

By Senator Flores

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1                   A bill to be entitled  
2           An act relating to human trafficking; amending s.  
3           16.56, F.S.; providing additional jurisdiction for the  
4           Office of Statewide Prosecution relating to human  
5           trafficking; repealing s. 787.05, F.S., relating to  
6           unlawfully obtaining labor or services; amending s.  
7           787.06, F.S.; prescribing additional legislative  
8           intent relating to human trafficking; redefining  
9           existing terms and defining additional terms;  
10          increasing the criminal penalty for a person who  
11          knowingly engages in human trafficking from a felony  
12          of the second degree to a felony of the first degree;  
13          providing that a person who, under specified  
14          circumstances, knowingly, or with reckless disregard,  
15          engages in human trafficking of an individual who is  
16          an unauthorized alien, an individual through transfer  
17          from outside the state to within the state, or a child  
18          younger than 18 years of age commits a felony of the  
19          first degree; providing that it is a life felony for a  
20          person to knowingly engage in human trafficking  
21          involving a child younger than 15 years of age;  
22          providing that it is a felony of the first degree for  
23          a parent, legal guardian, or other person having  
24          custody or control of a minor to sell or otherwise  
25          transfer the minor knowing that the minor will be  
26          subject to human trafficking; providing criminal  
27          penalties; authorizing the seizure and forfeiture of  
28          certain property used in human trafficking; amending  
29          s. 787.07, F.S.; increasing the criminal penalty for

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30 human smuggling from a misdemeanor of the first degree  
31 to a felony of the third degree; amending s. 796.035,  
32 F.S.; conforming terminology governing the offense of  
33 selling or buying a minor for prostitution; repealing  
34 s. 796.045, F.S., relating to penalties for sex  
35 trafficking; amending s. 905.34, F.S.; adding  
36 violations of human trafficking to the jurisdiction of  
37 a statewide grand jury; amending s. 934.07, F.S.;  
38 providing additional authorization for the  
39 interception of wire, oral, or electronic  
40 communications; amending ss. 90.404, 772.102, 794.056,  
41 895.02, and 938.085, F.S.; conforming cross-references  
42 to changes made by the act; providing an effective  
43 date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Paragraph (a) of subsection (1) of section  
48 16.56, Florida Statutes, is amended to read:

49 16.56 Office of Statewide Prosecution.—

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

54 (a) Investigate and prosecute the offenses of:

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

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

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

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

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

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

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

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

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

83           10. Any violation of ~~the provisions of~~ the Florida Motor  
84 Fuel Tax Relief Act of 2004;

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

86           12. Any crime involving voter registration, voting, or  
87 candidate or issue petition activities;

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88 13. Any criminal violation of the Florida Money Laundering  
89 Act; ~~or~~

90 14. Any criminal violation of the Florida Securities and  
91 Investor Protection Act; or

92 15. Any violation of chapter 787, as well as any offense  
93 related to a violation of chapter 787;

94  
95 or any attempt, solicitation, or conspiracy to commit any of the  
96 crimes specifically enumerated above. The office shall have such  
97 power only when any such offense is occurring, or has occurred,  
98 in two or more judicial circuits as part of a related  
99 transaction, or when any such offense is connected with an  
100 organized criminal conspiracy affecting two or more judicial  
101 circuits. Informations or indictments charging such offenses  
102 shall contain general allegations stating the judicial circuits  
103 and counties in which crimes are alleged to have occurred or the  
104 judicial circuits and counties in which crimes affecting such  
105 circuits or counties are alleged to have been connected with an  
106 organized criminal conspiracy.

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

108 Section 3. Section 787.06, Florida Statutes, is amended to  
109 read:

110 787.06 Human trafficking.—

111 (1)(a) The Legislature finds that human trafficking is a  
112 form of modern-day slavery. Victims of human trafficking are  
113 young children, teenagers, and adults. Thousands of victims are  
114 trafficked annually across international borders worldwide. Many  
115 of these victims are trafficked into this state. Victims of  
116 human trafficking also include those persons trafficked

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117 domestically within the borders of the United States. The  
118 Legislature finds that victims of human trafficking are  
119 subjected to force, fraud, or coercion for the purpose of sexual  
120 exploitation or forced labor.

