

1                                    A bill to be entitled  
 2                    An act relating to the Department of Legal Affairs;  
 3                    amending s. 16.56, F.S.; revising the list of offenses  
 4                    that may be investigated and prosecuted by the Office  
 5                    of Statewide Prosecution; creating s. 16.62, F.S.;  
 6                    prohibiting the Department of Legal Affairs from  
 7                    expending more than a specified amount annually to  
 8                    purchase and distribute promotional materials or items  
 9                    that serve to advance the good will of this state and  
 10                    the department and to provide basic refreshments at  
 11                    specified functions, seminars, or meetings; amending  
 12                    s. 409.9203, F.S.; specifying the distribution of  
 13                    certain funds recovered in Medicaid fraud actions;  
 14                    amending s. 501.203, F.S.; revising the term  
 15                    "violation of this part"; amending s. 501.204, F.S.;  
 16                    revising legislative intent; amending s. 960.03, F.S.;  
 17                    revising the definition of the term "crime" for  
 18                    purposes of obtaining crime victim compensation from  
 19                    the department to include certain forcible felonies;  
 20                    revising provisions concerning acts involving the  
 21                    operation of a motor vehicle, boat, or aircraft;  
 22                    revising the definition of the term "disabled adult";  
 23                    correcting a cross-reference; amending s. 960.13,  
 24                    F.S.; exempting crime victim compensation awards for  
 25                    catastrophic injury from certain deductions; amending  
 26                    s. 960.195, F.S.; revising the maximum victim

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

45  
 46 Be It Enacted by the Legislature of the State of Florida:

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

50 16.56 Office of Statewide Prosecution.—

51 (1) There is created in the Department of Legal Affairs an  
 52 Office of Statewide Prosecution. The office shall be a separate

53 "budget entity" as that term is defined in chapter 216. The  
 54 office may:

55 (a) Investigate and prosecute the offenses of:

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

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

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

70 4. Any violation of ~~the provisions of~~ the Florida Anti-  
 71 Fencing Act;

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

74 6. Any crime involving, or resulting in, fraud or deceit  
 75 upon any person;

76 7. Any violation of s. 847.0135, relating to computer  
 77 pornography and child exploitation prevention, or any offense  
 78 related to a violation of s. 847.0135 or any violation of

79 chapter 827 where the crime is facilitated by or connected to  
 80 the use of the Internet or any device capable of electronic data  
 81 storage or transmission;  
 82 8. Any violation of ~~the provisions of~~ chapter 815;  
 83 9. Any criminal violation of part I of chapter 499;  
 84 10. Any violation of ~~the provisions of~~ the Florida Motor  
 85 Fuel Tax Relief Act of 2004;  
 86 11. Any criminal violation of s. 409.920 or s. 409.9201;  
 87 12. Any crime involving voter registration, voting, or  
 88 candidate or issue petition activities;  
 89 13. Any criminal violation of the Florida Money Laundering  
 90 Act;  
 91 14. Any criminal violation of the Florida Securities and  
 92 Investor Protection Act; or  
 93 15. Any violation of ~~the provisions of~~ chapter 787, as  
 94 well as any and all offenses related to a violation of ~~the~~  
 95 ~~provisions of~~ chapter 787;  
 96  
 97 or any attempt, solicitation, or conspiracy to commit any of the  
 98 crimes specifically enumerated above. The office shall have such  
 99 power only when any such offense is occurring, or has occurred,  
 100 in two or more judicial circuits as part of a related  
 101 transaction, or when any such offense is connected with an  
 102 organized criminal conspiracy affecting two or more judicial  
 103 circuits. Informations or indictments charging such offenses  
 104 shall contain general allegations stating the judicial circuits

105 and counties in which crimes are alleged to have occurred or the  
 106 judicial circuits and counties in which crimes affecting such  
 107 circuits or counties are alleged to have been connected with an  
 108 organized criminal conspiracy.

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

113 Section 2. Section 16.62, Florida Statutes, is created to  
 114 read:

115 16.62 Authority of the Department of Legal Affairs to  
 116 expend funds on promotional materials and good will.-In addition  
 117 to expenditures separately authorized by law, the Department of  
 118 Legal Affairs may not expend more than \$20,000 annually to  
 119 purchase and distribute promotional materials or items that  
 120 serve to advance with dignity and integrity the good will of  
 121 this state and the department and to provide basic refreshments  
 122 at official functions, seminars, or meetings of the department  
 123 in which dignitaries or representatives from the Federal  
 124 Government, other states or nationalities, or other agencies are  
 125 in attendance.

