

By Senator Benacquisto

27-00724B-12

20121816

1                   A bill to be entitled  
2           An act relating to protection of vulnerable persons;  
3           amending s. 39.01, F.S.; deleting the definition of  
4           the term "other person responsible for a child's  
5           welfare"; conforming provisions; amending s. 39.201,  
6           F.S.; revising language concerning child abuse  
7           reporting; amending s. 39.205, F.S.; requiring  
8           specified educational institutions and their law  
9           enforcement agencies to report known or suspected  
10          child abuse, abandonment, or neglect in certain  
11          circumstances; providing financial penalties for  
12          violations; amending s. 39.302, F.S.; correcting a  
13          cross-reference; repealing s. 787.05, F.S., relating  
14          to unlawfully obtaining labor or services; amending s.  
15          787.06, F.S.; providing additional legislative  
16          findings and intent concerning human trafficking;  
17          providing definitions; revising the definition of the  
18          terms "forced labor or services" and "human  
19          trafficking"; prohibiting knowingly or in reckless  
20          disregard of the facts engaging in certain acts  
21          relating to human trafficking; providing criminal  
22          penalties; increasing the felony classification of  
23          certain human trafficking violations; providing that  
24          each instance of human trafficking of any individual  
25          is a separate crime for which a separate punishment is  
26          authorized; prohibiting knowingly or in reckless  
27          disregard of the facts engaging in human trafficking  
28          by the transfer or transport of any individual from  
29          outside the state to within the state or from one

27-00724B-12

20121816

30 jurisdiction within the state to another; providing  
31 criminal penalties; prohibiting knowingly or in  
32 reckless disregard of the facts engaging in human  
33 trafficking in which any child under the age of 18 is  
34 involved; providing criminal penalties; prohibiting  
35 knowingly or in reckless disregard of the facts  
36 engaging in human trafficking in which any child under  
37 the age of 15 is involved; providing criminal  
38 penalties; prohibiting specified persons with custody  
39 or control of a minor from engaging in certain acts  
40 with knowledge that, as a consequence, the minor will  
41 engage in commercial sexual activity or forced labor  
42 or services; providing criminal penalties; providing  
43 that sexual history or history of commercial sexual  
44 activity of a person alleged to have been trafficked  
45 shall be excluded from evidence in certain  
46 circumstances; providing that a corporation may be  
47 prosecuted under this section for an act or omission  
48 constituting a crime under this section only in  
49 certain circumstances; providing additional duties for  
50 the Criminal Justice Standards and Training Commission  
51 concerning instruction in human trafficking; requiring  
52 the Department of Children and Family Services to  
53 develop guidelines for serving children who have been  
54 the victims of human trafficking; requiring a report  
55 by the department; amending s. 796.035, F.S.;  
56 substituting a reference to human trafficking for a  
57 reference to sex trafficking; creating s. 796.036,  
58 F.S.; providing for upward reclassification of certain

27-00724B-12

20121816

59 prostitution offenses involving minors; repealing s.  
60 796.045, F.S., relating to sex trafficking; amending  
61 s. 796.07, F.S.; providing that a court may, in  
62 certain circumstances, vacate certain convictions on  
63 the ground that the defendant's participation in the  
64 offense was a result of having been a victim of  
65 trafficking in violation of specified provisions;  
66 requiring due diligence for a motion for vacation of a  
67 conviction on that ground; requiring documentation of  
68 such trafficking; amending s. 932.701, F.S.; providing  
69 for forfeiture of real and personal property intended  
70 for use in the course of, derived from, or realized  
71 through specified human trafficking violations;  
72 amending s. 960.198, F.S.; providing for relocation  
73 assistance for certain victims of sexual violence;  
74 amending s. 921.0022, F.S.; ranking specified offenses  
75 for purposes of the offense severity ranking chart of  
76 the Criminal Punishment Code; amending ss. 90.404,  
77 772.102, 794.056, 895.02, and 938.085, F.S.;

78 conforming cross-references; providing an effective  
79 date.

80  
81 Be It Enacted by the Legislature of the State of Florida:

82  
83 Section 1. Subsections (48) through (76) of section 39.01,  
84 Florida Statutes, are renumbered as subsections (47) through  
85 (75), respectively, and present subsections (10) and (47) of  
86 that section are amended to read:

87 39.01 Definitions.—When used in this chapter, unless the

27-00724B-12

20121816

88 context otherwise requires:

89 (10) "Caregiver" means the parent, legal custodian,  
90 permanent guardian, adult household member, or other person  
91 responsible for a child's welfare as ~~defined in subsection (47)~~.

92 ~~(47) "Other person responsible for a child's welfare"~~  
93 ~~includes the child's legal guardian or foster parent; an~~  
94 ~~employee of any school, public or private child day care center,~~  
95 ~~residential home, institution, facility, or agency; a law~~  
96 ~~enforcement officer employed in any facility, service, or~~  
97 ~~program for children that is operated or contracted by the~~  
98 ~~Department of Juvenile Justice; or any other person legally~~  
99 ~~responsible for the child's welfare in a residential setting;~~  
100 ~~and also includes an adult sitter or relative entrusted with a~~  
101 ~~child's care. For the purpose of departmental investigative~~  
102 ~~jurisdiction, this definition does not include the following~~  
103 ~~persons when they are acting in an official capacity: law~~  
104 ~~enforcement officers, except as otherwise provided in this~~  
105 ~~subsection; employees of municipal or county detention~~  
106 ~~facilities; or employees of the Department of Corrections.~~

107 Section 2. Paragraph (a) of subsection (1) and paragraph  
108 (a) of subsection (2) of section 39.201, Florida Statutes, are  
109 amended to read:

110 39.201 Mandatory reports of child abuse, abandonment, or  
111 neglect; mandatory reports of death; central abuse hotline.—

112 (1) (a) Any person who knows, or has reasonable cause to  
113 suspect, that a child is abused, abandoned, or neglected by any  
114 person ~~a parent, legal custodian, caregiver, or other person~~  
115 ~~responsible for the child's welfare, as defined in this chapter,~~  
116 or that a child is in need of supervision and care and has no

27-00724B-12

20121816\_\_

117 parent, legal custodian, or responsible adult relative  
118 immediately known and available to provide supervision and care,  
119 shall report such knowledge or suspicion to the department in  
120 the manner prescribed in subsection (2).