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

127 (c) The Legislature finds that traffickers use various  
128 techniques to instill fear in victims and to keep them enslaved.  
129 Some traffickers keep their victims under lock and key. However,  
130 the most frequently used practices are less obvious techniques  
131 that include isolating victims from the public and family  
132 members; confiscating passports, visas, or other identification  
133 documents; using or threatening to use violence toward victims  
134 or their families; telling victims that they will be imprisoned  
135 or deported for immigration violations if they contact  
136 authorities; and controlling the victims' funds by holding the  
137 money ostensibly for safekeeping.

138 (d) It is the intent of the Legislature that the  
139 perpetrators of human trafficking be penalized for their illegal  
140 conduct and that the victims of trafficking be protected and  
141 assisted by this state and its agencies. In furtherance of this  
142 policy, it is the intent of the Legislature that the state  
143 Supreme Court, The Florida Bar, and relevant state agencies  
144 prepare and implement training programs in order that judges,  
145 attorneys, law enforcement personnel, investigators, and others

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146 are able to identify traffickers and victims of human  
147 trafficking and direct victims to appropriate agencies for  
148 assistance. It is the intent of the Legislature that the  
149 Department of Children and Family Services and other state  
150 agencies cooperate with other state and federal agencies to  
151 ensure that victims of human trafficking can access social  
152 services and benefits to alleviate their plight.

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

154 ~~(a) "Financial harm" includes extortionate extension of~~  
155 ~~credit, loan sharking as defined in s. 687.071, or employment~~  
156 ~~contracts that violate the statute of frauds as provided in s.~~  
157 ~~725.01.~~

158 ~~(a)(b)~~ "Coercion forced labor or services" means labor or  
159 services obtained from a person by:

160 1. Using or threatening to use physical force against a  
161 ~~that person or another person;~~

162 2. Restraining, isolating, or confining or threatening to  
163 restrain, isolate, or confine a that person or another person  
164 without lawful authority and against her or his will;

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

171 4. Destroying, concealing, removing, confiscating,  
172 withholding, or possessing any actual or purported passport,  
173 visa, or other immigration document, or any other actual or  
174 purported government identification document, of a that person

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175 ~~or another person;~~

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

178 6. Enticing or luring any person by fraud, deceit, or  
179 coercion; or

180 7. Providing a controlled substance as outlined in Schedule  
181 I or Schedule II of s. 893.03 to a person for the purpose of  
182 exploitation of that person.

183 (b) "Commercial sexual activity" means a violation of  
184 chapter 796 or an attempt to commit any such offense, and  
185 includes the production of pornography and sexually explicit  
186 performances.

187 (c) "Financial harm" includes extortionate extension of  
188 credit, loan sharking as defined in s. 687.071, or employment  
189 contracts that violate the statute of frauds as provided in s.  
190 725.01.

191 (d) ~~(e)~~ "Human trafficking" means transporting, soliciting,  
192 recruiting, harboring, providing, enticing, maintaining, or  
193 obtaining another person for the purpose of exploitation of that  
194 person for transport.

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

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

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

202 (h) "Services" means an act committed at the behest of,  
203 under the supervision of, or for the benefit of another. The

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204 term includes, but is not limited to, forced marriage,  
205 servitude, and the removal of organs.

206 (i) "Sexually explicit performance" means an act or show,  
207 whether public or private, live, photographed, recorded, or  
208 videotaped, which is intended to arouse or satisfy the sexual  
209 desires or appeal to the prurient interest.

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

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

217 (3) A ~~Any~~ person who knowingly, or with reckless disregard  
218 for the facts, engages in, or attempts to engage in, or benefits  
219 financially by receiving anything of value from participation in  
220 a venture that has subjected a person to, human trafficking:

221 (a) ~~For~~ engages, or attempts to engage, in human  
222 trafficking with the intent or knowledge that the trafficked  
223 person will be subjected to forced labor or services using  
224 coercion; ~~or~~

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

228  
229 commits a felony of the first ~~second~~ degree, punishable as  
230 provided in s. 775.082, s. 775.083, or s. 775.084 and in Level 8  
231 of the Criminal Punishment Code provided in s. 921.0022(3).

