring a person under the age of 18 for prostitution;³⁹
4. Selling or buying of a minor into sex trafficking or prostitution⁴⁰
5. Lewd or lascivious offenses;
6. Lewd or lascivious battery on an elderly person;⁴¹
7. Promoting sexual performance by a child;⁴²
8. Selling or buying a minors for child pornography;
9. Selling or showing obscenity to a minor;⁴³
10. Using a computer to solicit sexual conduct of or with a minor;⁴⁴
11. Transmitting child pornography;⁴⁵
12. Transmitting material harmful to minors;⁴⁶
13. Sexual misconduct by a Department of Juvenile Justice employee; ⁴⁷or
14. A violation of a similar law of another jurisdiction.

³¹ Section 775.21(6)(e), F.S.

³² Section 775.21(6)(f), F.S.

³³ Section 775.21(6)(g), F.S.

³⁴ Section 775.21(7), F.S.

³⁵ Section 775.21(8), F.S.

³⁶ Section 775.21(10), F.S.

³⁷ Section 787.025, F.S.

³⁸ Excluded are offenses contained in s. 794.011(10), F.S.

³⁹ Section 796.03, F.S.

⁴⁰ Section 796.035, F.S.

⁴¹ Section 825.1025, F.S.

⁴² Section 827.071, F.S.

⁴³ Section 847.0133, F.S.

⁴⁴ Section 847.0135, F.S.

⁴⁵ Section 847.0137, F.S.

⁴⁶ Section 847.0138, F.S.

⁴⁷ Section 985.701, F.S.

A sexual offender is required to report and register in a manner similar to a sexual predator. Failure of a sexual offender to comply with the registration requirements is a third degree felony.

Effect of the Bill

The bill amends ss. 775.21(4)(a), 943.0435(1)(a)1., 944.606(1)(b), and 944.607(1)(a)1., F.S., by adding *human trafficking for commercial sexual activity* offenses to the list of offenses that require an offender to be designated a sexual predator or sexual offender.

Wiretapping

Current Situation

Section 934.07, F.S., provides that the Governor, the Attorney General, the statewide prosecutor, or any state attorney may authorize an application to a judge of competent jurisdiction for, and such judge may grant, an order authorizing the interception of, wire, oral, or electronic communications by a law enforcement agency under certain conditions. Such authorization may be granted for the investigation of many felonies, including, among others, murder, kidnapping, terrorism, arson, gambling, robbery, burglary, theft, and dealing in stolen property.⁴⁸

Effect of the Bill

The bill expands the scope of s. 934.07, F.S., by authorizing the interception of wire, oral, or electronic communications when such interception may provide evidence of the commission of the offense of human trafficking.

Cross-Reference Corrections

Because the bill repeals s. 796.045, F.S., it removes cross references to s. 796.045, F.S., contained in:

- s. 90.404, F.S., relating to the admissibility of character evidence at trial;
- s. 772.102, F.S., relating to civil remedies for criminal practices;
- s. 794.056, F.S., relating to the Rape Crisis Program Trust Fund;
- s. 895.02(1)(a), F.S., relating to the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; and
- s. 938.085, F.S., relating to additional cost to fund rape crisis centers.

B. SECTION DIRECTORY:

Section 1. Amends s. 16.56, F.S., relating to the Office of Statewide Prosecution.

Section 2. Amends s. 775.21, F.S., relating to sexual predator criteria.

Section 3. Repeals s. 787.05, F.S., relating to unlawfully obtaining labor or services.

Section 4. Amends s. 787.06, F.S., relating to human trafficking.

Section 5. Amends s. 787.07, F.S., relating to human smuggling.

Section 6. Amends s. 796.035, F.S., relating to selling or buying minors into prostitution and related penalties.

Section 7. Repeals s. 796.045, F.S., relating to sex trafficking and related penalties.

Section 8. Amends s. 905.34, F.S., relating to the jurisdiction of the statewide grand jury.

Section 9. Amends s. 934.07, F.S., relating to authorization for interception of wire, oral, or electronic communications.

⁴⁸ Section 934.07(1), F.S.
STORAGE NAME: pcb01.JDC
DATE: 1/11/2012

Section 10. Amends s. 943.0435, F.S., relating to sexual offenders required to register with the department and related penalties.

Section 11. Amends s. 944.606, F.S., relating to sexual offenders and notification upon release.

Section 12. Amends s. 944.607, F.S., relating to notification of Department of Law Enforcement of information on sexual offenders.

Section 13. Amends s. 90.404, F.S., relating to the admissibility of character evidence at trial.

Section 14. Amends s. 772.102, F.S., relating to civil remedies for criminal practices.

Section 15. Amends s. 794.056, F.S., relating to the Rape Crisis Program Trust Fund.

Section 16. Amends s. 895.02, F.S., relating to the definitions in the Florida RICO (Racketeer Influenced and Corrupt Organization) Act.

Section 17. Amends s. 938.085, F.S., relating to additional cost to fund rape crisis centers.

Section 18. Amends s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart.

Section 19. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

See "D. Fiscal Comments" below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

See "D. Fiscal Comments" below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

It is not anticipated that the bill will have a significant fiscal impact. While the bill increases penalties for human trafficking, it is not expected that the number of offenders will be high. A request has been made to the Criminal Justice Impact Conference to provide an estimate of any fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The provisions of the bill that do not address criminal laws do not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

The provisions of the bill addressing criminal provisions appear to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

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1 A bill to be entitled
 2 An act relating to human trafficking; amending s.
 3 16.56, F.S.; adding violations of ch. 787, F.S., to
 4 the jurisdiction of the Office of Statewide
 5 Prosecution; amending s. 775.21, F.S.; adding
 6 additional offenses to the list of sexual predator
 7 qualifying offenses; repealing s. 787.05, F.S.,
 8 relating to unlawfully obtaining labor or services;
 9 amending s. 787.06, F.S.; revising provisions relating
 10 to human trafficking; increasing and providing
 11 additional criminal penalties; amending s. 787.07,
 12 F.S.; increasing criminal penalty for human smuggling;
 13 amending s. 796.035, F.S.; revising criminal penalty
 14 for selling or buying of minors into sex trafficking
 15 or prostitution; repealing s. 796.045, F.S., relating
 16 to sex trafficking; amending s. 905.34, F.S.; adding
 17 violations of ch. 787, F.S., to the jurisdiction of a
 18 statewide grand jury; amending s. 934.07, F.S.;
 19 providing additional authorization for the
 20 interception of wire, oral, or electronic
 21 communications; amending ss. 943.0435, 944.606 and
 22 944.607, F.S.; adding additional offenses to the list
 23 of sexual offender qualifying offenses; amending ss.
 24 90.404, 772.102, 794.056, 895.02, and 938.085, F.S.;
 25 amending cross-references to conform; amending s.
 26 921.0022, F.S.; adding provisions to the criminal
 27 punishment code; providing an effective date.
 28

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

30

31 Section 1. Paragraph (a) of subsection (1) of section
32 16.56, Florida Statutes, is amended to read:

33 16.56 Office of Statewide Prosecution.—

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

38 (a) Investigate and prosecute the offenses of:

39 1. Bribery, burglary, criminal usury, extortion, gambling,
40 kidnapping, larceny, murder, prostitution, perjury, robbery,
41 carjacking, and home-invasion robbery;

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

43 3. Any violation of the provisions of the Florida RICO
44 (Racketeer Influenced and Corrupt Organization) Act, including
45 any offense listed in the definition of racketeering activity in
46 s. 895.02(1)(a), providing such listed offense is investigated
47 in connection with a violation of s. 895.03 and is charged in a
48 separate count of an information or indictment containing a
49 count charging a violation of s. 895.03, the prosecution of
50 which listed offense may continue independently if the
51 prosecution of the violation of s. 895.03 is terminated for any
52 reason;