121 (2) (a) Each report of known or suspected child abuse,  
122 abandonment, or neglect by any person ~~a parent, legal custodian,~~  
123 ~~caregiver, or other person responsible for the child's welfare~~  
124 ~~as defined in this chapter,~~ except those solely under s.  
125 827.04(3), and each report that a child is in need of  
126 supervision and care and has no parent, legal custodian, or  
127 responsible adult relative immediately known and available to  
128 provide supervision and care shall be made immediately to the  
129 department's central abuse hotline. Such reports may be made on  
130 the single statewide toll-free telephone number or via fax or  
131 web-based report. Personnel at the department's central abuse  
132 hotline shall determine if the report received meets the  
133 statutory definition of child abuse, abandonment, or neglect.  
134 Any report meeting one of these definitions shall be accepted  
135 for the protective investigation pursuant to part III of this  
136 chapter.

137 Section 3. Subsections (3) through (6) of section 39.205,  
138 Florida Statutes, are renumbered as subsections (5) through (8),  
139 respectively, and new subsections (3) and (4) are added to that  
140 section to read:

141 39.205 Penalties relating to reporting of child abuse,  
142 abandonment, or neglect.—

143 (3) Any Florida College System institution, state  
144 university, or nonpublic college, university, or school, as  
145 defined in s. 1000.21 or s. 1005.02, whose administrators,

27-00724B-12

20121816

146 faculty, or staff knowingly and willfully fail to report known  
147 or suspected child abuse, abandonment, or neglect committed on  
148 the property of the institution, university, college, or school,  
149 or during an event or function sponsored by the institution,  
150 university, college, or school, or who knowingly and willfully  
151 prevent another person from doing so, shall be subject to fines  
152 of \$1 million for each such failure and the loss of all state  
153 funding, including the funds under the Florida Resident Access  
154 Grant Program, for a period of 2 years.

155 (4) Any Florida College System institution, state  
156 university, or nonpublic college, university, or school, as  
157 defined in s. 1000.21 or s. 1005.02, whose law enforcement  
158 agency fails to transmit to prosecutorial authorities any report  
159 of known or suspected child abuse, abandonment, or neglect  
160 committed on the property of the institution, university,  
161 college, or school, or during an event or function sponsored by  
162 the institution, university, college, or school, shall be  
163 subject to fines of \$1 million for each such failure and the  
164 loss of all state funding, including the funds under the Florida  
165 Resident Access Grant Program, for a period of 2 years.

166 Section 4. Subsection (1) of section 39.302, Florida  
167 Statutes, is amended to read:

168 39.302 Protective investigations of institutional child  
169 abuse, abandonment, or neglect.—

170 (1) The department shall conduct a child protective  
171 investigation of each report of institutional child abuse,  
172 abandonment, or neglect. Upon receipt of a report that alleges  
173 that an employee or agent of the department, or any other entity  
174 or person covered by s. 39.01(33) ~~or (47)~~, acting in an official

27-00724B-12

20121816

175 capacity, has committed an act of child abuse, abandonment, or  
176 neglect, the department shall initiate a child protective  
177 investigation within the timeframe established under s.  
178 39.201(5) and orally notify the appropriate state attorney, law  
179 enforcement agency, and licensing agency, which shall  
180 immediately conduct a joint investigation, unless independent  
181 investigations are more feasible. When conducting investigations  
182 onsite or having face-to-face interviews with the child,  
183 investigation visits shall be unannounced unless it is  
184 determined by the department or its agent that unannounced  
185 visits threaten the safety of the child. If a facility is exempt  
186 from licensing, the department shall inform the owner or  
187 operator of the facility of the report. Each agency conducting a  
188 joint investigation is entitled to full access to the  
189 information gathered by the department in the course of the  
190 investigation. A protective investigation must include an onsite  
191 visit of the child's place of residence. The department shall  
192 make a full written report to the state attorney within 3  
193 working days after making the oral report. A criminal  
194 investigation shall be coordinated, whenever possible, with the  
195 child protective investigation of the department. Any interested  
196 person who has information regarding the offenses described in  
197 this subsection may forward a statement to the state attorney as  
198 to whether prosecution is warranted and appropriate. Within 15  
199 days after the completion of the investigation, the state  
200 attorney shall report the findings to the department and shall  
201 include in the report a determination of whether or not  
202 prosecution is justified and appropriate in view of the  
203 circumstances of the specific case.

27-00724B-12

20121816

204 Section 5. Section 787.05, Florida Statutes, is repealed.

205 Section 6. Section 787.06, Florida Statutes, is amended to  
206 read:

207 787.06 Human trafficking.—

208 (1) (a) The Legislature finds that human trafficking is a  
209 form of modern-day slavery. Victims of human trafficking are  
210 young children, teenagers, and adults. Thousands of victims are  
211 trafficked annually across international borders worldwide. Many  
212 of these victims are trafficked into this state. Also, many  
213 Florida youth are trafficked within the state. The Legislature  
214 finds that victims of human trafficking are subjected to force,  
215 fraud, or coercion for the purpose of sexual exploitation or  
216 forced labor.

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

223 (c) The Legislature finds that traffickers use various  
224 techniques to instill fear in victims and to keep them enslaved.  
225 Some traffickers keep their victims under lock and key. However,  
226 the most frequently used practices are less obvious techniques  
227 that include isolating victims from the public and family  
228 members; confiscating passports, visas, or other identification  
229 documents; using or threatening to use violence toward victims  
230 or their families; telling victims that they will be imprisoned  
231 or deported for immigration violations if they contact  
232 authorities; and controlling the victims' funds by holding the



27-00724B-12

20121816

233 money ostensibly for safekeeping.