232 (b) For forced labor or services or commercial sexual



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233 activity using coercion of any individual who is an unauthorized  
234 alien commits a felony of the first degree, punishable as  
235 provided in s. 775.082, s. 775.083, or s. 775.084 and in Level 9  
236 of the Criminal Punishment Code provided in s. 921.0022(3).

237 (c) For forced labor or services or for commercial sexual  
238 activity using coercion who does so by the transfer or transport  
239 of any individual from outside Florida to within the state  
240 commits a felony of the first degree, punishable as provided in  
241 s. 775.082, s. 775.083, or s. 775.084 and in Level 8 of the  
242 Criminal Punishment Code provided in s. 921.0022(3).

243 (d) In which any child younger than 18 years of age is  
244 involved commits a felony of the first degree, punishable by  
245 imprisonment for a term of years not exceeding life, or as  
246 provided in s. 775.082, s. 775.083, or s. 775.084 and in Level 9  
247 of the Criminal Punishment Code provided in s. 921.0022(3). In a  
248 prosecution under this paragraph in which the defendant had a  
249 reasonable opportunity to observe the person who was subject to  
250 human trafficking, the state need not prove that the defendant  
251 knew that the person had not attained the age of 18 years.

252 (e) In which a child younger than 15 years of age is  
253 involved commits a life felony, punishable as provided in s.  
254 775.082, s. 775.083, or s. 775.084 and in Level 10 of the  
255 Criminal Punishment Code provided in s. 921.0022(3). In a  
256 prosecution under this paragraph in which the defendant had a  
257 reasonable opportunity to observe the person who was subject to  
258 human trafficking, the state need not prove that the defendant  
259 knew that the person had not attained the age of 15 years.

260  
261 For each instance of human trafficking of any individual under

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262 this subsection, a separate crime is committed and a separate  
263 punishment is authorized.

264 (4) A parent, legal guardian, or other person having  
265 custody or control of a minor who sells or otherwise transfers  
266 custody or control of the minor, or who offers to sell or  
267 otherwise transfer custody of the minor, with knowledge or in  
268 reckless disregard to the fact that, as a consequence of the  
269 sale or transfer, the minor will be subject to human trafficking  
270 commits a felony of the first degree, punishable as provided in  
271 s. 775.082, s. 775.083, or s. 775.084 and in Level 9 of the  
272 Criminal Punishment Code provided in s. 921.0022(3).

273 (5)~~(4)~~ The Criminal Justice Standards and Training  
274 Commission shall establish standards for basic and advanced  
275 training programs for law enforcement officers in the subjects  
276 of investigating and preventing human trafficking crimes. ~~After~~  
277 ~~January 1, 2007,~~ Every basic skills course required for law  
278 enforcement officers to obtain initial certification must  
279 include training on human trafficking crime prevention and  
280 investigation.

281 (6)~~(5)~~ Each state attorney shall develop standards of  
282 instruction for prosecutors to receive training on the  
283 investigation and prosecution of human trafficking crimes and  
284 shall provide for periodic and timely instruction.

285 (7) Any real property or personal property that was used,  
286 was attempted to be used, or was intended to be used in  
287 violation of this section may be seized and shall be forfeited  
288 subject to the provisions of the Florida Contraband Forfeiture  
289 Act.

290 Section 4. Section 787.07, Florida Statutes, is amended to

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291 read:

292 787.07 Human smuggling.—

293 (1) A person who transports into this state an individual  
294 who the person knows, or should know, is illegally entering the  
295 United States from another country commits a felony ~~misdemeanor~~  
296 of the third ~~first~~ degree, punishable as provided in s. 775.082,  
297 ~~or~~ s. 775.083, or s. 775.084 and in Level 4 of the Criminal  
298 Punishment Code provided in s. 921.0022(3).