53 4. Any violation of the provisions of the Florida Anti-
54 Fencing Act;

55 5. Any violation of the provisions of the Florida
56 Antitrust Act of 1980, as amended;

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57 6. Any crime involving, or resulting in, fraud or deceit
58 upon any person;

59 7. Any violation of s. 847.0135, relating to computer
60 pornography and child exploitation prevention, or any offense
61 related to a violation of s. 847.0135 or any violation of
62 chapter 827 where the crime is facilitated by or connected to
63 the use of the Internet or any device capable of electronic data
64 storage or transmission;

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

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

67 10. Any violation of the provisions of the Florida Motor
68 Fuel Tax Relief Act of 2004;

69 11. Any criminal violation of s. 409.920 or s. 409.9201;

70 12. Any crime involving voter registration, voting, or
71 candidate or issue petition activities;

72 13. Any criminal violation of the Florida Money Laundering
73 Act; ~~or~~

74 14. Any criminal violation of the Florida Securities and
75 Investor Protection Act; or

76 15. Any violation of the provisions of ch. 787, as well as
77 any and all offenses related to a violation of the provisions of
78 ch. 787;

79
80 or any attempt, solicitation, or conspiracy to commit any of the
81 crimes specifically enumerated above. The office shall have such
82 power only when any such offense is occurring, or has occurred,
83 in two or more judicial circuits as part of a related
84 transaction, or when any such offense is connected with an

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85 organized criminal conspiracy affecting two or more judicial
 86 circuits. Informations or indictments charging such offenses
 87 shall contain general allegations stating the judicial circuits
 88 and counties in which crimes are alleged to have occurred or the
 89 judicial circuits and counties in which crimes affecting such
 90 circuits or counties are alleged to have been connected with an
 91 organized criminal conspiracy.

92 Section 2. Paragraph (a) of subsection (4) of section
 93 775.21, Florida Statutes, is amended to read:

94 775.21 The Florida Sexual Predators Act.—

95 (4) SEXUAL PREDATOR CRITERIA.—

96 (a) For a current offense committed on or after October 1,
 97 1993, upon conviction, an offender shall be designated as a
 98 "sexual predator" under subsection (5), and subject to
 99 registration under subsection (6) and community and public
 100 notification under subsection (7) if:

101 1. The felony is:

102 a. A capital, life, or first-degree felony violation, or
 103 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 104 is a minor and the defendant is not the victim's parent or
 105 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 106 violation of a similar law of another jurisdiction; or

107 b. Any felony violation, or any attempt thereof, of s.
 108 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 109 minor and the defendant is not the victim's parent or guardian;
 110 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 111 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 112 825.1025(2)(b); s. 827.071; s. 847.0135(5); s. 847.0145; or s.

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113 985.701(1); or a violation of a similar law of another
 114 jurisdiction, and the offender has previously been convicted of
 115 or found to have committed, or has pled nolo contendere or
 116 guilty to, regardless of adjudication, any violation of s.
 117 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 118 minor and the defendant is not the victim's parent or guardian;
 119 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 120 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 121 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 122 847.0135(6); s. 847.0145; or s. 985.701(1); or a violation of a
 123 similar law of another jurisdiction;

124 2. The offender has not received a pardon for any felony
 125 or similar law of another jurisdiction that is necessary for the
 126 operation of this paragraph; and

127 3. A conviction of a felony or similar law of another
 128 jurisdiction necessary to the operation of this paragraph has
 129 not been set aside in any postconviction proceeding.

130 Section 3. Section 787.05, Florida Statutes, is repealed.

131 Section 4. Section 787.06, Florida Statutes, is amended to
 132 read:

133 787.06 Human trafficking.—

134 (1)(a) The Legislature finds that human trafficking is a
 135 form of modern-day slavery. Victims of human trafficking are
 136 young children, teenagers, and adults. Thousands of victims are
 137 trafficked annually across international borders worldwide. Many
 138 of these victims are trafficked into this state. Victims of
 139 human trafficking also include citizens of the United States and
 140 those persons trafficked domestically within the borders of the

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141 United States. The Legislature finds that victims of human
 142 trafficking are subjected to force, fraud, or coercion for the
 143 purpose of sexual exploitation or forced labor.

144 (b) The Legislature finds that while many victims of human
 145 trafficking are forced to work in prostitution or the sexual
 146 entertainment industry, trafficking also occurs in forms of
 147 labor exploitation, such as domestic servitude, restaurant work,
 148 janitorial work, sweatshop factory work, and migrant
 149 agricultural work.

150 (c) The Legislature finds that traffickers use various
 151 techniques to instill fear in victims and to keep them enslaved.
 152 Some traffickers keep their victims under lock and key. However,
 153 the most frequently used practices are less obvious techniques
 154 that include isolating victims from the public and family
 155 members; confiscating passports, visas, or other identification
 156 documents; using or threatening to use violence toward victims
 157 or their families; telling victims that they will be imprisoned
 158 or deported for immigration violations if they contact
 159 authorities; and controlling the victims' funds by holding the
 160 money ostensibly for safekeeping.

161 (d) It is the intent of the Legislature that the
 162 perpetrators of human trafficking be penalized for their illegal
 163 conduct and that the victims of trafficking be protected and
 164 assisted by this state and its agencies. In furtherance of this
 165 policy, it is the intent of the Legislature that the state
 166 Supreme Court, The Florida Bar, and relevant state agencies
 167 prepare and implement training programs in order that judges,
 168 attorneys, law enforcement personnel, investigators, and others

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169 are able to identify traffickers and victims of human
 170 trafficking and direct victims to appropriate agencies for
 171 assistance. It is the intent of the Legislature that the
 172 Department of Children and Family Services and other state
 173 agencies cooperate with other state and federal agencies to
 174 ensure that victims of human trafficking can access social
 175 services and benefits to alleviate their plight.

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

177 (a) ~~"Financial harm" includes extortionate extension of~~
 178 ~~credit, loan sharking as defined in s. 687.071, or employment~~
 179 ~~contracts that violate the statute of frauds as provided in s.~~
 180 ~~725.01.~~

181 (b) "Coercion" ~~"Forced labor or services"~~ means ~~labor or~~
 182 ~~services obtained from a person by:~~

183 1. Using or threatening to use physical force against any
 184 ~~that person or another person;~~

185 2. Restraining, isolating, or confining or threatening to
 186 restrain, isolate, or confine any ~~that person or another person~~
 187 without lawful authority and against her or his will;

188 3. Using lending or other credit methods to establish a
 189 debt by any ~~that person or another person~~ when labor or services
 190 are pledged as a security for the debt, if the value of the
 191 labor or services as reasonably assessed is not applied toward
 192 the liquidation of the debt, the length and nature of the labor
 193 or services are not respectively limited and defined;

194 4. Destroying, concealing, removing, confiscating,
 195 withholding, or possessing any actual or purported passport,
 196 visa, or other immigration document, or any other actual or

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197 | purported government identification document, of any ~~that~~ person
 198 | ~~or another person;~~

199 | 5. Causing or threatening to cause financial harm to any
 200 | person; ~~or~~

201 | 6. Enticing or luring any person by fraud or deceit
 202 | coercion; or

203 | 7. Providing a controlled substance as outlined in
 204 | Schedule I or Schedule II of s. 893.03 to any person for the
 205 | purpose of exploitation of that person.

206 | (b) "Commercial sexual activity" means any violation of
 207 | ch. 796 or an attempt to commit any such offense, and also
 208 | includes sexually-explicit performances and the production of
 209 | pornography.

210 | (c) "Financial harm" includes extortionate extension of
 211 | credit, loan sharking as defined in s. 687.071, or employment
 212 | contracts that violate the statute of frauds as provided in s.
 213 | 725.01.