234 (d) It is the intent of the Legislature that the  
235 perpetrators of human trafficking be penalized for their illegal  
236 conduct and that the victims of trafficking be protected and  
237 assisted by this state and its agencies. In furtherance of this  
238 policy, it is the intent of the Legislature that the state  
239 Supreme Court, The Florida Bar, and relevant state agencies  
240 prepare and implement training programs in order that judges,  
241 attorneys, law enforcement personnel, investigators, and others  
242 are able to identify traffickers and victims of human  
243 trafficking and direct victims to appropriate agencies for  
244 assistance. It is the intent of the Legislature that the  
245 Department of Children and Family Services and other state  
246 agencies cooperate with other state, local, and federal agencies  
247 to ensure that victims of human trafficking can access social  
248 services and benefits, including those made available to victims  
249 of sexual and domestic violence, to alleviate their plight.

250 (e) The Legislature finds that sex trafficking is a large  
251 part of human trafficking and that children are often the  
252 victims of sex trafficking by becoming prostitutes. It is the  
253 intent of the Legislature to protect children from sexual  
254 exploitation. The Legislature finds that children are at an  
255 increased risk of being exploited because they are  
256 psychologically less developed than adults. Children may  
257 perceive the persons who exploit them for purposes of  
258 prostitution as protectors, parental surrogates, boyfriends, or  
259 girlfriends and they may be uncooperative with the attempts of  
260 law enforcement to prosecute these persons. It is the intent of  
261 the Legislature to provide liability for persons who benefit

27-00724B-12

20121816

262 financially or receive anything of value knowing or in reckless  
263 disregard of the fact that children will be caused to engage in  
264 prostitution. It is the intent of the Legislature to prevent  
265 those persons from using more experienced prostitutes to recruit  
266 and manage new child prostitutes in order to distance themselves  
267 from overt criminal acts.

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

269 (a) "Commercial sexual activity" means any violation of  
270 chapter 796 or any offense that is in violation of a law of any  
271 other jurisdiction if the elements of such offense are  
272 substantially similar to the elements of any offense contained  
273 in chapter 796, or an attempt to commit any such offense.

274 (b)~~(a)~~ "Financial harm" includes extortionate extension of  
275 credit, loan sharking as defined in s. 687.071, or employment  
276 contracts that violate the statute of frauds as provided in s.  
277 725.01.

278 (c)~~(b)~~ "Forced labor or services" means labor or services  
279 obtained from a person by:

280 1. Using or threatening to use physical force against that  
281 person or another person;

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

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

27-00724B-12

20121816\_\_

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

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

298 6. Enticing or luring any person by fraud, deceit, or  
299 coercion; or

300 7. Providing a controlled substance as outlined in Schedule  
301 I or Schedule II of s. 893.03 to that person for the purpose of  
302 compelling that person to engage in labor or sexual servitude  
303 against her or his will.

304 (d)(e) "Human trafficking" means transporting, soliciting,  
305 recruiting, harboring, providing, enticing, maintaining, or  
306 obtaining another person by means of the threat or use of force  
307 or other forms of coercion, abduction, fraud, deception, abuse  
308 of power or of a position of vulnerability, or the giving or  
309 receiving of payments or benefits to achieve the consent of a  
310 person having control over another person for the purpose of  
311 exploitation of that person for transport. Exploitation  
312 includes, but is not limited to, the exploitation of commercial  
313 sexual activity of others or other forms of sexual exploitation,  
314 forced labor or services, slavery, practices similar to slavery,  
315 forced marriage, servitude, or the removal of organs.

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

317 (f)(d) "Maintain," means, when used in relation to labor  
318 services, means to secure or make possible continued performance  
319 thereof, regardless of any initial agreement on the part of the

27-00724B-12

20121816

320 victim to perform such type service.

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

323 (h) "Services" means an ongoing relationship between a  
324 person and an actor in which the person performs activities  
325 under the supervision of or for the benefit of the actor.  
326 Commercial sexual activity, production of pornography, and  
327 sexually explicit performances are forms of services under this  
328 section.

329 (i) "Sexually explicit performance" means a live or public  
330 act or show intended to arouse or satisfy the sexual desires or  
331 appeal to the prurient interests of patrons.

332 (j) "Venture" means any group of two or more individuals  
333 associated in fact, whether or not a legal entity.

334 (3) Any person who knowingly or in reckless disregard of  
335 the facts:

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

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

342  
343 commits a felony of the first ~~second~~ degree, punishable as  
344 provided in s. 775.082, s. 775.083, or s. 775.084. For each  
345 instance of human trafficking of any individual, a separate  
346 crime is committed and a separate punishment is authorized.

347 (4) Any person who knowingly or in reckless disregard of  
348 the facts engages in human trafficking and who does so by the

27-00724B-12

20121816

349 transfer or transport of any individual from outside the state  
350 to within the state or from one jurisdiction within this state  
351 to another commits a felony of the first degree, punishable as  
352 provided in s. 775.082, s. 775.083, or s. 775.084. For each  
353 instance of human trafficking of any individual from outside  
354 this state to within the state or from one jurisdiction within  
355 this state to another, a separate crime is committed and a  
356 separate punishment is authorized.

357 (5) Any person who knowingly or in reckless disregard of  
358 the facts engages in human trafficking in which a child under  
359 the age of 18 is involved commits a felony of the first degree,  
360 punishable by imprisonment for a term of years not exceeding  
361 life, or as provided in s. 775.082, s. 775.083, or s. 775.084.  
362 For each instance of human trafficking of a child under the age  
363 of 18, a separate crime is committed and a separate punishment  
364 is authorized. In a prosecution under this subsection in which  
365 the defendant had a reasonable opportunity to observe the person  
366 so recruited, enticed, harbored, transported, provided,  
367 obtained, or maintained, the state need not prove that the  
368 defendant knew that the person had not attained the age of 18  
369 years.