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

302 Section 5. Section 796.035, Florida Statutes, is amended to  
303 read:

304 796.035 Selling or buying of minors into ~~sex trafficking or~~  
305 prostitution; penalties.—Any parent, legal guardian, or other  
306 person having custody or control of a minor who sells or  
307 otherwise transfers custody or control of such minor, or offers  
308 to sell or otherwise transfer custody of such minor, with  
309 knowledge that, as a consequence of the sale or transfer, the  
310 minor will engage in prostitution, ~~perform naked for~~  
311 ~~compensation, or otherwise participate in the trade of sex~~  
312 ~~trafficking,~~ commits a felony of the first degree, punishable as  
313 provided in s. 775.082, s. 775.083, or s. 775.084 and in Level 9  
314 of the Criminal Punishment Code provided in s. 921.0022(3).

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

316 Section 7. Section 905.34, Florida Statutes, is amended, to  
317 read:

318 905.34 Powers and duties; law applicable.—The jurisdiction  
319 of a statewide grand jury impaneled under this chapter shall

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320 extend throughout the state. The subject matter jurisdiction of  
321 the statewide grand jury shall be limited to the offenses of:

322 (1) Bribery, burglary, carjacking, home-invasion robbery,  
323 criminal usury, extortion, gambling, kidnapping, larceny,  
324 murder, prostitution, perjury, and robbery;

325 (2) Crimes involving narcotic or other dangerous drugs;

326 (3) Any violation of the provisions of the Florida RICO  
327 (Racketeer Influenced and Corrupt Organization) Act, including  
328 any offense listed in the definition of racketeering activity in  
329 s. 895.02(1)(a), providing such listed offense is investigated  
330 in connection with a violation of s. 895.03 and is charged in a  
331 separate count of an information or indictment containing a  
332 count charging a violation of s. 895.03, the prosecution of  
333 which listed offense may continue independently if the  
334 prosecution of the violation of s. 895.03 is terminated for any  
335 reason;

336 (4) Any violation of the provisions of the Florida Anti-  
337 Fencing Act;

338 (5) Any violation of the provisions of the Florida  
339 Antitrust Act of 1980, as amended;

340 (6) Any violation of the provisions of chapter 815;

341 (7) Any crime involving, or resulting in, fraud or deceit  
342 upon any person;

343 (8) Any violation of s. 847.0135, s. 847.0137, or s.  
344 847.0138 relating to computer pornography and child exploitation  
345 prevention, or any offense related to a violation of s.  
346 847.0135, s. 847.0137, or s. 847.0138 or any violation of  
347 chapter 827 where the crime is facilitated by or connected to  
348 the use of the Internet or any device capable of electronic data

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349 storage or transmission;

350 (9) Any criminal violation of part I of chapter 499;

351 (10) Any criminal violation of s. 409.920 or s. 409.9201;

352 (11) Any criminal violation of the Florida Money Laundering

353 Act; ~~or~~

354 (12) Any criminal violation of the Florida Securities and

355 Investor Protection Act; or

356 (13) Any violation of the provisions of chapter 787, as

357 well as any offense related to a violation of the provisions of

358 chapter 787;

359

360 or any attempt, solicitation, or conspiracy to commit any

361 violation of the crimes specifically enumerated above, when any

362 such offense is occurring, or has occurred, in two or more

363 judicial circuits as part of a related transaction or when any

364 such offense is connected with an organized criminal conspiracy

365 affecting two or more judicial circuits. The statewide grand

366 jury may return indictments and presentments irrespective of the

367 county or judicial circuit where the offense is committed or

368 triable. If an indictment is returned, it shall be certified and

369 transferred for trial to the county where the offense was

370 committed. The powers and duties of, and law applicable to,

371 county grand juries shall apply to a statewide grand jury except

372 when such powers, duties, and law are inconsistent with the

373 provisions of ss. 905.31-905.40.

