

By the Committee on Appropriations; and Senator Simmons

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1                                   A bill to be entitled  
2           An act relating to the Department of Legal Affairs;  
3           amending s. 16.56, F.S.; revising the list of offenses  
4           that may be investigated and prosecuted by the Office  
5           of Statewide Prosecution; creating s. 16.62, F.S.;  
6           limiting the amount that the Department of Legal  
7           Affairs may spend annually to support specified  
8           recognition and awards programs, in addition to  
9           expenditures separately authorized by law; amending s.  
10          409.9203, F.S.; specifying the distribution of certain  
11          funds recovered in Medicaid fraud actions; amending s.  
12          501.203, F.S.; revising the term "violation of this  
13          part"; amending s. 501.204, F.S.; revising legislative  
14          intent; providing a directive to the Division of Law  
15          Revision and Information; creating s. 501.991, F.S.;  
16          providing legislative intent; creating s. 501.992,  
17          F.S.; defining terms; creating s. 501.993, F.S.;  
18          prohibiting bad faith assertions of patent  
19          infringement from being made; providing factors that a  
20          court may consider when determining whether an  
21          allegation was or was not made in bad faith; creating  
22          s. 501.994, F.S.; authorizing a court to require a  
23          patent infringement plaintiff to post a bond under  
24          certain circumstances; limiting the bond amount;  
25          authorizing the court to waive the bond requirement in  
26          certain circumstances; creating s. 501.995, F.S.;  
27          authorizing private rights of action for violations of  
28          this part; authorizing the court to award certain  
29          relief to prevailing plaintiffs; creating s. 501.996,

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30 F.S.; providing that a violation of part VII of ch.  
31 501 is an unfair or deceptive trade practice; creating  
32 s. 501.997, F.S.; providing exemptions; amending s.  
33 960.03, F.S.; revising the definition of the term  
34 "crime" for purposes of obtaining crime victim  
35 compensation from the department to include certain  
36 forcible felonies; revising provisions concerning acts  
37 involving the operation of a motor vehicle, boat, or  
38 aircraft; revising the definition of the term  
39 "disabled adult"; correcting a cross-reference;  
40 amending s. 960.13, F.S.; exempting crime victim  
41 compensation awards for catastrophic injury from  
42 certain deductions; amending s. 960.195, F.S.;  
43 revising the maximum victim compensation amounts that  
44 the department may award to elderly persons or  
45 disabled adults who suffer a property loss that causes  
46 a substantial diminution in their quality of life in  
47 certain circumstances; revising the conditions under  
48 which elderly persons or disabled adults who suffer a  
49 property loss are eligible for an award; authorizing  
50 the department to deny, reduce, or withdraw a  
51 specified award upon finding that any claimant or  
52 award recipient has not duly cooperated with certain  
53 persons and entities; creating s. 960.196, F.S.;  
54 providing for relocation assistance for human  
55 trafficking victims; amending s. 960.198, F.S.;  
56 prohibiting relocation assistance for a domestic  
57 violence claim if the victim has received previous  
58 relocation assistance for a human trafficking claim;

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59 amending s. 960.199, F.S.; deleting provisions  
60 relating to relocation assistance for human  
61 trafficking victims; providing an effective date.  
62

63 Be It Enacted by the Legislature of the State of Florida:  
64

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

67 16.56 Office of Statewide Prosecution.—

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

72 (a) Investigate and prosecute the offenses of:

73 1. Bribery, burglary, criminal usury, extortion, gambling,  
74 kidnapping, larceny, murder, prostitution, perjury, robbery,  
75 carjacking, and home-invasion robbery;

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

77 3. Any violation of ~~the provisions of~~ the Florida RICO  
78 (Racketeer Influenced and Corrupt Organization) Act, including  
79 any offense listed in the definition of racketeering activity in  
80 s. 895.02(1)(a), providing such listed offense is investigated  
81 in connection with a violation of s. 895.03 and is charged in a  
82 separate count of an information or indictment containing a  
83 count charging a violation of s. 895.03, the prosecution of  
84 which listed offense may continue independently if the  
85 prosecution of the violation of s. 895.03 is terminated for any  
86 reason;

87 4. Any violation of ~~the provisions of~~ the Florida Anti-

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88 Fencing Act;

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

91 6. Any crime involving, or resulting in, fraud or deceit  
92 upon any person;