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

128 409.9203 Rewards for reporting Medicaid fraud.-

129 (5) Notwithstanding s. 68.085(3), 10 percent of any  
 130 remaining proceeds deposited into the Operating Trust Fund from

131 an action based on a claim of funds from the state Medicaid  
 132 program shall be allocated in the following manner:

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

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

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

140 501.203 Definitions.—As used in this chapter, unless the  
 141 context otherwise requires, the term:

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

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

147 (b) The standards of unfairness and deception set forth  
 148 and interpreted by the Federal Trade Commission or the federal  
 149 courts;

150 (c) Any law, statute, rule, regulation, or ordinance which  
 151 proscribes unfair methods of competition, or unfair, deceptive,  
 152 or unconscionable acts or practices.

153 Section 5. Section 501.204, Florida Statutes, is amended  
 154 to read:

155 501.204 Unlawful acts and practices.—

156 (1) Unfair methods of competition, unconscionable acts or

157 practices, and unfair or deceptive acts or practices in the  
 158 conduct of any trade or commerce are hereby declared unlawful.

159 (2) It is the intent of the Legislature that, in  
 160 construing subsection (1), due consideration and great weight  
 161 shall be given to the interpretations of the Federal Trade  
 162 Commission and the federal courts relating to s. 5(a)(1) of the  
 163 Federal Trade Commission Act, 15 U.S.C. s. 45(a)(1) as of July  
 164 1, 2015 ~~2013~~.

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

167 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
 168 960.01-960.28, unless the context otherwise requires, the term:

169 (3) "Crime" means:

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

183 includes a criminal act that is committed within this state but  
 184 that falls exclusively within federal jurisdiction.

185 (b) A violation of s. 316.027(2), s. 316.193, s. 316.1935  
 186 ~~s. 316.027(1)~~, s. 327.35(1), s. 782.071(1)(b), or s.  
 187 860.13(1)(a) which results in physical injury or death.

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

197 (d) ~~(e)~~ A criminal act committed outside this state against  
 198 a resident of this state which would have been compensable if it  
 199 had occurred in this state and which occurred in a jurisdiction  
 200 that does not have an eligible crime victim compensation program  
 201 as the term is defined in the federal Victims of Crime Act of  
 202 1984.

203 (e) ~~(d)~~ A violation of s. 827.071, s. 847.0135, s.  
 204 847.0137, or s. 847.0138, related to online sexual exploitation  
 205 and child pornography.

206 (6) "Disabled adult" means a person 18 years of age or  
 207 older who suffers from a condition of physical or mental  
 208 incapacitation due to a developmental disability, ~~or~~ organic



209 brain damage, or mental illness, or who has one or more physical  
 210 or mental limitations that restrict the person's ability to  
 211 perform the normal activities of daily living.

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

214 960.13 Awards.—

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

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

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

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

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

231 Section 8. Section 960.195, Florida Statutes, is amended  
 232 to read:

233 960.195 Awards to elderly persons or disabled adults for  
 234 property loss.—

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

241        (a)-(1) There is proof that a criminal or delinquent act  
242 was committed;

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

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

248        (c)-(4) There is proof that the tangible personal property  
249 in question belonged to the claimant;

250        (d)-(5) The claimant did not contribute to the criminal or  
251 delinquent act;

252        (e)-(6) There is no other source of reimbursement or  
253 indemnification available to the claimant; and

254        (f)-(7) The claimant would not be able to replace the  
255 tangible personal property in question without incurring a  
256 serious financial hardship.

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

261 Section 9. Section 960.196, Florida Statutes, is created  
 262 to read:

263 960.196 Relocation assistance for victims of human  
 264 trafficking.-

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

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

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

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

286 (c) The victim's need must be certified by a certified

287 domestic violence or rape crisis center in this state, unless a  
 288 state attorney, statewide prosecutor, or federal prosecutor has  
 289 certified in writing that the victim needs to relocate from an  
 290 unsafe environment due to the threat of future violence which is  
 291 directly related to the human trafficking offense. The center's  
 292 certification must assert that the victim is cooperating with  
 293 the proper authorities and must include documentation that the  
 294 victim has developed a safety plan.

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

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

302 960.198 Relocation assistance for victims of domestic  
 303 violence.—

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

309 Section 11. Section 960.199, Florida Statutes, is amended  
 310 to read:

311 960.199 Relocation assistance for victims of sexual  
 312 ~~battery or human trafficking.~~—

313 (1) The department may award a one-time payment of up to  
 314 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a  
 315 victim of sexual battery, as defined in s. 794.011, ~~or a victim~~  
 316 ~~of human trafficking, as described in s. 787.06(3) (b), (d), (f),~~  
 317 ~~or (g),~~ who needs relocation assistance.

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

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

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

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

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

339 ~~must include, if applicable, approval of the state attorney or~~  
 340 ~~statewide prosecutor attesting that the victim is cooperating~~  
 341 ~~with law enforcement officials.~~

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

347 (3) Relocation payments for a sexual battery ~~or human~~  
 348 ~~trafficking~~ claim under this section shall be denied if the  
 349 department has previously approved or paid out a human  
 350 trafficking or domestic violence relocation claim under s.  
 351 960.196 or s. 960.198 to the same victim regarding the same  
 352 incident.

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