370 (6) Any person who knowingly or in reckless disregard of  
371 the facts engages in human trafficking in which any child under  
372 the age of 15 is involved commits a life felony, punishable as  
373 provided in s. 775.082, s. 775.083, or s. 775.084. For each  
374 instance of human trafficking of a child under the age of 15, a  
375 separate crime is committed and a separate punishment is  
376 authorized. In a prosecution under this subsection in which the  
377 defendant had a reasonable opportunity to observe the person so

27-00724B-12

20121816

378 recruited, enticed, harbored, transported, provided, obtained,  
379 or maintained, the state need not prove that the defendant knew  
380 that the person had not attained the age of 15 years.

381 (7) Any parent, legal guardian, or other person having  
382 custody or control of a minor who sells or otherwise transfers  
383 custody or control of such minor, or offers to sell or otherwise  
384 transfer custody of such minor, with knowledge that, as a  
385 consequence of the sale or transfer, the minor will engage in  
386 commercial sexual activity or forced labor or services commits a  
387 life felony, punishable as provided in s. 775.082, s. 775.083,  
388 or s. 775.084.

389 (8) The sexual history or history of commercial sexual  
390 activity of a person alleged to have been trafficked shall be  
391 excluded from evidence if the court finds at a hearing outside  
392 the presence of the jury that the probative value of the  
393 evidence is substantially outweighed by the danger of unfair  
394 prejudice, confusion of the issues, or misleading the jury.

395 (9) A corporation may be prosecuted under this section for  
396 an act or omission constituting a crime under this section only  
397 if an agent of the corporation performs the conduct that is an  
398 element of the crime while acting within the scope of her or his  
399 office or employment and on behalf of the corporation and the  
400 commission of the crime was authorized, requested, commanded,  
401 performed, or within the scope of her or his employment on  
402 behalf of the corporation or constituted a pattern of illegal  
403 activity that an agent of the company knew or should have known  
404 was occurring.

405 (10)~~(4)~~ The Criminal Justice Standards and Training  
406 Commission shall establish standards for basic and advanced

27-00724B-12

20121816

407 training programs for law enforcement officers in the subjects  
408 of investigating and preventing human trafficking crimes. ~~After~~  
409 ~~January 1, 2007,~~ Every basic skills course required for law  
410 enforcement officers to obtain initial certification must  
411 include training on human trafficking crime prevention and  
412 investigation, as well as methods by which the victimization of  
413 children by human traffickers occurs. Every advanced training  
414 program on human trafficking must also include the methods by  
415 which victimization of children by human traffickers occurs.

416 (11) ~~(5)~~ Each state attorney shall develop standards of  
417 instruction for prosecutors to receive training on the  
418 investigation and prosecution of human trafficking crimes and  
419 shall provide for periodic and timely instruction.

420 (12) The Department of Children and Family Services shall  
421 develop guidelines for serving children who have been victims of  
422 human trafficking and shall produce a report to the President of  
423 the Senate and the Speaker of the House of Representatives  
424 detailing the department's plan by June 1, 2013. At a minimum,  
425 the plan must include the following elements:

426 (a) An assessment of need.—The department shall estimate  
427 the number of children who have been the victims of human  
428 trafficking and who are in need of services currently and over  
429 the next 5 years.

430 (b) Residential services.—The department shall consider all  
431 options for treating children who have been victims of human  
432 trafficking and provide recommendations on the best options of  
433 care for these children and reunification with the child's  
434 family, if appropriate.

435 (c) Other services.—The department shall recommend specific

27-00724B-12

20121816\_\_

436 service needs, including, but not limited to, assessment,  
437 security, crisis, and behavioral health services that are needed  
438 for children who have been victims of human trafficking.

439 (d) Coordination.—The department shall consider and  
440 recommend partnership opportunities with law enforcement and  
441 other state and local governmental entities to best serve  
442 children who have been victims of human trafficking.

443 Section 7. Section 796.035, Florida Statutes, is amended to  
444 read:

445 796.035 Selling or buying of minors into human ~~sex~~  
446 trafficking or prostitution; penalties.—Any parent, legal  
447 guardian, or other person having custody or control of a minor  
448 who sells or otherwise transfers custody or control of such  
449 minor, or offers to sell or otherwise transfer custody of such  
450 minor, with knowledge that, as a consequence of the sale or  
451 transfer, the minor will engage in prostitution, perform naked  
452 for compensation, or otherwise participate in the trade of human  
453 ~~sex~~ trafficking, commits a felony of the first degree,  
454 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

455 Section 8. Section 796.036, Florida Statutes, is created to  
456 read:

457 796.036 Violations involving minors; reclassification.—

458 (1) The felony or misdemeanor degree of any violation of  
459 this chapter, other than s. 796.03 or s. 796.035, in which a  
460 minor engages in prostitution, lewdness, assignation, sexual  
461 conduct, or other conduct as defined in or prohibited by this  
462 chapter, but the minor is not the person charged with the  
463 violation, is reclassified as provided in this section.

464 (2) Offenses shall be reclassified as follows:



27-00724B-12

20121816\_\_

465       (a) A misdemeanor of the second degree is reclassified to a  
466 misdemeanor of the first degree.

467       (b) A misdemeanor of the first degree is reclassified to a  
468 felony of the third degree.

469       (c) A felony of the third degree is reclassified to a  
470 felony of the second degree.

471       (d) A felony of the second degree is reclassified to a  
472 felony of the first degree.

473       (e) A felony of the first degree is reclassified to a life  
474 felony.