374 Section 8. Paragraph (a) of subsection (1) of section

375 934.07, Florida Statutes, is amended to read:

376 934.07 Authorization for interception of wire, oral, or

377 electronic communications.-

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

384 (a) The Department of Law Enforcement or any law  
385 enforcement agency as defined in s. 934.02 having responsibility  
386 for the investigation of the offense as to which the application  
387 is made when such interception may provide or has provided  
388 evidence of the commission of the offense of murder, kidnapping,  
389 aircraft piracy, arson, gambling, robbery, burglary, theft,  
390 dealing in stolen property, criminal usury, bribery, or  
391 extortion; any felony violation of ss. 790.161-790.166,  
392 inclusive; any violation of s. 787.06; any violation of chapter  
393 893; any violation of the provisions of the Florida Anti-Fencing  
394 Act; any violation of chapter 895; any violation of chapter 896;  
395 any violation of chapter 815; any violation of chapter 847; any  
396 violation of s. 827.071; any violation of s. 944.40; or any  
397 conspiracy or solicitation to commit any violation of the laws  
398 of this state relating to the crimes specifically enumerated in  
399 this paragraph.

400 Section 9. Paragraphs (b) and (c) of subsection (2) of  
401 section 90.404, Florida Statutes, are amended to read:

402 90.404 Character evidence; when admissible.—

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

404 (b)1. In a criminal case in which the defendant is charged  
405 with a crime involving child molestation, evidence of the  
406 defendant's commission of other crimes, wrongs, or acts of child

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407 molestation is admissible and may be considered for its bearing  
408 on any matter to which it is relevant.

409 2. For the purposes of this paragraph, the term "child  
410 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
411 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s.  
412 796.035, ~~s. 796.045~~, s. 800.04, s. 827.071, s. 847.0135(5), s.  
413 847.0145, or s. 985.701(1) when committed against a person 16  
414 years of age or younger.

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

420 2. For the purposes of this paragraph, the term "sexual  
421 offense" means conduct proscribed by s. 787.025(2)(c), s.  
422 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s.  
423 796.035, ~~s. 796.045~~, s. 825.1025(2)(b), s. 827.071, s.  
424 847.0135(5), s. 847.0145, or s. 985.701(1).

425 Section 10. Paragraph (a) of subsection (1) of section  
426 772.102, Florida Statutes, is amended to read:

427 772.102 Definitions.—As used in this chapter, the term:

428 (1) "Criminal activity" means to commit, to attempt to  
429 commit, to conspire to commit, or to solicit, coerce, or  
430 intimidate another person to commit:

431 (a) Any crime that is chargeable by indictment or  
432 information under the following provisions:

433 1. Section 210.18, relating to evasion of payment of  
434 cigarette taxes.

435 2. Section 414.39, relating to public assistance fraud.

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- 436           3. Section 440.105 or s. 440.106, relating to workers'  
437 compensation.
- 438           4. Part IV of chapter 501, relating to telemarketing.
- 439           5. Chapter 517, relating to securities transactions.
- 440           6. Section 550.235 or s. 550.3551, relating to dogracing  
441 and horseracing.
- 442           7. Chapter 550, relating to jai alai frontons.
- 443           8. Chapter 552, relating to the manufacture, distribution,  
444 and use of explosives.
- 445           9. Chapter 562, relating to beverage law enforcement.
- 446           10. Section 624.401, relating to transacting insurance  
447 without a certificate of authority, s. 624.437(4)(c)1., relating  
448 to operating an unauthorized multiple-employer welfare  
449 arrangement, or s. 626.902(1)(b), relating to representing or  
450 aiding an unauthorized insurer.
- 451           11. Chapter 687, relating to interest and usurious  
452 practices.
- 453           12. Section 721.08, s. 721.09, or s. 721.13, relating to  
454 real estate timeshare plans.
- 455           13. Chapter 782, relating to homicide.
- 456           14. Chapter 784, relating to assault and battery.
- 457           15. Chapter 787, relating to kidnapping or human  
458 trafficking.
- 459           16. Chapter 790, relating to weapons and firearms.
- 460           17. Section 796.03, s. 796.04, ~~s. 796.045~~, s. 796.05, or s.  
461 796.07, relating to prostitution.
- 462           18. Chapter 806, relating to arson.
- 463           19. Section 810.02(2)(c), relating to specified burglary of  
464 a dwelling or structure.



