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# **Judiciary Committee**

**Thursday, December 8, 2011**

**9:00 AM**

**404 HOB**

**Meeting Packet**

**Dean Cannon  
Speaker**

**William Snyder  
Chair**



# **JUDICIARY COMMITTEE AGENDA**

Thursday, December 8, 2011  
9:00 am to 11:00 am  
404 HOB

- 1. Chairman: Opening Remarks**
- 2. Human Trafficking Documentary Video**
- 3. Attorney General Pam Bondi**
- 4. Professor Terry Coonan, Executive Director of the Center for the Advancement of Human Rights**
- 5. Assistant Commissioner Jim Madden, Florida Department of Law Enforcement**
- 6. John Silvas, Martin County Sheriff's Office**
- 7. George Koder, Clearwater Police Department**
- 8. State Attorney William Meggs, 2<sup>nd</sup> Judicial Circuit**
- 9. Sheila Hopkins, Florida Catholic Conference**







Select Year: 2011 

## The 2011 Florida Statutes

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<u>Title</u>	<u>Chapter 787</u>	<u>View Entire Chapter</u>
<u>XLVI</u> CRIMES	KIDNAPPING; FALSE IMPRISONMENT; LURING OR ENTICING A CHILD; CUSTODY OFFENSES	

**787.05 Unlawfully obtaining labor or services.**—Any person who knowingly obtains the labor or services of a person by:

- (1) Causing or threatening to cause bodily injury to that person or another person;
- (2) Restraining or threatening to restrain that person or another person without lawful authority and against her or his will; or
- (3) Withholding that person's governmental records, identifying information, or other personal property,

commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

**History.**—s. 1, ch. 2004-391.

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## The 2011 Florida Statutes

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<u>Title</u> <u>XLVI</u> CRIMES	<u>Chapter 787</u> KIDNAPPING; FALSE IMPRISONMENT; LURING OR ENTICING A CHILD; CUSTODY OFFENSES	<u>View Entire</u> <u>Chapter</u>
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### **787.06 Human trafficking.—**

(1)(a) The Legislature finds that human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

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

(c) The Legislature finds that 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 most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.

(d) It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and implement training programs in order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance. It is the intent of the Legislature that the Department of Children and Family Services and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.

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

(a) "Financial harm" includes extortionate extension of credit, loan sharking as defined in s. [687.071](#), or employment contracts that violate the statute of frauds as provided in s. [725.01](#).

(b) "Forced labor or services" means labor or services obtained from a person by:

1. Using or threatening to use physical force against that person or another person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine that person or another person without lawful authority and against her or his will;

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

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

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

6. Fraud or coercion.

(c) "Human trafficking" means transporting, soliciting, recruiting, harboring, providing, or obtaining another person for transport.

(d) "Maintain," when used in relation to labor services, means to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.

(3) Any person who knowingly:

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

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

commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(4) The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. After January 1, 2007, every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.

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

History.—s. 2, ch. 2004-391; s. 1, ch. 2006-168.

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## The 2011 Florida Statutes

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<u>Title</u> <u>XLVI</u> CRIMES	<u>Chapter 787</u> KIDNAPPING; FALSE IMPRISONMENT; LURING OR ENTICING A CHILD; CUSTODY OFFENSES	<u>View Entire</u> <u>Chapter</u>
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**787.07 Human smuggling.—**

(1) A person who transports into this state an individual who the person knows, or should know, is illegally entering the United States from another country commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

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

**History.—**s. 1, ch. 2009-160.

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## The 2011 Florida Statutes

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Title XLVI  
CRIMES

Chapter 796  
PROSTITUTION

[View Entire Chapter](#)

**CHAPTER 796**  
**PROSTITUTION**

- 796.03 Procuring person under age of 18 for prostitution.
- 796.035 Selling or buying of minors into sex trafficking or prostitution; penalties.
- 796.04 Forcing, compelling, or coercing another to become a prostitute.
- 796.045 Sex trafficking; penalties.
- 796.05 Deriving support from the proceeds of prostitution.
- 796.06 Renting space to be used for lewdness, assignation, or prostitution.
- 796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.
- 796.08 Screening for HIV and sexually transmissible diseases; providing penalties.
- 796.09 Coercion; civil cause of action; evidence; defenses; attorney's fees.

**796.03 Procuring person under age of 18 for prostitution.**—A person who procures for prostitution, or causes to be prostituted, any person who is under the age of 18 years commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.*—RS 2617; GS 3537; RGS 5435; CGL 7578; s. 765, ch. 71-136; s. 1, ch. 78-45; s. 1, ch. 93-227.

**796.035 Selling or buying of minors into sex trafficking or prostitution; penalties.**—Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody 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, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.*—s. 3, ch. 2004-391; s. 2, ch. 2008-172.