475       Section 9. Section 796.045, Florida Statutes, is repealed.

476       Section 10. Section 796.07, Florida Statutes, is amended to  
477 read:

478       796.07 Prohibiting prostitution, etc.; evidence; penalties;  
479 definitions.-

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

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

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

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

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

27-00724B-12

20121816

- 494 (2) It is unlawful:
- 495 (a) To own, establish, maintain, or operate any place,  
496 structure, building, or conveyance for the purpose of lewdness,  
497 assignation, or prostitution.
- 498 (b) To offer, or to offer or agree to secure, another for  
499 the purpose of prostitution or for any other lewd or indecent  
500 act.
- 501 (c) To receive, or to offer or agree to receive, any person  
502 into any place, structure, building, or conveyance for the  
503 purpose of prostitution, lewdness, or assignation, or to permit  
504 any person to remain there for such purpose.
- 505 (d) To direct, take, or transport, or to offer or agree to  
506 direct, take, or transport, any person to any place, structure,  
507 or building, or to any other person, with knowledge or  
508 reasonable cause to believe that the purpose of such directing,  
509 taking, or transporting is prostitution, lewdness, or  
510 assignation.
- 511 (e) To offer to commit, or to commit, or to engage in,  
512 prostitution, lewdness, or assignation.
- 513 (f) To solicit, induce, entice, or procure another to  
514 commit prostitution, lewdness, or assignation.
- 515 (g) To reside in, enter, or remain in, any place,  
516 structure, or building, or to enter or remain in any conveyance,  
517 for the purpose of prostitution, lewdness, or assignation.
- 518 (h) To aid, abet, or participate in any of the acts or  
519 things enumerated in this subsection.
- 520 (i) To purchase the services of any person engaged in  
521 prostitution.
- 522 (3) (a) In the trial of a person charged with a violation of

27-00724B-12

20121816

523 this section, testimony concerning the reputation of any place,  
524 structure, building, or conveyance involved in the charge,  
525 testimony concerning the reputation of any person residing in,  
526 operating, or frequenting such place, structure, building, or  
527 conveyance, and testimony concerning the reputation of the  
528 defendant is admissible in evidence in support of the charge.

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

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

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

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

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

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

545 (6) In addition to the punishment provided in subsection  
546 (4), a person who violates paragraph (2) (f) shall be assessed a  
547 civil penalty of \$500 if the violation results in any judicial  
548 disposition other than acquittal or dismissal. The proceeds from  
549 penalties assessed under this subsection shall be paid to the  
550 circuit court administrator for the sole purpose of paying the  
551 administrative costs of treatment-based drug court programs

27-00724B-12

20121816

552 provided under s. 397.334.

553 (7) (a) At any time after the entry of a judgment for a  
554 conviction where the arresting charge was under this section,  
555 the court in which it was entered may, upon motion of the  
556 defendant, with the consent of the state attorney, vacate such  
557 judgment upon the ground that the defendant's participation in  
558 the offense was a result of having been a victim of trafficking  
559 under s. 787.06 or trafficking in persons under the federal  
560 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

561 (b) A motion under this subsection must be made with due  
562 diligence, after the defendant has ceased to be a victim of such  
563 trafficking or has sought services for victims of such  
564 trafficking, subject to reasonable concerns for the safety of  
565 the defendant, family members of the defendant, or other victims  
566 of such trafficking who may be jeopardized by the bringing of  
567 such motion, or for other reasons consistent with the purpose of  
568 this subsection.

569 (c) Official documentation of the defendant's status as a  
570 victim of sex trafficking or trafficking in persons at the time  
571 of the offense from a federal, state, or local government law  
572 enforcement agency or prosecuting authority creates a  
573 presumption that the defendant's participation in the offense  
574 was a result of having been a victim of sex trafficking or  
575 trafficking in persons, but is not required for granting a  
576 motion under this subsection.

577 Section 11. Subsection (2) of section 932.701, Florida  
578 Statutes, is amended to read:

579 932.701 Short title; definitions.—

580 (2) As used in the Florida Contraband Forfeiture Act, the

27-00724B-12

20121816\_\_

581 term:

582 (a) "Contraband article" means:

583 1. Any controlled substance as defined in chapter 893 or  
584 any substance, device, paraphernalia, or currency or other means  
585 of exchange that was used, was attempted to be used, or was  
586 intended to be used in violation of any provision of chapter  
587 893, if the totality of the facts presented by the state is  
588 clearly sufficient to meet the state's burden of establishing  
589 probable cause to believe that a nexus exists between the  
590 article seized and the narcotics activity, whether or not the  
591 use of the contraband article can be traced to a specific  
592 narcotics transaction.

593 2. Any gambling paraphernalia, lottery tickets, money,  
594 currency, or other means of exchange which was used, was  
595 attempted, or intended to be used in violation of the gambling  
596 laws of the state.

597 3. Any equipment, liquid or solid, which was being used, is  
598 being used, was attempted to be used, or intended to be used in  
599 violation of the beverage or tobacco laws of the state.

600 4. Any motor fuel upon which the motor fuel tax has not  
601 been paid as required by law.

602 5. Any personal property, including, but not limited to,  
603 any vessel, aircraft, item, object, tool, substance, device,  
604 weapon, machine, vehicle of any kind, money, securities, books,  
605 records, research, negotiable instruments, or currency, which  
606 was used or was attempted to be used as an instrumentality in  
607 the commission of, or in aiding or abetting in the commission  
608 of, any felony, whether or not comprising an element of the  
609 felony, or which is acquired by proceeds obtained as a result of

27-00724B-12

20121816\_\_

610 a violation of the Florida Contraband Forfeiture Act.

611 6. Any real property, including any right, title,  
612 leasehold, or other interest in the whole of any lot or tract of  
613 land, which was used, is being used, or was attempted to be used  
614 as an instrumentality in the commission of, or in aiding or  
615 abetting in the commission of, any felony, or which is acquired  
616 by proceeds obtained as a result of a violation of the Florida  
617 Contraband Forfeiture Act.

618 7. Any personal property, including, but not limited to,  
619 equipment, money, securities, books, records, research,  
620 negotiable instruments, currency, or any vessel, aircraft, item,  
621 object, tool, substance, device, weapon, machine, or vehicle of  
622 any kind in the possession of or belonging to any person who  
623 takes aquaculture products in violation of s. 812.014(2)(c).

624 8. Any motor vehicle offered for sale in violation of s.  
625 320.28.

626 9. Any motor vehicle used during the course of committing  
627 an offense in violation of s. 322.34(9)(a).

628 10. Any photograph, film, or other recorded image,  
629 including an image recorded on videotape, a compact disc,  
630 digital tape, or fixed disk, that is recorded in violation of s.  
631 810.145 and is possessed for the purpose of amusement,  
632 entertainment, sexual arousal, gratification, or profit, or for  
633 the purpose of degrading or abusing another person.