214 | (d) ~~(e)~~ "Human trafficking" means transporting, soliciting,
 215 | recruiting, harboring, providing, enticing, maintaining, or
 216 | obtaining another person by means of the threat or use of force
 217 | or other forms of coercion, of abduction, of fraud, of
 218 | deception, of the abuse of power or of a position of
 219 | vulnerability, or of the giving or receiving of payments or
 220 | benefits to achieve the consent of a person having control over
 221 | another person for the purpose of exploitation of that person
 222 | for transport.

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

224 | (f) ~~(d)~~ "Maintain," means, when used in relation to labor

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225 ~~or~~ services, ~~means~~ to secure or make possible continued
 226 performance thereof, regardless of any initial agreement on the
 227 part of the victim to perform such type service.

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

230 (h) "Services" means any act committed at the behest of,
 231 or under the supervision of, or for the benefit of another.
 232 "Services" includes, but is not limited to, forced marriage,
 233 servitude, or the removal of organs.

234 (i) "Sexually-explicit performance" means an act or show,
 235 whether public or private, live, photographed, recorded, or
 236 videotaped intended to arouse or satisfy the sexual desires or
 237 appeal to the prurient interest.

238 (j) "Unauthorized alien" means an alien who is not
 239 authorized under federal law to be employed in the United
 240 States, as provided in 8 U.S.C. s. 1324a(h)(3). This term shall
 241 be interpreted consistently with that section and any applicable
 242 federal rules or regulations.

243 (k) "Venture" means any group of two or more individuals
 244 associated in fact, whether or not a legal entity.

245 (3) Any person who knowingly, or in reckless disregard to
 246 the fact, engages in, or attempts to engage in, or benefits
 247 financially by receiving anything of value from participation in
 248 a venture that has subjected a person to, human trafficking:

249 ~~(a) Engages, or attempts to engage, in human trafficking~~
 250 Using coercion for labor or services with the intent or
 251 ~~knowledge that the trafficked person will be subjected to forced~~
 252 ~~labor or services; or~~

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253 ~~(b) Benefits financially by receiving anything of value~~
 254 ~~from participation in a venture that has subjected a person to~~
 255 ~~forced labor or services;~~ commits a felony of the first ~~second~~
 256 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 257 775.084.

258 (b) Using coercion for commercial sexual activity commits
 259 a felony of the first degree, punishable as provided in s.
 260 775.082, s. 775.083, or s. 775.084.

261 (c) Using coercion for labor or services of any individual
 262 who is an unauthorized alien commits a felony of the first
 263 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 264 775.084.

265 (d) Using coercion for commercial sexual activity of any
 266 individual who is an unauthorized alien commits a felony of the
 267 first degree, punishable as provided in s. 775.082, s. 775.083,
 268 or s. 775.084.

269 (e) Using coercion for labor or services who does so by
 270 the transfer or transport of any individual from outside Florida
 271 to within the state commits a felony of the first degree,
 272 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

273 (f) Using coercion for commercial sexual activity who does
 274 so by the transfer or transport of any individual from outside
 275 Florida to within the state commits a felony of the first
 276 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 277 775.084.

278 (g) For commercial sexual activity in which any child under
 279 the age of 18 is involved commits a felony of the first degree,
 280 punishable by imprisonment for a term of years not exceeding

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281 life, or as provided in s. 775.082, s. 775.083, or s. 775.084.
 282 In a prosecution under this paragraph in which the defendant had
 283 a reasonable opportunity to observe the person who was subject
 284 to human trafficking, the State need not prove that the
 285 defendant knew that the person had not attained the age of 18
 286 years.

287 (h) For commercial sexual activity in which any child under
 288 the age of 15 is involved commits a life felony, punishable as
 289 provided in s. 775.082, s. 775.083, or s. 775.084. In a
 290 prosecution under this paragraph in which the defendant had a
 291 reasonable opportunity to observe the person who was subject to
 292 human trafficking, the State need not prove that the defendant
 293 knew that the person had not attained the age of 15 years.

294
 295 For each instance of human trafficking of any individual under
 296 this subsection, a separate crime is committed and a separate
 297 punishment is authorized.

298 (4) Any parent, legal guardian, or other person having
 299 custody or control of a minor who sells or otherwise transfers
 300 custody or control of such minor, or offers to sell or otherwise
 301 transfer custody of such minor, with knowledge or in reckless
 302 disregard to the fact that, as a consequence of the sale or
 303 transfer, the minor will be subject to human trafficking commits
 304 a first degree felony, punishable as provided in s. 775.082, s.
 305 775.083, or s. 775.084.

306 (5)~~(4)~~ The Criminal Justice Standards and Training
 307 Commission shall establish standards for basic and advanced
 308 training programs for law enforcement officers in the subjects

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309 of investigating and preventing human trafficking crimes. ~~After~~
 310 ~~January 1, 2007,~~ Every basic skills course required for law
 311 enforcement officers to obtain initial certification must
 312 include training on human trafficking crime prevention and
 313 investigation.

314 (6) ~~(5)~~ Each state attorney shall develop standards of
 315 instruction for prosecutors to receive training on the
 316 investigation and prosecution of human trafficking crimes and
 317 shall provide for periodic and timely instruction.

318 (7) Any real property or personal property that was used,
 319 was attempted to be used, or was intended to be used in
 320 violation of any provision of this section may be seized and
 321 shall be forfeited subject to the provisions of the Florida
 322 Contraband Forfeiture Act.

323 Section 5. Section 787.07, Florida Statutes, is amended to
 324 read:

325 787.07 Human smuggling.—

326 (1) A person who transports into this state an individual
 327 who the person knows, or should know, is illegally entering the
 328 United States from another country commits a felony ~~misdemeanor~~
 329 of the third ~~first~~ degree, punishable as provided in s. 775.082,
 330 ~~or~~ s. 775.083, or s. 775.084.

331 (2) A person commits a separate offense for each
 332 individual he or she transports into this state in violation of
 333 this section.

334 Section 6. Section 796.035, Florida Statutes, is amended
 335 to read:

336 796.035 Selling or buying of minors into ~~sex trafficking~~

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337 ~~or~~ prostitution; penalties.—Any parent, legal guardian, or other
 338 person having custody or control of a minor who sells or
 339 otherwise transfers custody or control of such minor, or offers
 340 to sell or otherwise transfer custody of such minor, with
 341 knowledge or in reckless disregard to the fact that, as a
 342 consequence of the sale or transfer, the minor will engage in
 343 prostitution, ~~perform naked for compensation, or otherwise~~
 344 ~~participate in the trade of sex trafficking,~~ commits a felony of
 345 the first degree, punishable as provided in s. 775.082, s.
 346 775.083, or s. 775.084.

347 Section 7. Section 796.045, Florida Statutes, is repealed.

348 Section 8. Subsections (11) and (12) of section 905.34,
 349 Florida Statutes, are amended, and subsection (13) is added to
 350 said section, to read:

351 905.34 Powers and duties; law applicable.—The jurisdiction
 352 of a statewide grand jury impaneled under this chapter shall
 353 extend throughout the state. The subject matter jurisdiction of
 354 the statewide grand jury shall be limited to the offenses of:

355 (11) Any criminal violation of the Florida Money
 356 Laundering Act; ~~or~~

357 (12) Any criminal violation of the Florida Securities and
 358 Investor Protection Act; or

359 (13) Any violation of the provisions of ch. 787, as well
 360 as any and all offenses related to a violation of the provisions
 361 of ch. 787;

362
 363 or any attempt, solicitation, or conspiracy to commit any
 364 violation of the crimes specifically enumerated above, when any

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365 such offense is occurring, or has occurred, in two or more
 366 judicial circuits as part of a related transaction or when any
 367 such offense is connected with an organized criminal conspiracy
 368 affecting two or more judicial circuits. The statewide grand
 369 jury may return indictments and presentments irrespective of the
 370 county or judicial circuit where the offense is committed or
 371 triable. If an indictment is returned, it shall be certified and
 372 transferred for trial to the county where the offense was
 373 committed. The powers and duties of, and law applicable to,
 374 county grand juries shall apply to a statewide grand jury except
 375 when such powers, duties, and law are inconsistent with the
 376 provisions of ss. 905.31-905.40.