**796.04 Forcing, compelling, or coercing another to become a prostitute.**—

(1) After May 1, 1943, it shall be unlawful for anyone to force, compel, or coerce another to become a prostitute.

(2) Anyone violating this section shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.*—ss. 1, 2, ch. 21661, 1943; s. 766, ch. 71-136.

**796.045 Sex trafficking; penalties.**—Any person who knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution, commits the offense of sex trafficking, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person commits a

felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, 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.

History.—s. 4, ch. 2004-391.

**796.05 Deriving support from the proceeds of prostitution.—**

(1) It shall be unlawful for any person with reasonable belief or knowing another person is engaged in prostitution to live or derive support or maintenance in whole or in part from what is believed to be the earnings or proceeds of such person's prostitution.

(2) Anyone violating this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—ss. 1, 2, ch. 21662, 1943; s. 767, ch. 71-136; s. 2, ch. 81-281; s. 1, ch. 87-168; s. 3, ch. 93-227.

**796.06 Renting space to be used for lewdness, assignation, or prostitution.—**

(1) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used for the purpose of lewdness, assignation, or prostitution.

(2) A person who violates this section commits:

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

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

History.—ss. 1, 2, ch. 21663, 1943; ss. 1, 2, ch. 22025, 1943; s. 768, ch. 71-136; s. 4, ch. 93-227.

**796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—**

(1) As used in this section:

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

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

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

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

(2) It is unlawful:

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

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

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

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

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

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



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

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

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

(3)(a) In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

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

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

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

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

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

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

(6) A person who violates paragraph (2)(f) shall be assessed a civil penalty of \$500 if the violation results in any judicial disposition other than acquittal or dismissal. The proceeds from penalties assessed under this subsection shall be paid to the circuit court administrator for the sole purpose of paying the administrative costs of treatment-based drug court programs provided under s. 397.334.

**History.**—ss. 1, 2, 3, 4, 5, ch. 21664, 1943; s. 769, ch. 71-136; s. 3, ch. 81-281; s. 1, ch. 86-143; s. 39, ch. 91-110; s. 181, ch. 91-224; s. 5, ch. 93-227; s. 4, ch. 2002-297; s. 118, ch. 2003-402; s. 1, ch. 2005-219.

#### **796.08 Screening for HIV and sexually transmissible diseases; providing penalties.—**

(1)(a) For the purposes of this section, “sexually transmissible disease” means a bacterial, viral, fungal, or parasitic disease, determined by rule of the Department of Health to be sexually transmissible, a threat to the public health and welfare, and a disease for which a legitimate public interest is served by providing for regulation and treatment.

(b) In considering which diseases are designated as sexually transmissible diseases, the Department of Health shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/acute salpingitis, syphilis, and human immunodeficiency virus infection for designation and shall consider the recommendations and classifications of the Centers for Disease Control and Prevention and other nationally recognized authorities. Not all diseases that are sexually transmissible need be designated for purposes of this section.

(2) A person arrested under s. 796.07 may request screening for a sexually transmissible disease under direction of the Department of Health and, if infected, shall submit to appropriate treatment and counseling. A person who requests screening for a sexually transmissible disease under this subsection must pay any costs associated with such screening.

(3) A person convicted under s. 796.07 of prostitution or procuring another to commit prostitution must undergo screening for a sexually transmissible disease, including, but not limited to, screening to

detect exposure to the human immunodeficiency virus, under direction of the Department of Health. If the person is infected, he or she must submit to treatment and counseling prior to release from probation, community control, or incarceration. Notwithstanding the provisions of s. 384.29, the results of tests conducted pursuant to this subsection shall be made available by the Department of Health to the offender, medical personnel, appropriate state agencies, state attorneys, and courts of appropriate jurisdiction in need of such information in order to enforce the provisions of this chapter.

(4) A person who commits prostitution or procures another for prostitution and who, prior to the commission of such crime, had tested positive for a sexually transmissible disease other than human immunodeficiency virus infection and knew or had been informed that he or she had tested positive for such sexually transmissible disease and could possibly communicate such disease to another person through sexual activity commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution or procurement of prostitution.

(5) A person who:

(a) Commits or offers to commit prostitution; or

(b) Procures another for prostitution by engaging in sexual activity in a manner likely to transmit the human immunodeficiency virus,

and who, prior to the commission of such crime, had tested positive for human immunodeficiency virus and knew or had been informed that he or she had tested positive for human immunodeficiency virus and could possibly communicate such disease to another person through sexual activity commits criminal transmission of HIV, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution or procurement of prostitution.