634 11. Any real property, including any right, title,  
635 leasehold, or other interest in the whole of any lot or tract of  
636 land, which is acquired by proceeds obtained as a result of  
637 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
638 property, including, but not limited to, equipment, money,

27-00724B-12

20121816\_\_

639 securities, books, records, research, negotiable instruments, or  
640 currency; or any vessel, aircraft, item, object, tool,  
641 substance, device, weapon, machine, or vehicle of any kind in  
642 the possession of or belonging to any person which is acquired  
643 by proceeds obtained as a result of Medicaid fraud under s.  
644 409.920 or s. 409.9201.

645 12. Any personal property, including, but not limited to,  
646 any vehicle, item, object, tool, device, weapon, machine, money,  
647 security, book, or record, that is used or attempted to be used  
648 as an instrumentality in the commission of, or in aiding and  
649 abetting in the commission of, a person's third or subsequent  
650 violation of s. 509.144, whether or not comprising an element of  
651 the offense.

652 13. All real and personal property of every kind used or  
653 intended for use in the course of, derived from, or realized  
654 through a violation of s. 787.06.

655 (b) "Bona fide lienholder" means the holder of a lien  
656 perfected pursuant to applicable law.

657 (c) "Promptly proceed" means to file the complaint within  
658 45 days after seizure.

659 (d) "Complaint" means ~~is~~ a petition for forfeiture filed in  
660 the civil division of the circuit court by the seizing agency  
661 requesting the court to issue a judgment of forfeiture.

662 (e) "Person entitled to notice" means any owner, entity,  
663 bona fide lienholder, or person in possession of the property  
664 subject to forfeiture when seized, who is known to the seizing  
665 agency after a diligent search and inquiry.

666 (f) "Adversarial preliminary hearing" means a hearing in  
667 which the seizing agency is required to establish probable cause

27-00724B-12

20121816\_\_

668 that the property subject to forfeiture was used in violation of  
669 the Florida Contraband Forfeiture Act.

670 (g) "Forfeiture proceeding" means a hearing or trial in  
671 which the court or jury determines whether the subject property  
672 shall be forfeited.

673 (h) "Claimant" means any party who has proprietary interest  
674 in property subject to forfeiture and has standing to challenge  
675 such forfeiture, including owners, registered owners, bona fide  
676 lienholders, and titleholders.

677 Section 12. Section 960.198, Florida Statutes, is amended  
678 to read:

679 960.198 Relocation assistance for victims of domestic  
680 violence or sexual violence.—

681 (1) Notwithstanding the criteria set forth in s. 960.13 for  
682 crime victim compensation awards, the department may award a  
683 one-time payment of up to \$1,500 on any one claim and a lifetime  
684 maximum of \$3,000 to a victim of domestic violence who needs  
685 immediate assistance to escape from a domestic violence  
686 environment or to a victim of sexual violence who reasonably  
687 fears for her or his safety.

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

690 (a) There must be proof that a domestic violence or sexual  
691 violence offense was committed;

692 (b) The domestic violence or sexual violence offense must  
693 be reported to the proper authorities;

694 (c) The victim's need for assistance must be certified by a  
695 certified domestic violence center or a certified rape crisis  
696 center in this state; and



27-00724B-12

20121816\_\_

697 (d) The center certification must assert that the victim is  
 698 cooperating with law enforcement officials, if applicable, and  
 699 must include documentation that the victim has developed a  
 700 safety plan.

701 Section 13. Paragraphs (i) and (j) of subsection (3) of  
 702 section 921.0022, Florida Statutes, are amended to read:

703 921.0022 Criminal Punishment Code; offense severity ranking  
 704 chart.-

705 (3) OFFENSE SEVERITY RANKING CHART

706 (i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

27-00724B-12

20121816\_\_

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560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

713

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

714

775.0844 1st Aggravated white collar crime.

715

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

716

782.04 (3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

717

782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .

718

782.07 (2) 1st Aggravated manslaughter of an elderly person or disabled adult.

719

787.01 (1) (a) 1. 1st,PBL Kidnapping; hold for ransom or reward

27-00724B-12

20121816\_\_

or as a shield or hostage.

720

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

721

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

722

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

723

787.06(3) 1st Human trafficking; benefitting financially from human trafficking.

724

787.06(4) 1st Human trafficking; transfer or transport into state.

725

790.161 1st Attempted capital destructive device offense.

726

790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

727

27-00724B-12 20121816\_\_

728	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
729	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
730	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
731	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
732	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
733	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
734	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
735	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
	812.135(2)(b)	1st	Home-invasion robbery with weapon.

27-00724B-12

20121816\_\_

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817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03 (2)	1st	Aggravated child abuse.
847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

27-00724B-12 20121816\_\_

745 893.135 1st Trafficking in illegal drugs, more  
 (1) (c) 1.c. than 28 grams, less than 30 kilograms.

746 893.135 1st Trafficking in phencyclidine, more  
 (1) (d) 1.c. than 400 grams.

747 893.135 1st Trafficking in methaqualone, more than  
 (1) (e) 1.c. 25 kilograms.

748 893.135 1st Trafficking in amphetamine, more than  
 (1) (f) 1.c. 200 grams.

749 893.135 1st Trafficking in gamma-hydroxybutyric  
 (1) (h) 1.c. acid (GHB), 10 kilograms or more.

750 893.135 1st Trafficking in 1,4-Butanediol, 10  
 (1) (j) 1.c. kilograms or more.

751 893.135 1st Trafficking in Phenethylamines, 400  
 (1) (k) 2.c. grams or more.

752 896.101 (5) (c) 1st Money laundering, financial  
 instruments totaling or exceeding  
 \$100,000.

896.104 (4) (a) 3. 1st Structuring transactions to evade  
 reporting or registration  
 requirements, financial transactions  
 totaling or exceeding \$100,000.