93 7. Any violation of s. 847.0135, relating to computer  
94 pornography and child exploitation prevention, or any offense  
95 related to a violation of s. 847.0135 or any violation of  
96 chapter 827 where the crime is facilitated by or connected to  
97 the use of the Internet or any device capable of electronic data  
98 storage or transmission;

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

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

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

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

104 12. Any crime involving voter registration, voting, or  
105 candidate or issue petition activities;

106 13. Any criminal violation of the Florida Money Laundering  
107 Act;

108 14. Any criminal violation of the Florida Securities and  
109 Investor Protection Act; or

110 15. Any violation of ~~the provisions of~~ chapter 787, as well  
111 as any and all offenses related to a violation of ~~the provisions~~  
112 ~~of~~ chapter 787;

113  
114 or any attempt, solicitation, or conspiracy to commit any of the  
115 crimes specifically enumerated above. The office shall have such  
116 power only when any such offense is occurring, or has occurred,

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117 in two or more judicial circuits as part of a related  
118 transaction, or when any such offense is connected with an  
119 organized criminal conspiracy affecting two or more judicial  
120 circuits. Informations or indictments charging such offenses  
121 shall contain general allegations stating the judicial circuits  
122 and counties in which crimes are alleged to have occurred or the  
123 judicial circuits and counties in which crimes affecting such  
124 circuits or counties are alleged to have been connected with an  
125 organized criminal conspiracy.

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

130 Section 2. Section 16.62, Florida Statutes, is created to  
131 read:

132 16.62 Recognition and awards.—In addition to expenditures  
133 separately authorized by law, the Department of Legal Affairs  
134 may expend no more than \$20,000 annually to support costs  
135 associated with the agency's Law Enforcement Officer of the Year  
136 Recognition and Awards Program and Victims Services Recognition  
137 and Awards Program.

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

140 409.9203 Rewards for reporting Medicaid fraud.—

141 (5) Notwithstanding s. 68.085(3), the 10 percent of any  
142 remaining proceeds deposited into the Operating Trust Fund from  
143 an action based on a claim of funds from the state Medicaid  
144 program shall be allocated in the following manner:

145 (a) Fifty percent of such moneys shall be used to fund

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146 rewards for reporting Medicaid fraud pursuant to this section.

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

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

152 501.203 Definitions.—As used in this chapter, unless the  
153 context otherwise requires, the term:

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

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

159 (b) The standards of unfairness and deception set forth and  
160 interpreted by the Federal Trade Commission or the federal  
161 courts;

162 (c) Any law, statute, rule, regulation, or ordinance which  
163 proscribes unfair methods of competition, or unfair, deceptive,  
164 or unconscionable acts or practices.

165 Section 5. Section 501.204, Florida Statutes, is amended to  
166 read:

167 501.204 Unlawful acts and practices.—

168 (1) Unfair methods of competition, unconscionable acts or  
169 practices, and unfair or deceptive acts or practices in the  
170 conduct of any trade or commerce are hereby declared unlawful.

171 (2) It is the intent of the Legislature that, in construing  
172 subsection (1), due consideration and great weight shall be  
173 given to the interpretations of the Federal Trade Commission and  
174 the federal courts relating to s. 5(a)(1) of the Federal Trade

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175 Commission Act, 15 U.S.C. s. 45(a) (1) as of July 1, 2015 ~~2013~~.

176 Section 6. The Division of Law Revision and Information is  
177 directed to create part VII of chapter 501, Florida Statutes,  
178 consisting of ss. 501.991-501.997, Florida Statutes, to be  
179 entitled the "Patent Troll Prevention Act."

180 Section 7. Section 501.991, Florida Statutes, is created to  
181 read:

182 501.991 Legislative intent.-

183 (1) The Legislature recognizes that it is preempted from  
184 passing any law that conflicts with federal patent law. However,  
185 the Legislature recognizes that the state is dedicated to  
186 building an entrepreneurial and business-friendly economy where  
187 businesses and consumers alike are protected from abuse and  
188 fraud. This includes protection from abusive and bad faith  
189 demands and litigation.

190 (2) Patents encourage research, development, and  
191 innovation. Patent holders have a legitimate right to enforce  
192 their patents. The Legislature does not wish to interfere with  
193 good faith patent litigation or the good faith enforcement of  
194 patents. However, the Legislature recognizes a growing issue:  
195 the frivolous filing of bad faith patent claims that have led to  
196 technical, complex, and especially expensive litigation.