**History.**—s. 2, ch. 86-143; s. 44, ch. 88-380; s. 6, ch. 90-292; s. 67, ch. 91-110; s. 258, ch. 91-224; s. 7, ch. 93-227; s. 7, ch. 94-90; s. 2, ch. 94-205; s. 7, ch. 96-409; s. 3, ch. 97-37; s. 35, ch. 97-93; s. 296, ch. 99-8; s. 3, ch. 2010-64; s. 5, ch. 2010-113.

**796.09 Coercion; civil cause of action; evidence; defenses; attorney's fees.—**

(1) A person has a cause of action for compensatory and punitive damages against:

(a) A person who coerced that person into prostitution;

(b) A person who coerces that person to remain in prostitution; or

(c) A person who uses coercion to collect or receive any part of that person's earnings derived from prostitution.

(2) As used in this section, the term "prostitution" has the same meaning as in s. 796.07.

(3) As used in this section, the term "coercion" means any practice of domination, restraint, or inducement for the purpose of or with the reasonably foreseeable effect of causing another person to engage in or remain in prostitution or to relinquish earnings derived from prostitution, and includes, but is not limited to:

(a) Physical force or threats of physical force.

(b) Physical or mental torture.

(c) Kidnapping.

(d) Blackmail.

(e) Extortion or claims of indebtedness.

(f) Threat of legal complaint or report of delinquency.

- (g) Threat to interfere with parental rights or responsibilities, whether by judicial or administrative action or otherwise.
  - (h) Promise of legal benefit.
  - (i) Promise of greater financial rewards.
  - (j) Promise of marriage.
  - (k) Restraint of speech or communication with others.
  - (l) Exploitation of a condition of developmental disability, cognitive limitation, affective disorder, or substance dependency.
  - (m) Exploitation of victimization by sexual abuse.
  - (n) Exploitation of pornographic performance.
  - (o) Exploitation of human needs for food, shelter, safety, or affection.
- (4) In the course of litigation under this section, any transaction about which a plaintiff testifies or produces evidence does not subject such plaintiff to criminal prosecution or any penalty or forfeiture. Further, any testimony or evidence, documentary or otherwise, or information directly or indirectly derived from such testimony or evidence which is given or produced by a plaintiff or a witness for a plaintiff shall not be used against these persons in any other investigation or proceeding. Such testimony or evidence, however, may be used against a plaintiff or a witness for a plaintiff upon any criminal investigation or proceeding for perjury committed while giving such testimony or producing such evidence.
- (5) It does not constitute a defense to a complaint under this section that:
- (a) The plaintiff was paid or otherwise compensated for acts of prostitution;
  - (b) The plaintiff engaged in acts of prostitution prior to any involvement with the defendant; or
  - (c) The plaintiff made no attempt to escape, flee, or otherwise terminate contact with the defendant.
- (6) Evidence of convictions for prostitution or prostitution-related offenses are inadmissible in a proceeding brought under this section for purposes of attacking the plaintiff's credibility.
- (7) In any action brought under this section, the court, in its discretion, may award prevailing plaintiffs reasonable attorney's fees and costs.

History.—s. 1, ch. 91-32; s. 20, ch. 93-227.







BILL

ORIGINAL

YEAR

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 for the Office of Statewide  
 5 Prosecution; repealing s. 787.05, F.S., relating to  
 6 unlawfully obtaining labor or services; amending s.  
 7 787.06, F.S.; revising provisions relating to human  
 8 trafficking; increasing and providing additional  
 9 criminal penalties; amending s. 787.07, F.S.;  
 10 increasing criminal penalty for human smuggling;  
 11 amending s. 796.035, F.S.; revising criminal penalty  
 12 for selling or buying of minors into sex trafficking  
 13 or prostitution; repealing s. 796.045, F.S., relating  
 14 to sex trafficking; amending s. 796.07, F.S.;  
 15 authorizing a court to vacate a conviction for  
 16 prostitution upon the ground that the defendant's  
 17 participation in the offense was a result of having  
 18 been a victim of human trafficking; amending s.  
 19 905.34, F.S.; adding violations of ch. 787, F.S., to  
 20 the jurisdiction of a statewide grand jury; providing  
 21 an effective date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

24  
 25 Section 1. Paragraph (a) of subsection (1) of section  
 26 16.56, Florida Statutes, is amended to read:

27 16.56 Office of Statewide Prosecution.—

28 (1) There is created in the Department of Legal Affairs an

BILL ORIGINAL YEAR

29 Office of Statewide Prosecution. The office shall be a separate  
 30 "budget entity" as that term is defined in chapter 216. The  
 31 office may:

32 (a) Investigate and prosecute the offenses of:

33 1. Bribery, burglary, criminal usury, extortion, gambling,  
 34 kidnapping, larceny, murder, prostitution, perjury, robbery,  
 35 carjacking, and home-invasion robbery;

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

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

47 4. Any violation of the provisions of the Florida Anti-  
 48 Fencing Act;

49 5. Any violation of the provisions of the Florida  
 50 Antitrust Act of 1980, as amended;