377 Section 9. Paragraph (a) of subsection (1) of section
 378 934.07, Florida Statutes, is amended to read:

379 934.07 Authorization for interception of wire, oral, or
 380 electronic communications.—

381 (1) The Governor, the Attorney General, the statewide
 382 prosecutor, or any state attorney may authorize an application
 383 to a judge of competent jurisdiction for, and such judge may
 384 grant in conformity with ss. 934.03-934.09 an order authorizing
 385 or approving the interception of, wire, oral, or electronic
 386 communications by:

387 (a) The Department of Law Enforcement or any law
 388 enforcement agency as defined in s. 934.02 having responsibility
 389 for the investigation of the offense as to which the application
 390 is made when such interception may provide or has provided
 391 evidence of the commission of the offense of murder, kidnapping,
 392 aircraft piracy, arson, gambling, robbery, burglary, theft,

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393 dealing in stolen property, criminal usury, bribery, or
 394 extortion; any felony violation of ss. 790.161-790.166,
 395 inclusive; any violation of s. 787.06; any violation of chapter
 396 893; any violation of the provisions of the Florida Anti-Fencing
 397 Act; any violation of chapter 895; any violation of chapter 896;
 398 any violation of chapter 815; any violation of chapter 847; any
 399 violation of s. 827.071; any violation of s. 944.40; or any
 400 conspiracy or solicitation to commit any violation of the laws
 401 of this state relating to the crimes specifically enumerated in
 402 this paragraph.

403 Section 10. Paragraph (a) of subsection (1) of section
 404 943.0435, Florida Statutes, is amended to read:

405 943.0435 Sexual offenders required to register with the
 406 department; penalty.-

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

408 (a)1. "Sexual offender" means a person who meets the
 409 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 410 subparagraph c., or sub-subparagraph d., as follows:

411 a.(I) Has been convicted of committing, or attempting,
 412 soliciting, or conspiring to commit, any of the criminal
 413 offenses proscribed in the following statutes in this state or
 414 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 415 or s. 787.025(2)(c), where the victim is a minor and the
 416 defendant is not the victim's parent or guardian; s.
 417 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 418 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 419 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 420 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.

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421 985.701(1); or any similar offense committed in this state which
 422 has been redesignated from a former statute number to one of
 423 those listed in this sub-sub-subparagraph; and

424 (II) Has been released on or after October 1, 1997, from
 425 the sanction imposed for any conviction of an offense described
 426 in sub-sub-subparagraph (I). For purposes of sub-sub-
 427 subparagraph (I), a sanction imposed in this state or in any
 428 other jurisdiction includes, but is not limited to, a fine,
 429 probation, community control, parole, conditional release,
 430 control release, or incarceration in a state prison, federal
 431 prison, private correctional facility, or local detention
 432 facility;

433 b. Establishes or maintains a residence in this state and
 434 who has not been designated as a sexual predator by a court of
 435 this state but who has been designated as a sexual predator, as
 436 a sexually violent predator, or by another sexual offender
 437 designation in another state or jurisdiction and was, as a
 438 result of such designation, subjected to registration or
 439 community or public notification, or both, or would be if the
 440 person were a resident of that state or jurisdiction, without
 441 regard to whether the person otherwise meets the criteria for
 442 registration as a sexual offender;

443 c. Establishes or maintains a residence in this state who
 444 is in the custody or control of, or under the supervision of,
 445 any other state or jurisdiction as a result of a conviction for
 446 committing, or attempting, soliciting, or conspiring to commit,
 447 any of the criminal offenses proscribed in the following
 448 statutes or similar offense in another jurisdiction: s. 787.01,

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449 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 450 the defendant is not the victim's parent or guardian; s.
 451 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 452 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 453 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 454 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 455 985.701(1); or any similar offense committed in this state which
 456 has been redesignated from a former statute number to one of
 457 those listed in this sub-subparagraph; or

458 d. On or after July 1, 2007, has been adjudicated
 459 delinquent for committing, or attempting, soliciting, or
 460 conspiring to commit, any of the criminal offenses proscribed in
 461 the following statutes in this state or similar offenses in
 462 another jurisdiction when the juvenile was 14 years of age or
 463 older at the time of the offense:

464 (I) Section 794.011, excluding s. 794.011(10);

465 (II) Section 800.04(4)(b) where the victim is under 12
 466 years of age or where the court finds sexual activity by the use
 467 of force or coercion;

468 (III) Section 800.04(5)(c)1. where the court finds
 469 molestation involving unclothed genitals; or

470 (IV) Section 800.04(5)(d) where the court finds the use of
 471 force or coercion and unclothed genitals.

472 2. For all qualifying offenses listed in sub-subparagraph
 473 (1)(a)1.d., the court shall make a written finding of the age of
 474 the offender at the time of the offense.

475
 476 For each violation of a qualifying offense listed in this

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477 subsection, the court shall make a written finding of the age of
 478 the victim at the time of the offense. For a violation of s.
 479 800.04(4), the court shall additionally make a written finding
 480 indicating that the offense did or did not involve sexual
 481 activity and indicating that the offense did or did not involve
 482 force or coercion. For a violation of s. 800.04(5), the court
 483 shall additionally make a written finding that the offense did
 484 or did not involve unclothed genitals or genital area and that
 485 the offense did or did not involve the use of force or coercion.

486 Section 11. Paragraph (b) of subsection (1) of section
 487 944.606, Florida Statutes, is amended to read:

488 944.606 Sexual offenders; notification upon release.—

489 (1) As used in this section:

490 (b) "Sexual offender" means a person who has been
 491 convicted of committing, or attempting, soliciting, or
 492 conspiring to commit, any of the criminal offenses proscribed in
 493 the following statutes in this state or similar offenses in
 494 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 495 where the victim is a minor and the defendant is not the
 496 victim's parent or guardian; s. 787.06(3)(b), (d), (f), (g), or
 497 (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03;
 498 s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 499 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 500 847.0145; or s. 985.701(1); or any similar offense committed in
 501 this state which has been redesignated from a former statute
 502 number to one of those listed in this subsection, when the
 503 department has received verified information regarding such
 504 conviction; an offender's computerized criminal history record

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505 is not, in and of itself, verified information.

506 Section 12. Paragraph (a) of subsection (1) of section
507 944.607, Florida Statutes, is amended to read:

508 944.607 Notification to Department of Law Enforcement of
509 information on sexual offenders.-

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

511 (a) "Sexual offender" means a person who is in the custody
512 or control of, or under the supervision of, the department or is
513 in the custody of a private correctional facility:

514 1. On or after October 1, 1997, as a result of a
515 conviction for committing, or attempting, soliciting, or
516 conspiring to commit, any of the criminal offenses proscribed in
517 the following statutes in this state or similar offenses in
518 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
519 where the victim is a minor and the defendant is not the
520 victim's parent or guardian; s. 787.06(3)(b), (d), (f), (g), or
521 (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03;
522 s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
523 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
524 847.0145; or s. 985.701(1); or any similar offense committed in
525 this state which has been redesignated from a former statute
526 number to one of those listed in this paragraph; or

527 2. Who establishes or maintains a residence in this state
528 and who has not been designated as a sexual predator by a court
529 of this state but who has been designated as a sexual predator,
530 as a sexually violent predator, or by another sexual offender
531 designation in another state or jurisdiction and was, as a
532 result of such designation, subjected to registration or

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533 community or public notification, or both, or would be if the
 534 person were a resident of that state or jurisdiction, without
 535 regard as to whether the person otherwise meets the criteria for
 536 registration as a sexual offender.