27-00724B-12

20121816\_\_

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	(j) LEVEL 10		
Florida	Felony		
Statute	Degree		Description
499.0051(10)	1st		Knowing sale or purchase of contraband prescription drugs resulting in death.
782.04(2)	1st,PBL		Unlawful killing of human; act is homicide, unpremeditated.
787.01(1)(a)3.	1st,PBL		Kidnapping; inflict bodily harm upon or terrorize victim.
787.01(3)(a)	Life		Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
782.07(3)	1st		Aggravated manslaughter of a child.
<u>787.06(5)</u>	<u>1st,PBL</u>		<u>Human trafficking; minors.</u>
<u>787.06(6)</u>	<u>Life</u>		<u>Human trafficking; child under 15.</u>
<u>787.06(7)</u>	<u>Life</u>		<u>Human trafficking; sale or transfer of minor.</u>

27-00724B-12 20121816\_\_

794.011(3) Life Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.

764

796.035 1st Selling or buying minors; human trafficking or prostitution.

765

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

766

876.32 1st Treason against the state.

767

768 Section 14. Paragraphs (b) and (c) of subsection (2) of  
769 section 90.404, Florida Statutes, are amended to read:

770 90.404 Character evidence; when admissible.—

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

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

777 2. For the purposes of this paragraph, the term "child  
778 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
779 787.06 only as it relates to commercial sexual activity, s.  
780 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s.  
781 796.035, ~~s. 796.045~~, s. 800.04, s. 827.071, s. 847.0135(5), s.  
782 847.0145, or s. 985.701(1) when committed against a person 16  
783 years of age or younger.



27-00724B-12

20121816\_\_

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

789 2. For the purposes of this paragraph, the term "sexual  
 790 offense" means conduct proscribed by s. 787.025(2)(c), s. 787.06  
 791 only as it relates to commercial sexual activity, s. 794.011,  
 792 excluding s. 794.011(10), s. 794.05, s. 796.03, s. 796.035, ~~s.~~  
 793 ~~796.045~~, s. 825.1025(2)(b), s. 827.071, s. 847.0135(5), s.  
 794 847.0145, or s. 985.701(1).

795 Section 15. Paragraph (a) of subsection (1) of section  
 796 772.102, Florida Statutes, is amended to read:

797 772.102 Definitions.—As used in this chapter, the term:

798 (1) "Criminal activity" means to commit, to attempt to  
 799 commit, to conspire to commit, or to solicit, coerce, or  
 800 intimidate another person to commit:

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

803 1. Section 210.18, relating to evasion of payment of  
 804 cigarette taxes.

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

806 3. Section 440.105 or s. 440.106, relating to workers'  
 807 compensation.

808 4. Part IV of chapter 501, relating to telemarketing.

809 5. Chapter 517, relating to securities transactions.

810 6. Section 550.235 or s. 550.3551, relating to dogracing  
 811 and horseracing.

812 7. Chapter 550, relating to jai alai frontons.

27-00724B-12

20121816

- 813           8. Chapter 552, relating to the manufacture, distribution,  
814 and use of explosives.
- 815           9. Chapter 562, relating to beverage law enforcement.
- 816           10. Section 624.401, relating to transacting insurance  
817 without a certificate of authority, s. 624.437(4)(c)1., relating  
818 to operating an unauthorized multiple-employer welfare  
819 arrangement, or s. 626.902(1)(b), relating to representing or  
820 aiding an unauthorized insurer.
- 821           11. Chapter 687, relating to interest and usurious  
822 practices.
- 823           12. Section 721.08, s. 721.09, or s. 721.13, relating to  
824 real estate timeshare plans.
- 825           13. Chapter 782, relating to homicide.
- 826           14. Chapter 784, relating to assault and battery.
- 827           15. Chapter 787, relating to kidnapping or human  
828 trafficking.
- 829           16. Chapter 790, relating to weapons and firearms.
- 830           17. Section 796.03, s. 796.04, ~~s. 796.045~~, s. 796.05, or s.  
831 796.07, relating to prostitution.
- 832           18. Chapter 806, relating to arson.
- 833           19. Section 810.02(2)(c), relating to specified burglary of  
834 a dwelling or structure.
- 835           20. Chapter 812, relating to theft, robbery, and related  
836 crimes.
- 837           21. Chapter 815, relating to computer-related crimes.
- 838           22. Chapter 817, relating to fraudulent practices, false  
839 pretenses, fraud generally, and credit card crimes.
- 840           23. Section 827.071, relating to commercial sexual  
841 exploitation of children.

27-00724B-12

20121816

- 842 24. Chapter 831, relating to forgery and counterfeiting.
- 843 25. Chapter 832, relating to issuance of worthless checks  
844 and drafts.
- 845 26. Section 836.05, relating to extortion.
- 846 27. Chapter 837, relating to perjury.
- 847 28. Chapter 838, relating to bribery and misuse of public  
848 office.
- 849 29. Chapter 843, relating to obstruction of justice.
- 850 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
851 s. 847.07, relating to obscene literature and profanity.
- 852 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
853 849.25, relating to gambling.
- 854 32. Chapter 893, relating to drug abuse prevention and  
855 control.
- 856 33. Section 914.22 or s. 914.23, relating to witnesses,  
857 victims, or informants.
- 858 34. Section 918.12 or s. 918.13, relating to tampering with  
859 jurors and evidence.
- 860 Section 16. Subsection (1) of section 794.056, Florida  
861 Statutes, is amended to read:
- 862 794.056 Rape Crisis Program Trust Fund.—
- 863 (1) The Rape Crisis Program Trust Fund is created within  
864 the Department of Health for the purpose of providing funds for  
865 rape crisis centers in this state. Trust fund moneys shall be  
866 used exclusively for the purpose of providing services for  
867 victims of sexual assault. Funds credited to the trust fund  
868 consist of those funds collected as an additional court  
869 assessment in each case in which a defendant pleads guilty or  
870 nolo contendere to, or is found guilty of, regardless of

27-00724B-12

20121816

871 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
872 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
873 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
874 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
875 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
876 s. 796.03; s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s.  
877 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
878 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
879 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
880 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
881 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
882 fund also shall include revenues provided by law, moneys  
883 appropriated by the Legislature, and grants from public or  
884 private entities.