51 6. Any crime involving, or resulting in, fraud or deceit  
 52 upon any person;

53 7. Any violation of s. 847.0135, relating to computer  
 54 pornography and child exploitation prevention, or any offense  
 55 related to a violation of s. 847.0135 or any violation of  
 56 chapter 827 where the crime is facilitated by or connected to



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57 the use of the Internet or any device capable of electronic data  
58 storage or transmission;

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

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

61 10. Any violation of the provisions of the Florida Motor  
62 Fuel Tax Relief Act of 2004;

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

64 12. Any crime involving voter registration, voting, or  
65 candidate or issue petition activities;

66 13. Any criminal violation of the Florida Money Laundering  
67 Act; ~~or~~

68 14. Any criminal violation of the Florida Securities and  
69 Investor Protection Act; or

70 15. Any violation of the provisions of ch. 787, as well  
71 any and all offenses related to a violation of the provisions of  
72 ch. 787;

73  
74 or any attempt, solicitation, or conspiracy to commit any of the  
75 crimes specifically enumerated above. The office shall have such  
76 power only when any such offense is occurring, or has occurred,  
77 in two or more judicial circuits as part of a related  
78 transaction, or when any such offense is connected with an  
79 organized criminal conspiracy affecting two or more judicial  
80 circuits. Informations or indictments charging such offenses  
81 shall contain general allegations stating the judicial circuits  
82 and counties in which crimes are alleged to have occurred or the  
83 judicial circuits and counties in which crimes affecting such  
84 circuits or counties are alleged to have been connected with an

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85 organized criminal conspiracy.

86 Section 2. Section 787.05, Florida Statutes, is repealed.

87 Section 3. Section 787.06, Florida Statutes, is amended to  
88 read:

89 787.06 Human trafficking.—

90 (1)(a) The Legislature finds that human trafficking is a  
91 form of modern-day slavery. Victims of human trafficking are  
92 young children, teenagers, and adults. Thousands of victims are  
93 trafficked annually across international borders worldwide. Many  
94 of these victims are trafficked into this state. The Legislature  
95 finds that victims of human trafficking are subjected to force,  
96 fraud, or coercion for the purpose of sexual exploitation or  
97 forced labor.

98 (b) The Legislature finds that while many victims of human  
99 trafficking are forced to work in prostitution or the sexual  
100 entertainment industry, trafficking also occurs in forms of  
101 labor exploitation, such as domestic servitude, restaurant work,  
102 janitorial work, sweatshop factory work, and migrant  
103 agricultural work.

104 (c) The Legislature finds that traffickers use various  
105 techniques to instill fear in victims and to keep them enslaved.  
106 Some traffickers keep their victims under lock and key. However,  
107 the most frequently used practices are less obvious techniques  
108 that include isolating victims from the public and family  
109 members; confiscating passports, visas, or other identification  
110 documents; using or threatening to use violence toward victims  
111 or their families; telling victims that they will be imprisoned  
112 or deported for immigration violations if they contact

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113 | authorities; and controlling the victims' funds by holding the  
 114 | money ostensibly for safekeeping.

115 |         (d) It is the intent of the Legislature that the  
 116 | perpetrators of human trafficking be penalized for their illegal  
 117 | conduct and that the victims of trafficking be protected and  
 118 | assisted by this state and its agencies. In furtherance of this  
 119 | policy, it is the intent of the Legislature that the state  
 120 | Supreme Court, The Florida Bar, and relevant state agencies  
 121 | prepare and implement training programs in order that judges,  
 122 | attorneys, law enforcement personnel, investigators, and others  
 123 | are able to identify traffickers and victims of human  
 124 | trafficking and direct victims to appropriate agencies for  
 125 | assistance. It is the intent of the Legislature that the  
 126 | Department of Children and Family Services and other state  
 127 | agencies cooperate with other state and federal agencies to  
 128 | ensure that victims of human trafficking can access social  
 129 | services and benefits to alleviate their plight.

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

131 |         (a) "Commercial sexual activity" means any violation of  
 132 | ch. 796 or an attempt to commit any such offense.

133 |         (b) "Financial harm" includes extortionate extension of  
 134 | credit, loan sharking as defined in s. 687.071, or employment  
 135 | contracts that violate the statute of frauds as provided in s.  
 136 | 725.01.

137 |         (c) ~~(b) "Coercion" "Forced labor or services" means labor~~  
 138 | ~~or services obtained from a person by:~~

139 |             1. Using or threatening to use physical force against that  
 140 | person or another person;

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

144 3. Using lending or other credit methods to establish a  
 145 debt by that person or another person when labor or services are  
 146 pledged as a security for the debt, if the value of the labor or  
 147 services as reasonably assessed is not applied toward the  
 148 liquidation of the debt, the length and nature of the labor or  
 149 services are not respectively limited and defined;

150 4. Destroying, concealing, removing, confiscating,  
 151 withholding, or possessing any actual or purported passport,  
 152 visa, or other immigration document, or any other actual or  
 153 purported government identification document, of that person or  
 154 another person;

155 5. Causing or threatening to cause financial harm to any  
 156 person; or

157 6. Enticing or luring any person by fraud, deceit, or  
 158 coercion.