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465           20. Chapter 812, relating to theft, robbery, and related  
466 crimes.

467           21. Chapter 815, relating to computer-related crimes.

468           22. Chapter 817, relating to fraudulent practices, false  
469 pretenses, fraud generally, and credit card crimes.

470           23. Section 827.071, relating to commercial sexual  
471 exploitation of children.

472           24. Chapter 831, relating to forgery and counterfeiting.

473           25. Chapter 832, relating to issuance of worthless checks  
474 and drafts.

475           26. Section 836.05, relating to extortion.

476           27. Chapter 837, relating to perjury.

477           28. Chapter 838, relating to bribery and misuse of public  
478 office.

479           29. Chapter 843, relating to obstruction of justice.

480           30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
481 s. 847.07, relating to obscene literature and profanity.

482           31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
483 849.25, relating to gambling.

484           32. Chapter 893, relating to drug abuse prevention and  
485 control.

486           33. Section 914.22 or s. 914.23, relating to witnesses,  
487 victims, or informants.

488           34. Section 918.12 or s. 918.13, relating to tampering with  
489 jurors and evidence.

490           Section 11. Subsection (1) of section 794.056, Florida  
491 Statutes, is amended to read:

492           794.056 Rape Crisis Program Trust Fund.—

493           (1) The Rape Crisis Program Trust Fund is created within

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494 the Department of Health for the purpose of providing funds for  
495 rape crisis centers in this state. Trust fund moneys shall be  
496 used exclusively for the purpose of providing services for  
497 victims of sexual assault. Funds credited to the trust fund  
498 consist of those funds collected as an additional court  
499 assessment in each case in which a defendant pleads guilty or  
500 nolo contendere to, or is found guilty of, regardless of  
501 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
502 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
503 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
504 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
505 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
506 s. 796.03; s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s.  
507 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
508 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
509 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
510 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
511 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
512 fund also shall include revenues provided by law, moneys  
513 appropriated by the Legislature, and grants from public or  
514 private entities.

515 Section 12. Paragraph (a) of subsection (1) of section  
516 895.02, Florida Statutes, is amended to read:

517 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

518 (1) "Racketeering activity" means to commit, to attempt to  
519 commit, to conspire to commit, or to solicit, coerce, or  
520 intimidate another person to commit:

521 (a) Any crime that is chargeable by petition, indictment,  
522 or information under the following provisions of the Florida

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523 Statutes:

- 524 1. Section 210.18, relating to evasion of payment of  
525 cigarette taxes.
- 526 2. Section 316.1935, relating to fleeing or attempting to  
527 elude a law enforcement officer and aggravated fleeing or  
528 eluding.
- 529 3. Section 403.727(3)(b), relating to environmental  
530 control.
- 531 4. Section 409.920 or s. 409.9201, relating to Medicaid  
532 fraud.
- 533 5. Section 414.39, relating to public assistance fraud.
- 534 6. Section 440.105 or s. 440.106, relating to workers'  
535 compensation.
- 536 7. Section 443.071(4), relating to creation of a fictitious  
537 employer scheme to commit unemployment compensation fraud.
- 538 8. Section 465.0161, relating to distribution of medicinal  
539 drugs without a permit as an Internet pharmacy.
- 540 9. Section 499.0051, relating to crimes involving  
541 contraband and adulterated drugs.
- 542 10. Part IV of chapter 501, relating to telemarketing.
- 543 11. Chapter 517, relating to sale of securities and  
544 investor protection.
- 545 12. Section 550.235 or s. 550.3551, relating to dogracing  
546 and horseracing.
- 547 13. Chapter 550, relating to jai alai frontons.
- 548 14. Section 551.109, relating to slot machine gaming.
- 549 15. Chapter 552, relating to the manufacture, distribution,  
550 and use of explosives.
- 551 16. Chapter 560, relating to money transmitters, if the

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552 violation is punishable as a felony.

553 17. Chapter 562, relating to beverage law enforcement.