537 Section 13. Paragraphs (b) and (c) of subsection (2) of
 538 section 90.404, Florida Statutes, are amended to read:

539 90.404 Character evidence; when admissible.—

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

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

546 2. For the purposes of this paragraph, the term "child
 547 molestation" means conduct proscribed by s. 787.025(2)(c), s.
 548 787.06(3)(g) and (h), s. 794.011, excluding s. 794.011(10), s.
 549 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s. 800.04, s.
 550 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1) when
 551 committed against a person 16 years of age or younger.

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

557 2. For the purposes of this paragraph, the term "sexual
 558 offense" means conduct proscribed by s. 787.025(2)(c), s.
 559 787.06(3)(b), (d), (f), (g), or (h), s. 794.011, excluding s.
 560 794.011(10), s. 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s.

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561 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.
 562 985.701(1).
 563 Section 14. Paragraph (a) of subsection (1) of section
 564 772.102, Florida Statutes, is amended to read:
 565 772.102 Definitions.—As used in this chapter, the term:
 566 (1) "Criminal activity" means to commit, to attempt to
 567 commit, to conspire to commit, or to solicit, coerce, or
 568 intimidate another person to commit:
 569 (a) Any crime that is chargeable by indictment or
 570 information under the following provisions:
 571 1. Section 210.18, relating to evasion of payment of
 572 cigarette taxes.
 573 2. Section 414.39, relating to public assistance fraud.
 574 3. Section 440.105 or s. 440.106, relating to workers'
 575 compensation.
 576 4. Part IV of chapter 501, relating to telemarketing.
 577 5. Chapter 517, relating to securities transactions.
 578 6. Section 550.235 or s. 550.3551, relating to dogracing
 579 and horseracing.
 580 7. Chapter 550, relating to jai alai frontons.
 581 8. Chapter 552, relating to the manufacture, distribution,
 582 and use of explosives.
 583 9. Chapter 562, relating to beverage law enforcement.
 584 10. Section 624.401, relating to transacting insurance
 585 without a certificate of authority, s. 624.437(4)(c)1., relating
 586 to operating an unauthorized multiple-employer welfare
 587 arrangement, or s. 626.902(1)(b), relating to representing or
 588 aiding an unauthorized insurer.

BILL	ORIGINAL	YEAR
589	11. Chapter 687, relating to interest and usurious	
590	practices.	
591	12. Section 721.08, s. 721.09, or s. 721.13, relating to	
592	real estate timeshare plans.	
593	13. Chapter 782, relating to homicide.	
594	14. Chapter 784, relating to assault and battery.	
595	15. Chapter 787, relating to kidnapping or human	
596	trafficking.	
597	16. Chapter 790, relating to weapons and firearms.	
598	17. Section 796.03, s. 796.04, s. 796.045 , s. 796.05, or	
599	s. 796.07, relating to prostitution.	
600	18. Chapter 806, relating to arson.	
601	19. Section 810.02(2)(c), relating to specified burglary	
602	of a dwelling or structure.	
603	20. Chapter 812, relating to theft, robbery, and related	
604	crimes.	
605	21. Chapter 815, relating to computer-related crimes.	
606	22. Chapter 817, relating to fraudulent practices, false	
607	pretenses, fraud generally, and credit card crimes.	
608	23. Section 827.071, relating to commercial sexual	
609	exploitation of children.	
610	24. Chapter 831, relating to forgery and counterfeiting.	
611	25. Chapter 832, relating to issuance of worthless checks	
612	and drafts.	
613	26. Section 836.05, relating to extortion.	
614	27. Chapter 837, relating to perjury.	
615	28. Chapter 838, relating to bribery and misuse of public	
616	office.	

BILL ORIGINAL YEAR

617 29. Chapter 843, relating to obstruction of justice.
 618 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 619 s. 847.07, relating to obscene literature and profanity.
 620 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 621 849.25, relating to gambling.
 622 32. Chapter 893, relating to drug abuse prevention and
 623 control.
 624 33. Section 914.22 or s. 914.23, relating to witnesses,
 625 victims, or informants.
 626 34. Section 918.12 or s. 918.13, relating to tampering
 627 with jurors and evidence.
 628 Section 15. Subsection (1) of section 794.056, Florida
 629 Statutes, is amended to read:
 630 794.056 Rape Crisis Program Trust Fund.—
 631 (1) The Rape Crisis Program Trust Fund is created within
 632 the Department of Health for the purpose of providing funds for
 633 rape crisis centers in this state. Trust fund moneys shall be
 634 used exclusively for the purpose of providing services for
 635 victims of sexual assault. Funds credited to the trust fund
 636 consist of those funds collected as an additional court
 637 assessment in each case in which a defendant pleads guilty or
 638 nolo contendere to, or is found guilty of, regardless of
 639 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 640 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 641 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 642 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 643 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 644 s. 796.03; s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s.

BILL ORIGINAL YEAR

645 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 646 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 647 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 648 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 649 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 650 fund also shall include revenues provided by law, moneys
 651 appropriated by the Legislature, and grants from public or
 652 private entities.

653 Section 16. Paragraph (a) of subsection (1) of section
 654 895.02, Florida Statutes, is amended to read:

655 895.02 Definitions.—As used in ss. 895.01-895.08, the
 656 term:

657 (1) "Racketeering activity" means to commit, to attempt to
 658 commit, to conspire to commit, or to solicit, coerce, or
 659 intimidate another person to commit:

660 (a) Any crime that is chargeable by petition, indictment,
 661 or information under the following provisions of the Florida
 662 Statutes:

663 1. Section 210.18, relating to evasion of payment of
 664 cigarette taxes.

665 2. Section 316.1935, relating to fleeing or attempting to
 666 elude a law enforcement officer and aggravated fleeing or
 667 eluding.

668 3. Section 403.727(3)(b), relating to environmental
 669 control.

670 4. Section 409.920 or s. 409.9201, relating to Medicaid
 671 fraud.

672 5. Section 414.39, relating to public assistance fraud.