159 (d)-(e) "Human trafficking" means transporting, soliciting,  
 160 recruiting, harboring, providing, enticing, maintaining, or  
 161 obtaining another person by means of the threat or use of force  
 162 or other forms of coercion, of abduction, of fraud, of  
 163 deception, of the abuse of power or of a position of  
 164 vulnerability, or of the giving or receiving of payments or  
 165 benefits to achieve the consent of a person having control over  
 166 another person for the purpose of exploitation of that person  
 167 for transport. Exploitation shall include, but is not limited  
 168 to, the exploitation of commercial sexual activity of others or

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169 other forms of sexual exploitation, labor or services obtained  
 170 using coercion, slavery or practices similar to slavery, forced  
 171 marriage, servitude or the removal of organs.

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

173 (f) ~~(d)~~ "Maintain," means, when used in relation to labor  
 174 services, means to secure or make possible continued performance  
 175 thereof, regardless of any initial agreement on the part of the  
 176 victim to perform such type service.

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

179 (h) "Services" means any act committed at the behest of,  
 180 or under the supervision of, or for the benefit of another.  
 181 Commercial sexual activity, production of pornography, and  
 182 sexually-explicit performances are forms of "services" under  
 183 this section.

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

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

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

195 (3) Any person who knowingly, or in reckless disregard to  
 196 the fact:

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197 (a) Engages, or attempts to engage, in human trafficking  
 198 using coercion ~~with the intent or knowledge that the trafficked~~  
 199 ~~person will be subjected to forced labor or services;~~ or

200 (b) Benefits financially by receiving anything of value  
 201 from participation in a venture that has subjected a person to  
 202 human trafficking using coercion ~~forced labor or services;~~

203  
 204 commits a felony of the first ~~second~~ degree, punishable as  
 205 provided in s. 775.082, s. 775.083, or s. 775.084 and in the  
 206 Criminal Punishment Code Sentencing Level Chart provided in s.  
 207 921.0022(3) in Level 8. For each instance of human trafficking  
 208 of any individual, a separate crime is committed and a separate  
 209 punishment is authorized.

210 (4) Any person who knowingly, or in reckless disregard to  
 211 the fact, engages, or attempts to engage, in human trafficking  
 212 using coercion of any individual who is an unauthorized alien  
 213 commits a felony of the first degree, punishable as provided in  
 214 s. 775.082, s. 775.083, or s. 775.084, and in the Criminal  
 215 Punishment Code Sentencing Level Chart provided in s.  
 216 921.0022(3) in Level 9. For each instance of human trafficking  
 217 of any unauthorized alien, a separate crime is committed and a  
 218 separate punishment is authorized.

219 (5) Any person who knowingly, or in reckless disregard to  
 220 the fact, engages, or attempts to engage, in human trafficking  
 221 using coercion who does so by the transfer or transport of any  
 222 individual from outside Florida to within the state commits a  
 223 felony of the first degree, punishable as provided in s.  
 224 775.082, s. 775.083, or s. 775.084, and in the Criminal

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225 Punishment Code Sentencing Level Chart provided in s.  
 226 921.0022(3) in Level 8. For each instance of human trafficking  
 227 of any individual from outside Florida to within the state, a  
 228 separate crime is committed and a separate punishment is  
 229 authorized.

230 (6) Any person who knowingly, or in reckless disregard to  
 231 the fact, engages, or attempts to engage, in human trafficking  
 232 in which any child under the age of 18 is involved commits a  
 233 felony of the first degree, punishable by imprisonment for a  
 234 term of years not exceeding life, or as provided in s. 775.082,  
 235 s. 775.083, or s. 775.084 and in the Criminal Punishment Code  
 236 Sentencing Level Chart provided in s. 921.0022(3) in Level 9.  
 237 For each instance of human trafficking of any child under the  
 238 age of 18, a separate crime is committed and a separate  
 239 punishment is authorized. In a prosecution under this subsection  
 240 in which the defendant had a reasonable opportunity to observe  
 241 the person who was subject to human trafficking, the State need  
 242 not prove that the defendant knew that the person had not  
 243 attained the age of 18 years.