885 Section 17. Paragraph (a) of subsection (1) of section  
886 895.02, Florida Statutes, is amended to read:

887 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

888 (1) "Racketeering activity" means to commit, to attempt to  
889 commit, to conspire to commit, or to solicit, coerce, or  
890 intimidate another person to commit:

891 (a) Any crime that is chargeable by petition, indictment,  
892 or information under the following provisions of the Florida  
893 Statutes:

894 1. Section 210.18, relating to evasion of payment of  
895 cigarette taxes.

896 2. Section 316.1935, relating to fleeing or attempting to  
897 elude a law enforcement officer and aggravated fleeing or  
898 eluding.

899 3. Section 403.727(3)(b), relating to environmental

27-00724B-12

20121816

- 900 control.
- 901 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 902 fraud.
- 903 5. Section 414.39, relating to public assistance fraud.
- 904 6. Section 440.105 or s. 440.106, relating to workers'
- 905 compensation.
- 906 7. Section 443.071(4), relating to creation of a fictitious
- 907 employer scheme to commit unemployment compensation fraud.
- 908 8. Section 465.0161, relating to distribution of medicinal
- 909 drugs without a permit as an Internet pharmacy.
- 910 9. Section 499.0051, relating to crimes involving
- 911 contraband and adulterated drugs.
- 912 10. Part IV of chapter 501, relating to telemarketing.
- 913 11. Chapter 517, relating to sale of securities and
- 914 investor protection.
- 915 12. Section 550.235 or s. 550.3551, relating to dogracing
- 916 and horseracing.
- 917 13. Chapter 550, relating to jai alai frontons.
- 918 14. Section 551.109, relating to slot machine gaming.
- 919 15. Chapter 552, relating to the manufacture, distribution,
- 920 and use of explosives.
- 921 16. Chapter 560, relating to money transmitters, if the
- 922 violation is punishable as a felony.
- 923 17. Chapter 562, relating to beverage law enforcement.
- 924 18. Section 624.401, relating to transacting insurance
- 925 without a certificate of authority, s. 624.437(4)(c)1., relating
- 926 to operating an unauthorized multiple-employer welfare
- 927 arrangement, or s. 626.902(1)(b), relating to representing or
- 928 aiding an unauthorized insurer.

27-00724B-12

20121816

- 929           19. Section 655.50, relating to reports of currency  
930 transactions, when such violation is punishable as a felony.
- 931           20. Chapter 687, relating to interest and usurious  
932 practices.
- 933           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
934 real estate timeshare plans.
- 935           22. Section 775.13(5)(b), relating to registration of  
936 persons found to have committed any offense for the purpose of  
937 benefiting, promoting, or furthering the interests of a criminal  
938 gang.
- 939           23. Section 777.03, relating to commission of crimes by  
940 accessories after the fact.
- 941           24. Chapter 782, relating to homicide.
- 942           25. Chapter 784, relating to assault and battery.
- 943           26. Chapter 787, relating to kidnapping or human  
944 trafficking.
- 945           27. Chapter 790, relating to weapons and firearms.
- 946           28. Chapter 794, relating to sexual battery, but only if  
947 such crime was committed with the intent to benefit, promote, or  
948 further the interests of a criminal gang, or for the purpose of  
949 increasing a criminal gang member's own standing or position  
950 within a criminal gang.
- 951           29. Section 796.03, s. 796.035, s. 796.04, ~~s. 796.045~~, s.  
952 796.05, or s. 796.07, relating to prostitution and sex  
953 trafficking.
- 954           30. Chapter 806, relating to arson and criminal mischief.
- 955           31. Chapter 810, relating to burglary and trespass.
- 956           32. Chapter 812, relating to theft, robbery, and related  
957 crimes.

27-00724B-12

20121816

- 958           33. Chapter 815, relating to computer-related crimes.
- 959           34. Chapter 817, relating to fraudulent practices, false  
960 pretenses, fraud generally, and credit card crimes.
- 961           35. Chapter 825, relating to abuse, neglect, or  
962 exploitation of an elderly person or disabled adult.
- 963           36. Section 827.071, relating to commercial sexual  
964 exploitation of children.
- 965           37. Chapter 831, relating to forgery and counterfeiting.
- 966           38. Chapter 832, relating to issuance of worthless checks  
967 and drafts.
- 968           39. Section 836.05, relating to extortion.
- 969           40. Chapter 837, relating to perjury.
- 970           41. Chapter 838, relating to bribery and misuse of public  
971 office.
- 972           42. Chapter 843, relating to obstruction of justice.
- 973           43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
974 s. 847.07, relating to obscene literature and profanity.
- 975           44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
976 849.25, relating to gambling.
- 977           45. Chapter 874, relating to criminal gangs.
- 978           46. Chapter 893, relating to drug abuse prevention and  
979 control.
- 980           47. Chapter 896, relating to offenses related to financial  
981 transactions.
- 982           48. Sections 914.22 and 914.23, relating to tampering with  
983 or harassing a witness, victim, or informant, and retaliation  
984 against a witness, victim, or informant.
- 985           49. Sections 918.12 and 918.13, relating to tampering with  
986 jurors and evidence.

27-00724B-12

20121816

987 Section 18. Section 938.085, Florida Statutes, is amended  
988 to read:

989 938.085 Additional cost to fund rape crisis centers.—In  
990 addition to any sanction imposed when a person pleads guilty or  
991 nolo contendere to, or is found guilty of, regardless of  
992 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
993 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
994 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
995 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
996 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; s. 796.03;  
997 s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s. 796.06; s.  
998 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
999 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
1000 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
1001 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
1002 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
1003 \$151. Payment of the surcharge shall be a condition of  
1004 probation, community control, or any other court-ordered  
1005 supervision. The sum of \$150 of the surcharge shall be deposited  
1006 into the Rape Crisis Program Trust Fund established within the  
1007 Department of Health by chapter 2003-140, Laws of Florida. The  
1008 clerk of the court shall retain \$1 of each surcharge that the  
1009 clerk of the court collects as a service charge of the clerk's  
1010 office.

1011 Section 19. This act shall take effect October 1, 2012.