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BILL ORIGINAL YEAR

- 673 6. Section 440.105 or s. 440.106, relating to workers'
- 674 compensation.
- 675 7. Section 443.071(4), relating to creation of a
- 676 fictitious employer scheme to commit unemployment compensation
- 677 fraud.
- 678 8. Section 465.0161, relating to distribution of medicinal
- 679 drugs without a permit as an Internet pharmacy.
- 680 9. Section 499.0051, relating to crimes involving
- 681 contraband and adulterated drugs.
- 682 10. Part IV of chapter 501, relating to telemarketing.
- 683 11. Chapter 517, relating to sale of securities and
- 684 investor protection.
- 685 12. Section 550.235 or s. 550.3551, relating to dogracing
- 686 and horseracing.
- 687 13. Chapter 550, relating to jai alai frontons.
- 688 14. Section 551.109, relating to slot machine gaming.
- 689 15. Chapter 552, relating to the manufacture,
- 690 distribution, and use of explosives.
- 691 16. Chapter 560, relating to money transmitters, if the
- 692 violation is punishable as a felony.
- 693 17. Chapter 562, relating to beverage law enforcement.
- 694 18. Section 624.401, relating to transacting insurance
- 695 without a certificate of authority, s. 624.437(4)(c)1., relating
- 696 to operating an unauthorized multiple-employer welfare
- 697 arrangement, or s. 626.902(1)(b), relating to representing or
- 698 aiding an unauthorized insurer.
- 699 19. Section 655.50, relating to reports of currency
- 700 transactions, when such violation is punishable as a felony.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
701	20. Chapter 687, relating to interest and usurious	
702	practices.	
703	21. Section 721.08, s. 721.09, or s. 721.13, relating to	
704	real estate timeshare plans.	
705	22. Section 775.13(5)(b), relating to registration of	
706	persons found to have committed any offense for the purpose of	
707	benefiting, promoting, or furthering the interests of a criminal	
708	gang.	
709	23. Section 777.03, relating to commission of crimes by	
710	accessories after the fact.	
711	24. Chapter 782, relating to homicide.	
712	25. Chapter 784, relating to assault and battery.	
713	26. Chapter 787, relating to kidnapping or human	
714	trafficking.	
715	27. Chapter 790, relating to weapons and firearms.	
716	28. Chapter 794, relating to sexual battery, but only if	
717	such crime was committed with the intent to benefit, promote, or	
718	further the interests of a criminal gang, or for the purpose of	
719	increasing a criminal gang member's own standing or position	
720	within a criminal gang.	
721	29. Section 796.03, s. 796.035, s. 796.04, s. 796.045 , s.	
722	796.05, or s. 796.07, relating to prostitution and sex	
723	trafficking.	
724	30. Chapter 806, relating to arson and criminal mischief.	
725	31. Chapter 810, relating to burglary and trespass.	
726	32. Chapter 812, relating to theft, robbery, and related	
727	crimes.	
728	33. Chapter 815, relating to computer-related crimes.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
729	34. Chapter 817, relating to fraudulent practices, false	
730	pretenses, fraud generally, and credit card crimes.	
731	35. Chapter 825, relating to abuse, neglect, or	
732	exploitation of an elderly person or disabled adult.	
733	36. Section 827.071, relating to commercial sexual	
734	exploitation of children.	
735	37. Chapter 831, relating to forgery and counterfeiting.	
736	38. Chapter 832, relating to issuance of worthless checks	
737	and drafts.	
738	39. Section 836.05, relating to extortion.	
739	40. Chapter 837, relating to perjury.	
740	41. Chapter 838, relating to bribery and misuse of public	
741	office.	
742	42. Chapter 843, relating to obstruction of justice.	
743	43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or	
744	s. 847.07, relating to obscene literature and profanity.	
745	44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.	
746	849.25, relating to gambling.	
747	45. Chapter 874, relating to criminal gangs.	
748	46. Chapter 893, relating to drug abuse prevention and	
749	control.	
750	47. Chapter 896, relating to offenses related to financial	
751	transactions.	
752	48. Sections 914.22 and 914.23, relating to tampering with	
753	or harassing a witness, victim, or informant, and retaliation	
754	against a witness, victim, or informant.	
755	49. Sections 918.12 and 918.13, relating to tampering with	
756	jurors and evidence.	

BILL ORIGINAL YEAR

757 Section 17. Section 938.085, Florida Statutes, is amended
 758 to read:

759 938.085 Additional cost to fund rape crisis centers.—In
 760 addition to any sanction imposed when a person pleads guilty or
 761 nolo contendere to, or is found guilty of, regardless of
 762 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
 763 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 764 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 765 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 766 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; s. 796.03;
 767 s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s. 796.06; s.
 768 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 769 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 770 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 771 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and
 772 (14) (c); or s. 985.701(1), the court shall impose a surcharge of
 773 \$151. Payment of the surcharge shall be a condition of
 774 probation, community control, or any other court-ordered
 775 supervision. The sum of \$150 of the surcharge shall be deposited
 776 into the Rape Crisis Program Trust Fund established within the
 777 Department of Health by chapter 2003-140, Laws of Florida. The
 778 clerk of the court shall retain \$1 of each surcharge that the
 779 clerk of the court collects as a service charge of the clerk's
 780 office.

781 Section 18. Paragraphs (d), (e), (h), (i), and (j) of
 782 subsection (3) of section 921.0022, Florida Statutes, are
 783 amended to read:

784 921.0022 Criminal Punishment Code; offense severity

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BILL	ORIGINAL	YEAR
785	ranking chart.-	
786	(3) OFFENSE SEVERITY RANKING CHART	
787	(d) LEVEL 4	
788		
	Florida Felony	
	Statute Degree Description	
789		
	316.1935(3)(a) 2nd Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.	
790		
	499.0051(1) 3rd Failure to maintain or deliver pedigree papers.	
791		
	499.0051(2) 3rd Failure to authenticate pedigree papers.	
792		
	499.0051(6) 2nd Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.	
793		
	784.07(2)(b) 3rd Battery of law enforcement officer, firefighter, etc.	
794		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
795	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.	
796	784.075	3rd	Battery on detention or commitment facility staff.	
797	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.	
798	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	
799	784.081(3)	3rd	Battery on specified official or employee.	
800	784.082(3)	3rd	Battery by detained person on visitor or other detainee.	
801	784.083(3)	3rd	Battery on code inspector.	
802	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	
	787.03(1)	3rd	Interference with custody;	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
803	wrongly takes minor from appointed guardian.	
787.04 (2)	3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	
804	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	
787.04 (3)		
805	<u>Human smuggling.</u>	
<u>787.07</u>	<u>3rd</u>	
806	Exhibiting firearm or weapon within 1,000 feet of a school.	
790.115 (1)	3rd	
807	Possessing electric weapon or device, destructive device, or other weapon on school property.	
790.115 (2) (b)	3rd	
808	Possessing firearm on school property.	
790.115 (2) (c)	3rd	
809		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
810	800.04 (7) (c)	3rd Lewd or lascivious exhibition; offender less than 18 years.	
811	810.02 (4) (a)	3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	
812	810.02 (4) (b)	3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	
813	810.06	3rd Burglary; possession of tools.	
814	810.08 (2) (c)	3rd Trespass on property, armed with firearm or dangerous weapon.	
815	812.014 (2) (c) 3.	3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	
816	812.014 (2) (c) 4.-10.	3rd Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.	
	812.0195 (2)	3rd Dealing in stolen property by	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
817			use of the Internet; property stolen \$300 or more.	
817	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	
818				
818	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.	
819				
819	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.	
820				
820	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.	
821				
821	837.02 (1)	3rd	Perjury in official proceedings.	
822				
822	837.021 (1)	3rd	Make contradictory statements in official proceedings.	
823				
823	838.022	3rd	Official misconduct.	
824				