244 (7) Any person who knowingly, or in reckless disregard to  
 245 the fact, engages, or attempts to engage, in human trafficking  
 246 in which any child under the age of 15 is involved commits a  
 247 life felony, punishable as provided in s. 775.082, s. 775.083,  
 248 or s. 775.084, and in the Criminal Punishment Code Sentencing  
 249 Level Chart provided in s. 921.0022(3) in Level 10. For each  
 250 instance of human trafficking of any child under the age of 15,  
 251 a separate crime is committed and a separate punishment is  
 252 authorized. In a prosecution under this subsection in which the

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253 defendant had a reasonable opportunity to observe the person who  
 254 was subject to human trafficking, the State need not prove that  
 255 the defendant knew that the person had not attained the age of  
 256 15 years.

257 (8) Any parent, legal guardian, or other person having  
 258 custody or control of a minor who sells or otherwise transfers  
 259 custody or control of such minor, or offers to sell or otherwise  
 260 transfer custody of such minor, with knowledge or in reckless  
 261 disregard to the fact that, as a consequence of the sale or  
 262 transfer, the minor will be subject to human trafficking commits  
 263 a first degree felony, punishable as provided in s. 775.082, s.  
 264 775.083, or s. 775.084, and in the Criminal Punishment Code  
 265 Sentencing Level Chart provided in s. 921.0022(3) in Level 9.

266 (9)~~(4)~~ The Criminal Justice Standards and Training  
 267 Commission shall establish standards for basic and advanced  
 268 training programs for law enforcement officers in the subjects  
 269 of investigating and preventing human trafficking crimes. After  
 270 January 1, 2007, every basic skills course required for law  
 271 enforcement officers to obtain initial certification must  
 272 include training on human trafficking crime prevention and  
 273 investigation.

274 (10)~~(5)~~ Each state attorney shall develop standards of  
 275 instruction for prosecutors to receive training on the  
 276 investigation and prosecution of human trafficking crimes and  
 277 shall provide for periodic and timely instruction.

278 Section 4. Section 787.07, Florida Statutes, is amended to  
 279 read:

280 787.07 Human smuggling.—



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281 (1) A person who transports into this state an individual  
 282 who the person knows, or should know, is illegally entering the  
 283 United States from another country commits a felony ~~misdemeanor~~  
 284 of the third ~~first~~ degree, punishable as provided in s. 775.082,  
 285 ~~or~~ s. 775.083, or s. 775.084, and in the Criminal Punishment  
 286 Code Sentencing Level Chart provided in s. 921.0022(3) in Level  
 287 4.

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

291 Section 5. Section 796.035, Florida Statutes, is amended  
 292 to read:

293 796.035 Selling or buying of minors into ~~sex trafficking~~  
 294 ~~or~~ prostitution; penalties.—Any parent, legal guardian, or other  
 295 person having custody or control of a minor who sells or  
 296 otherwise transfers custody or control of such minor, or offers  
 297 to sell or otherwise transfer custody of such minor, with  
 298 knowledge or in reckless disregard to the fact that, as a  
 299 consequence of the sale or transfer, the minor will engage in  
 300 prostitution, ~~perform naked for compensation, or otherwise~~  
 301 ~~participate in the trade of sex trafficking,~~ commits a felony of  
 302 the first degree, punishable as provided in s. 775.082, s.  
 303 775.083, or s. 775.084, and in the Criminal Punishment Code  
 304 Sentencing Level Chart provided in s. 921.0022(3) in Level 9.

305 Section 6. Section 796.045, Florida Statutes, is repealed.

306 Section 7. Subsection (7) is added to section 796.07,  
 307 Florida Statutes, to read:

308 796.07 Prohibiting prostitution, etc.; evidence;

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309 penalties; definitions.-

310 (7)(a) At any time after the entry of a judgment for a  
311 conviction where the arresting charge was under this section,  
312 the court in which it was entered may, upon motion of the  
313 defendant, vacate such judgment upon the ground that the  
314 defendant's participation in the offense was a result of having  
315 been a victim of trafficking under s. 787.06 or trafficking in  
316 persons under the Trafficking Victims Protection Act (United  
317 States Code, title 22, chapter 78).

318 (b) A motion under this subsection must be made with due  
319 diligence, after the defendant has ceased to be a victim of such  
320 trafficking or has sought services for victims of such  
321 trafficking, subject to reasonable concerns for the safety of  
322 the defendant, family members of the defendant, or other victims  
323 of such trafficking that may be jeopardized by the bringing of  
324 such motion, or for other reasons consistent with the purpose of  
325 this subsection.

326 (c) Official documentation of the defendant's status as a  
327 victim of sex trafficking or trafficking in persons at the time  
328 of the offense from a federal, state or local government law  
329 enforcement agency or prosecuting authority creates a  
330 presumption that the defendant's participation in the offense  
331 was a result of having been a victim of sex trafficking or  
332 trafficking in persons, but shall not be required for granting a  
333 motion under this subsection.