554 18. Section 624.401, relating to transacting insurance  
555 without a certificate of authority, s. 624.437(4)(c)1., relating  
556 to operating an unauthorized multiple-employer welfare  
557 arrangement, or s. 626.902(1)(b), relating to representing or  
558 aiding an unauthorized insurer.

559 19. Section 655.50, relating to reports of currency  
560 transactions, when such violation is punishable as a felony.

561 20. Chapter 687, relating to interest and usurious  
562 practices.

563 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
564 real estate timeshare plans.

565 22. Section 775.13(5)(b), relating to registration of  
566 persons found to have committed any offense for the purpose of  
567 benefiting, promoting, or furthering the interests of a criminal  
568 gang.

569 23. Section 777.03, relating to commission of crimes by  
570 accessories after the fact.

571 24. Chapter 782, relating to homicide.

572 25. Chapter 784, relating to assault and battery.

573 26. Chapter 787, relating to kidnapping or human  
574 trafficking.

575 27. Chapter 790, relating to weapons and firearms.

576 28. Chapter 794, relating to sexual battery, but only if  
577 such crime was committed with the intent to benefit, promote, or  
578 further the interests of a criminal gang, or for the purpose of  
579 increasing a criminal gang member's own standing or position  
580 within a criminal gang.

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- 581           29. Section 796.03, s. 796.035, s. 796.04, ~~s. 796.045~~, s.  
582 796.05, or s. 796.07, relating to prostitution and sex  
583 trafficking.
- 584           30. Chapter 806, relating to arson and criminal mischief.
- 585           31. Chapter 810, relating to burglary and trespass.
- 586           32. Chapter 812, relating to theft, robbery, and related  
587 crimes.
- 588           33. Chapter 815, relating to computer-related crimes.
- 589           34. Chapter 817, relating to fraudulent practices, false  
590 pretenses, fraud generally, and credit card crimes.
- 591           35. Chapter 825, relating to abuse, neglect, or  
592 exploitation of an elderly person or disabled adult.
- 593           36. Section 827.071, relating to commercial sexual  
594 exploitation of children.
- 595           37. Chapter 831, relating to forgery and counterfeiting.
- 596           38. Chapter 832, relating to issuance of worthless checks  
597 and drafts.
- 598           39. Section 836.05, relating to extortion.
- 599           40. Chapter 837, relating to perjury.
- 600           41. Chapter 838, relating to bribery and misuse of public  
601 office.
- 602           42. Chapter 843, relating to obstruction of justice.
- 603           43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
604 s. 847.07, relating to obscene literature and profanity.
- 605           44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
606 849.25, relating to gambling.
- 607           45. Chapter 874, relating to criminal gangs.
- 608           46. Chapter 893, relating to drug abuse prevention and  
609 control.

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610 47. Chapter 896, relating to offenses related to financial  
611 transactions.

612 48. Sections 914.22 and 914.23, relating to tampering with  
613 or harassing a witness, victim, or informant, and retaliation  
614 against a witness, victim, or informant.

615 49. Sections 918.12 and 918.13, relating to tampering with  
616 jurors and evidence.

617 Section 13. Section 938.085, Florida Statutes, is amended  
618 to read:

619 938.085 Additional cost to fund rape crisis centers.—In  
620 addition to any sanction imposed when a person pleads guilty or  
621 nolo contendere to, or is found guilty of, regardless of  
622 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
623 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
624 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
625 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
626 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; s. 796.03;  
627 s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s. 796.06; s.  
628 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
629 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
630 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
631 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
632 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
633 \$151. Payment of the surcharge shall be a condition of  
634 probation, community control, or any other court-ordered  
635 supervision. The sum of \$150 of the surcharge shall be deposited  
636 into the Rape Crisis Program Trust Fund established within the  
637 Department of Health by chapter 2003-140, Laws of Florida. The  
638 clerk of the court shall retain \$1 of each surcharge that the

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639 clerk of the court collects as a service charge of the clerk's  
640 office.

641 Section 14. This act shall take effect July 1, 2012.