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
825	839.13(2)(a)	3rd Falsifying records of an individual in the care and custody of a state agency.	
826	839.13(2)(c)	3rd Falsifying records of the Department of Children and Family Services.	
827	843.021	3rd Possession of a concealed handcuff key by a person in custody.	
828	843.025	3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.	
829	843.15(1)(a)	3rd Failure to appear while on bail for felony (bond estreature or bond jumping).	
830	847.0135(5)(c)	3rd Lewd or lascivious exhibition using computer; offender less than 18 years.	
	874.05(1)	3rd Encouraging or recruiting another to join a criminal	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
831	gang.	
893.13(2)(a)1.	2nd Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).	
832	914.14(2)	3rd Witnesses accepting bribes.
833	914.22(1)	3rd Force, threaten, etc., witness, victim, or informant.
834	914.23(2)	3rd Retaliation against a witness, victim, or informant, no bodily injury.
835	918.12	3rd Tampering with jurors.
836	934.215	3rd Use of two-way communications device to facilitate commission of a crime.
837		
838	(g) LEVEL 7	
839	Florida Statute	Felony Degree Description
840		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
841	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.	
842	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	
843	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.	
844	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.	
845	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.	
846	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
847	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.	
848	456.065 (2)	3rd	Practicing a health care profession without a license.	
849	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	
850	458.327 (1)	3rd	Practicing medicine without a license.	
851	459.013 (1)	3rd	Practicing osteopathic medicine without a license.	
852	460.411 (1)	3rd	Practicing chiropractic medicine without a license.	
853	461.012 (1)	3rd	Practicing podiatric medicine without a license.	
854	462.17	3rd	Practicing naturopathy without a license.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
855	463.015(1)	3rd	Practicing optometry without a license.	
856	464.016(1)	3rd	Practicing nursing without a license.	
857	465.015(2)	3rd	Practicing pharmacy without a license.	
858	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	
859	467.201	3rd	Practicing midwifery without a license.	
860	468.366	3rd	Delivering respiratory care services without a license.	
861	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	
862	483.901(9)	3rd	Practicing medical physics without a license.	
863	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
484.053	3rd	Dispensing hearing aids without a license.	
864			
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	
865			
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.	
866			
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	
867			
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	
868			
775.21(10)(a)	3rd	Sexual predator; failure to	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
869	register; failure to renew driver's license or identification card; other registration violations.	
870	775.21(10)(b) 3rd Sexual predator working where children regularly congregate.	
871	775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	
872	782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	
873	782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	
	782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
874	reckless manner (vehicular homicide).	
782.072	2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	
875	784.045 (1) (a) 1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.	
876	784.045 (1) (a) 2. 2nd Aggravated battery; using deadly weapon.	
877	784.045 (1) (b) 2nd Aggravated battery; perpetrator aware victim pregnant.	
878	784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.	
879	784.048 (7) 3rd Aggravated stalking; violation of court order.	
880	784.07 (2) (d) 1st Aggravated battery on law enforcement officer.	
881		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
882	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	
883	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	
884	784.081(1)	1st	Aggravated battery on specified official or employee.	
885	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	
886	784.083(1)	1st	Aggravated battery on code inspector.	
887	<u>787.06(3)(a)</u>	<u>1st</u>	<u>Human trafficking using coercion for labor and services.</u>	
888	<u>787.06(3)(e)</u>	<u>1st</u>	<u>Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.</u>	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	
790.23	1st, PBL	Possession of a firearm by a	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
895	person who qualifies for the penalty enhancements provided for in s. 874.04.	
794.08 (4)	3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.	
896	796.03 Procuring any person under 16 years for prostitution.	
897	800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	
898	800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	
899	806.01 (2) 2nd Maliciously damage structure by fire or explosive.	
900	810.02 (3) (a) 2nd Burglary of occupied dwelling;	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
901	unarmed; no assault or battery.	
810.02 (3) (b)	2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.	
902		
810.02 (3) (d)	2nd Burglary of occupied conveyance; unarmed; no assault or battery.	
903		
810.02 (3) (e)	2nd Burglary of authorized emergency vehicle.	
904		
812.014 (2) (a) 1.	1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.	
905		
812.014 (2) (b) 2.	2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	
906		
812.014 (2) (b) 3.	2nd Property stolen, emergency medical equipment; 2nd degree	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
907	grand theft.	
812.014(2)(b)4.	2nd Property stolen, law enforcement equipment from authorized emergency vehicle.	
908		
812.0145(2)(a)	1st Theft from person 65 years of age or older; \$50,000 or more.	
909		
812.019(2)	1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
910		
812.131(2)(a)	2nd Robbery by sudden snatching.	
911		
812.133(2)(b)	1st Carjacking; no firearm, deadly weapon, or other weapon.	
912		
817.234(8)(a)	2nd Solicitation of motor vehicle accident victims with intent to defraud.	
913		
817.234(9)	2nd Organizing, planning, or participating in an intentional motor vehicle collision.	
914		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

915 817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

916 817.2341 1st Making false entries of (2)(b) & (3)(b) material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

917 825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

918 825.103(2)(b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

919 827.03(3)(b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

827.04(3) 3rd Impregnation of a child under 16 years of age by person 21

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BILL	ORIGINAL	YEAR
	years of age or older.	
920 837.05 (2)	3rd Giving false information about alleged capital felony to a law enforcement officer.	
921 838.015	2nd Bribery.	
922 838.016	2nd Unlawful compensation or reward for official behavior.	
923 838.021 (3) (a)	2nd Unlawful harm to a public servant.	
924 838.22	2nd Bid tampering.	
925 847.0135 (3)	3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.	
926 847.0135 (4)	2nd Traveling to meet a minor to commit an unlawful sex act.	
927 872.06	2nd Abuse of a dead human body.	
928 874.10	1st,PBL Knowingly initiates, organizes, plans, finances, directs,	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

			manages, or supervises criminal gang-related activity.
929	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
930	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
931	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
932		(2)(c)4. drugs).	
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.	
933			
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	
934			
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	
935			
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.	
936			
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	
937			
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.	
938			
893.135	1st	Trafficking in flunitrazepam, 4	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
939	(1)(g)1.a.	grams or more, less than 14 grams.	
940	893.135 (1)(h)1.a.	1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	
941	893.135 (1)(j)1.a.	1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	
942	893.135 (1)(k)2.a.	1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	
943	893.1351(2)	2nd Possession of place for trafficking in or manufacturing of controlled substance.	
944	896.101(5)(a)	3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.	
	896.104(4)(a)1.	3rd Structuring transactions to evade reporting or registration requirements, financial	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
945	transactions exceeding \$300 but less than \$20,000.	
943.0435(4)(c)	2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.	
946	2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	
947	3rd Sexual offender; failure to comply with reporting requirements.	
948	3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
949	3rd Sexual offender; failure to report and reregister; failure to respond to address verification.	
950		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
951	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.	
952	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
953	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
954	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	
955	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
956	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

957

958 (h) LEVEL 8

959

Florida Felony
Statute Degree Description

960

316.193 2nd DUI manslaughter.
(3)(c)3.a.

961

316.1935(4)(b) 1st Aggravated fleeing or attempted eluding with serious bodily injury or death.

962

327.35(3)(c)3. 2nd Vessel BUI manslaughter.

963

499.0051(7) 1st Knowing trafficking in contraband prescription drugs.

964

499.0051(8) 1st Knowing forgery of prescription labels or prescription drug labels.

965

560.123(8)(b)2. 2nd Failure to report currency or

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR	
966	560.125(5)(b)	2nd	<p>payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.</p> <p>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
967	655.50(10)(b)2.	2nd	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
968	777.03(2)(a)	1st	<p>Accessory after the fact, capital felony.</p>
969	782.04(4)	2nd	<p>Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.</p>
970			

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
971	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	
972	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.	
973	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	
974	<u>787.06(3)(b)</u>	<u>1st</u>	<u>Human trafficking using</u> <u>coercion for commercial sexual</u> <u>activity.</u>	
975	<u>787.06(3)(c)</u>	<u>1st</u>	<u>Human trafficking using</u> <u>coercion for labor and services</u> <u>of an unauthorized alien.</u>	
976	<u>787.06(3)(f)</u>	<u>1st</u>	<u>Human trafficking using</u> <u>coercion for commercial sexual</u> <u>activity by the transfer or</u> <u>transport of any individual</u> <u>from outside Florida to within</u> <u>the state.</u>	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

977	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
978	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
979	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
980	800.04(4)	2nd	Lewd or lascivious battery.
981	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
982	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
983	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
	810.02(2)(c)	1st	Burglary of a dwelling or

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR	
984	812.014(2)(a)2.	1st	structure causing structural damage or \$1,000 or more property damage. Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
985	812.13(2)(b)	1st	Robbery with a weapon.
986	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
987	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
988	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
989	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
990	825.103(2)(a)	1st	Exploiting an elderly person or

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BILL		ORIGINAL	YEAR
991		disabled adult and property is valued at \$100,000 or more.	
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.	
992			
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	
993			
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	
994			
860.16	1st	Aircraft piracy.	
995			
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
996			
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
997			