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

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337 905.34 Powers and duties; law applicable.—The jurisdiction  
 338 of a statewide grand jury impaneled under this chapter shall  
 339 extend throughout the state. The subject matter jurisdiction of  
 340 the statewide grand jury shall be limited to the offenses of:

341 (11) Any criminal violation of the Florida Money  
 342 Laundering Act; ~~or~~

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

345 (13) Any violation of the provisions of ch. 787, as well  
 346 any and all offenses related to a violation of the provisions of  
 347 ch. 787;

348  
 349 or any attempt, solicitation, or conspiracy to commit any  
 350 violation of the crimes specifically enumerated above, when any  
 351 such offense is occurring, or has occurred, in two or more  
 352 judicial circuits as part of a related transaction or when any  
 353 such offense is connected with an organized criminal conspiracy  
 354 affecting two or more judicial circuits. The statewide grand  
 355 jury may return indictments and presentments irrespective of the  
 356 county or judicial circuit where the offense is committed or  
 357 triable. If an indictment is returned, it shall be certified and  
 358 transferred for trial to the county where the offense was  
 359 committed. The powers and duties of, and law applicable to,  
 360 county grand juries shall apply to a statewide grand jury except  
 361 when such powers, duties, and law are inconsistent with the  
 362 provisions of ss. 905.31-905.40.

363 Section 9. This act shall take effect July 1, 2012.









# History

- Established in 2006
- DOJ/BJA Grant for law enforcement operations
- A companion grant was awarded to World Relief for victim service operations
- October 2011, awarded additional DOJ funding for DMST

# Task Force Objectives

- Identify and Rescue Victims
- Create a coordinated law enforcement system to investigate and prosecute these crimes
- Deliver social, legal and immigration services to Human Trafficking Victims
- Provide collaboration strategies between law enforcement, service providers and the community
- Promote community awareness and training

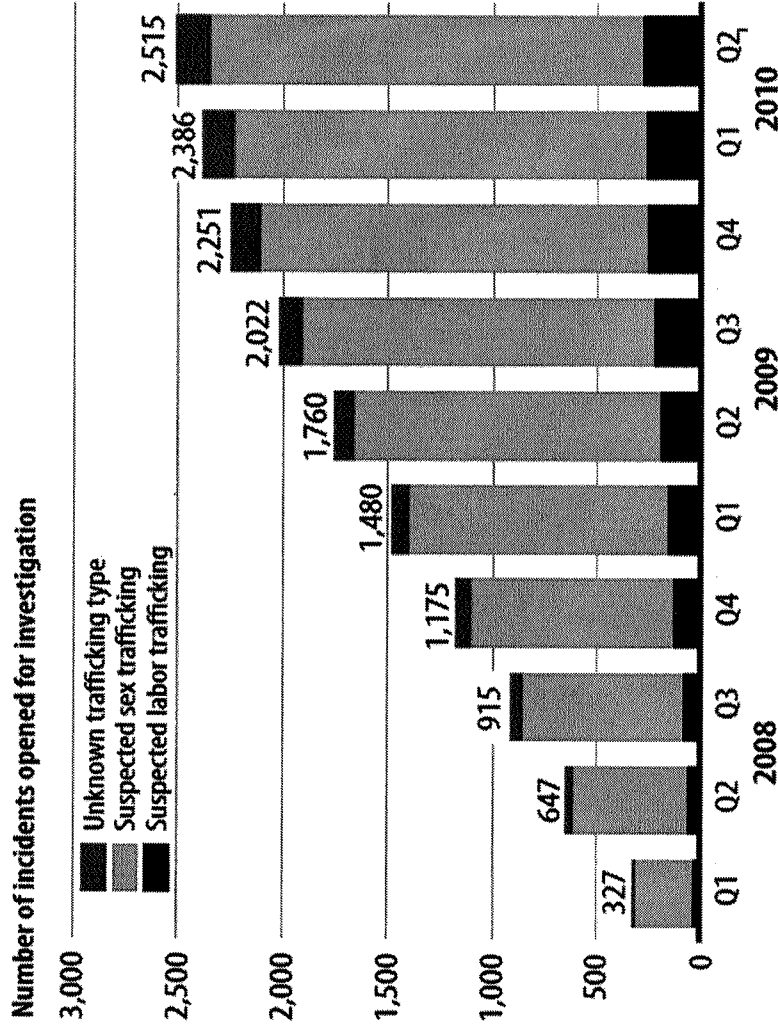


# Task Force Statistics

- 104 Arrests
- 37 Convictions
- 25 Victims – confirmed as severe forms of human trafficking
- 7 received continued presence
- 4 awarded a T-Visa
- FBI (Tampa) Innocence Lost Initiative has recovered over 40 juveniles involved in prostitution

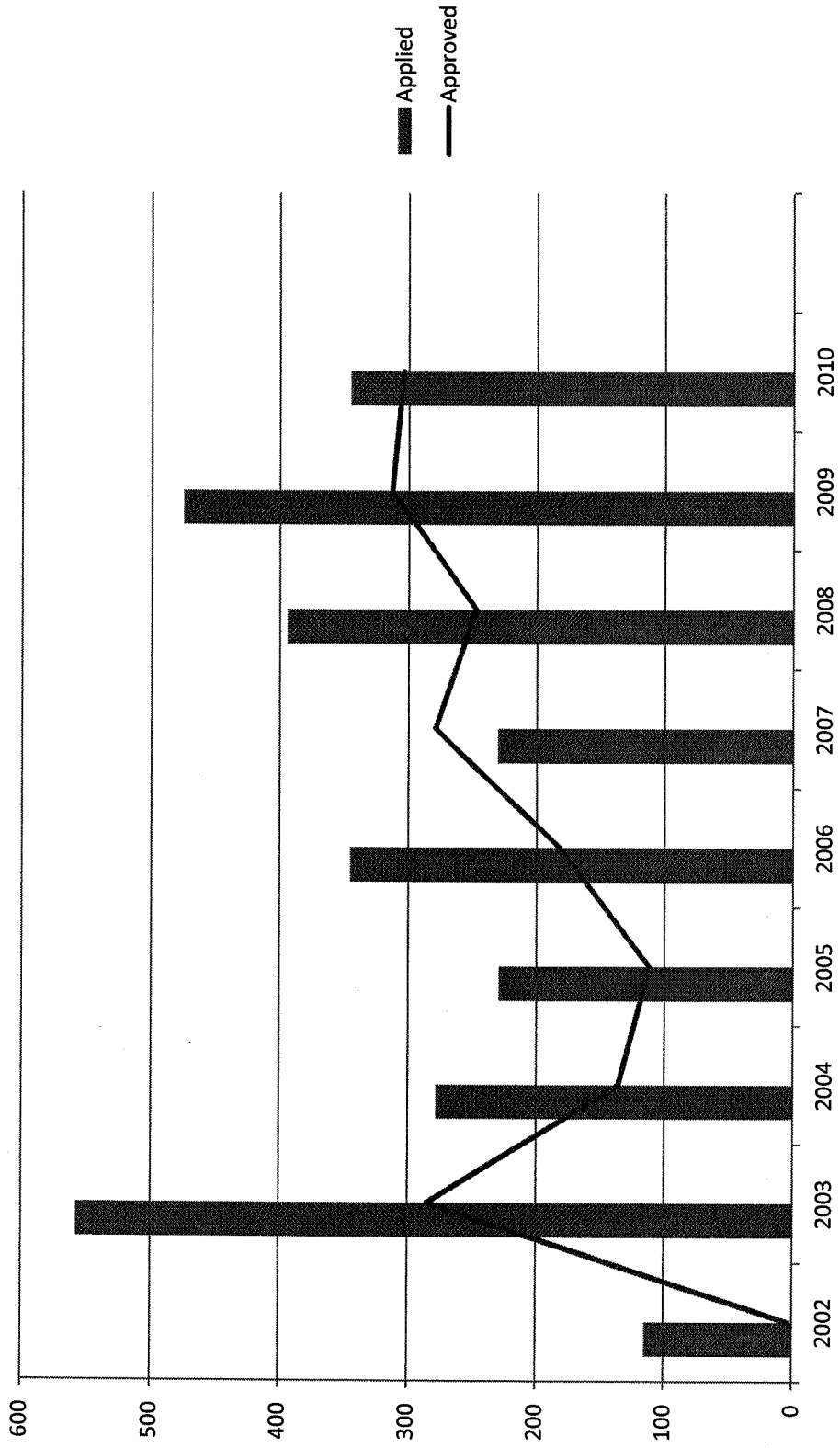
# Department of Justice Characteristics of Suspected Human Trafficking Incidents 2008-2010

**FIGURE 1**  
Cumulative number of incidents of human trafficking between January 2008 and June 2010, by suspected trafficking type and reported investigation start date



Four fifths or (83%) in confirmed sex trafficking incidents were identified as US Citizens

# T-Visas Issued: FY 2002 through FY 2010



Trafficking in Persons: U.S. Policy and Issues for Congress  
December 23, 2010 – Congressional Research Service

# Potential Changes to the Law

- Remove the requirement to prove force, fraud and coercion for sex trafficking
- Convicted traffickers and buyers should be required to register as sex offenders
- Strong fines and restitution so that the money flows to victims services and training
- Establish a process for public defenders or some other public assistance to help cooperating victims to clear their name and to file civil law suits against traffickers and/or buyers
- DMST victims are typically runaways, Law Enforcement and/or Schools should be mandated to provide a sex trafficking prevention brochure to the parents or child