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
998	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
999	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	
1000	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.	
1001	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	
1002	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.	
1003	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.	
1004	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1005	893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.	
1006	893.135 (1)(h)1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.	
1007	893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.	
1008	893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.	
1009	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.	
1010	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.	
	895.03(2)	1st	Acquire or maintain through	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1011	racketeering activity any interest in or control of any enterprise or real property.	
895.03(3)	1st Conduct or participate in any enterprise through pattern of racketeering activity.	
1012		
896.101(5)(b)	2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.	
1013		
896.104(4)(a)2.	2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.	
1014		
1015	(i) LEVEL 9	
1016		
Florida Statute	Felony Degree	Description
1017		
316.193(3)(c)3.b.	1st DUI manslaughter; failing to render aid or give information.	
1018		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1019	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.	
1020	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.	
1021	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.	
1022	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	
1023	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	
1024	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	
1025	775.0844	1st	Aggravated white collar crime.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
1026	782.04(1)	1st Attempt, conspire, or solicit to commit premeditated murder.	
1027	782.04(3)	1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.	
1028	782.051(1)	1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	
1029	782.07(2)	1st Aggravated manslaughter of an elderly person or disabled adult.	
1030	787.01(1)(a)1.	1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.	
1031	787.01(1)(a)2.	1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.	
	787.01(1)(a)4.	1st,PBL Kidnapping with intent to interfere with performance of	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1032	any governmental or political function.	
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.	
1033		
<u>787.06(3)(d)</u>	<u>1st Human trafficking using coercion for commercial sexual activity of an unauthorized alien.</u>	
1034		
<u>787.06(3)(g)</u>	<u>1st,PBL Human trafficking for commercial sexual activity of a child under the age of 18.</u>	
1035		
<u>787.06(4)</u>	<u>1st Selling or buying of minors into human trafficking.</u>	
1036		
790.161	1st Attempted capital destructive device offense.	
1037		
790.166(2)	1st,PBL Possessing, selling, using, or	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR	
1038	794.011(2)	1st	attempting to use a weapon of mass destruction.
1039	794.011(2)	Life	Attempted sexual battery; victim less than 12 years of age.
1040	794.011(4)	1st	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1041	794.011(8)(b)	1st	Sexual battery; victim 12 years or older, certain circumstances.
1042	794.08(2)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1043	<u>796.035</u>	<u>1st</u>	Female genital mutilation; victim younger than 18 years of age.
1044			<u>Selling or buying of minors into prostitution.</u>

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 CODING: Words ~~stricken~~ are deletions; words underlined are additions.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
1045	800.04(5)(b)	Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.	
1046	812.13(2)(a)	1st,PBL Robbery with firearm or other deadly weapon.	
1047	812.133(2)(a)	1st,PBL Carjacking; firearm or other deadly weapon.	
1048	812.135(2)(b)	1st Home-invasion robbery with weapon.	
1049	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.	
1050	827.03(2)	1st Aggravated child abuse.	
1051	847.0145(1)	1st Selling, or otherwise transferring custody or control, of a minor.	
	847.0145(2)	1st Purchasing, or otherwise	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1052	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.	
1053		
893.135	1st Attempted capital trafficking offense.	
1054		
893.135(1)(a)3.	1st Trafficking in cannabis, more than 10,000 lbs.	
1055		
893.135 (1)(b)1.c.	1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.	
1056		
893.135 (1)(c)1.c.	1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.	
1057		
893.135 (1)(d)1.c.	1st Trafficking in phencyclidine, more than 400 grams.	
1058		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1059	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.	
1060	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.	
1061	893.135 (1)(h)1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.	
1062	893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.	
1063	893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.	
1064	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.	
1065	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.	
1066	(j) LEVEL 10			
1067				

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
	Florida Statute	Felony Degree	Description	
1068	499.0051(10)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.	
1069	782.04(2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.	
1070	787.01(1)(a)3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.	
1071	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.	
1072	<u>787.06(3)(h)</u>	<u>Life</u>	<u>Human trafficking for commercial sexual activity of a child under the age of 15.</u>	
1073	782.07(3)	1st	Aggravated manslaughter of a child.	
1074				

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

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.

1075

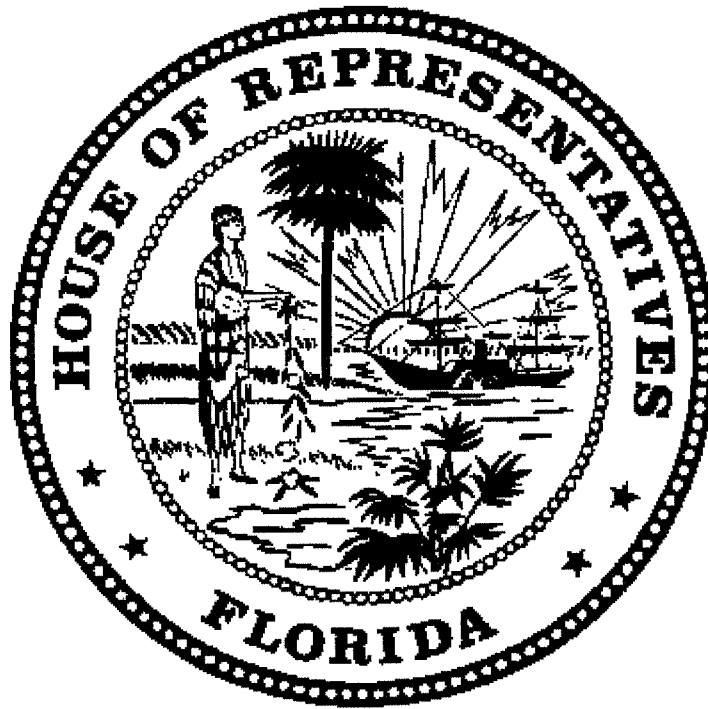
812.135(2)(a) 1st, PBL Home-invasion robbery with firearm or other deadly weapon.

1076

876.32 1st Treason against the state.

1077

1078 Section 19. This act shall take effect July 1, 2012.



Judiciary Committee

Thursday, January 12, 2012

11:30 AM

404 HOB

AMENDMENT PACKET

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB JDC 12-01 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing PCB: Judiciary Committee
2 Representative Burgin offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 91 and 92, insert:

6 Section 2. Section 480.0535, Florida Statutes, is created
7 to read:

8 480.0535 Documents required while working in a massage
9 establishment.-

10 (1) In order to provide the department and law enforcement
11 agencies the means to more effectively identify, investigate,
12 and arrest persons engaging in human trafficking:

13 (a) A person employed by a massage establishment and any
14 person performing massage therein must immediately present, upon
15 the request of an investigator of the department or a law
16 enforcement officer, valid government identification while in
17 the establishment. A valid government identification for the
18 purposes of this section is:

19 1. A valid, unexpired driver's license issued by any state,

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Published On: 1/11/2012 6:26:05 PM

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20 territory, or district of the United States;

21 2. A valid, unexpired identification card issued by any
22 state, territory, or district of the United States;

23 3. A valid, unexpired United States passport;

24 4. A naturalization certificate issued by the United States
25 Department of Homeland Security;

26 5. A valid, unexpired alien registration receipt card
27 (green card); or

28 6. A valid, unexpired employment authorization card issued
29 by the United States Department of Homeland Security.

30 (2) A person operating a massage establishment must:

31 (a) Immediately present, upon the request of an
32 investigator of the department or a law enforcement officer:

33 1. Valid government identification while in the
34 establishment.

35 2. A copy of such documentation specified in paragraph
36 (1)(a) for each employee and any person performing massage in
37 the establishment.

38 (b) Ensure that each employee and any person performing
39 massage in the massage establishment is able to immediately
40 present, upon the request of an investigator of the department
41 or a law enforcement officer, valid government identification
42 while in the establishment.

43 (3) A person who violates any provision of this section
44 commits:

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

47 (b) A misdemeanor of the first degree for a second

Amendment No. 1

48 violation, punishable as provided in s. 775.082 or s. 775.083.

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

52

53

54

55

56

57

T I T L E A M E N D M E N T

58

Remove line 3 and insert:

59

16.56, F.S.; creating s. 480.0535, F.S.; requiring an employee

60

of a massage establishment and any person performing massage

61

therein to immediately present, upon request of an investigator

62

of the department or law enforcement officer, valid government

63

identification while in the establishment; providing

64

documentation requirements for the operator of a massage

65

establishment; providing criminal penalties; adding violations

66

of ch. 787, F.S., to