197 (3) The expense of patent litigation, which may cost  
198 millions of dollars, can be a significant burden on companies  
199 and small businesses. Not only do bad faith patent infringement  
200 claims impose undue burdens on individual businesses, they  
201 undermine the state's effort to attract and nurture  
202 technological innovations. Funds spent to help avoid the threat  
203 of bad faith litigation are no longer available for serving

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204 communities through investing in producing new products, helping  
205 businesses expand, or hiring new workers. The Legislature wishes  
206 to help businesses avoid these costs by encouraging good faith  
207 assertions of patent infringement and the expeditious and  
208 efficient resolution of patent claims.

209 Section 8. Section 501.992, Florida Statutes, is created to  
210 read:

211 501.992 Definitions.—As used in this part, the term:

212 (1) "Demand letter" means a letter, e-mail, or other  
213 communication asserting or claiming that a person has engaged in  
214 patent infringement.

215 (2) "Institution of higher education" means an educational  
216 institution as defined in 20 U.S.C. s. 1001(a).

217 (3) "Target" means a person, including the person's  
218 customers, distributors, or agents, residing in, incorporated  
219 in, or organized under the laws of this state which:

220 (a) Has received a demand letter or against which an  
221 assertion or allegation of patent infringement has been made;

222 (b) Has been threatened with litigation or against which a  
223 lawsuit has been filed alleging patent infringement; or

224 (c) Whose customers have received a demand letter asserting  
225 that the person's product, service, or technology has infringed  
226 upon a patent.

227 Section 9. Section 501.993, Florida Statutes, is created to  
228 read:

229 501.993 Bad faith assertions of patent infringement.—A  
230 person may not make a bad faith assertion of patent  
231 infringement.

232 (1) A court may consider the following factors as evidence

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233 that a person has made a bad faith assertion of patent  
234 infringement:

235 (a) The demand letter does not contain the following  
236 information:

237 1. The patent number;

238 2. The name and address of the patent owner and assignee,  
239 if any; and

240 3. Factual allegations concerning the specific areas in  
241 which the target's products, services, or technology infringe or  
242 are covered by the claims in the patent.

243 (b) Before sending the demand letter, the person failed to  
244 conduct an analysis comparing the claims in the patent to the  
245 target's products, services, or technology, or the analysis did  
246 not identify specific areas in which the target's products,  
247 services, and technology were covered by the claims of the  
248 patent.

249 (c) The demand letter lacked the information listed under  
250 paragraph (a), the target requested the information, and the  
251 person failed to provide the information within a reasonable  
252 period.

253 (d) The demand letter requested payment of a license fee or  
254 response within an unreasonable period.

255 (e) The person offered to license the patent for an amount  
256 that is not based on a reasonable estimate of the value of the  
257 license.

258 (f) The claim or assertion of patent infringement is  
259 unenforceable, and the person knew, or should have known, that  
260 the claim or assertion was unenforceable.

261 (g) The claim or assertion of patent infringement is

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262 deceptive.

263 (h) The person, including its subsidiaries or affiliates,  
264 has previously filed or threatened to file one or more lawsuits  
265 based on the same or a similar claim of patent infringement and:

266 1. The threats or lawsuits lacked the information listed  
267 under paragraph (a); or

268 2. The person sued to enforce the claim of patent  
269 infringement and a court found the claim to be meritless.

270 (i) Any other factor the court finds relevant.

271 (2) A court may consider the following factors as evidence  
272 that a person has not made a bad faith assertion of patent  
273 infringement:

274 (a) The demand letter contained the information listed  
275 under paragraph (1) (a).

276 (b) The demand letter did not contain the information  
277 listed under paragraph (1) (a), the target requested the  
278 information, and the person provided the information within a  
279 reasonable period.

280 (c) The person engaged in a good faith effort to establish  
281 that the target has infringed the patent and negotiated an  
282 appropriate remedy.

283 (d) The person made a substantial investment in the use of  
284 the patented invention or discovery or in a product or sale of a  
285 product or item covered by the patent.

286 (e) The person is the inventor or joint inventor of the  
287 patented invention or discovery, or in the case of a patent  
288 filed by and awarded to an assignee of the original inventor or  
289 joint inventors, is the original assignee.

290 (f) The person has:

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291 1. Demonstrated good faith business practices in previous  
292 efforts to enforce the patent, or a substantially similar  
293 patent; or

294 2. Successfully enforced the patent, or a substantially  
295 similar patent, through litigation.

296 (g) Any other factor the court finds relevant.

297 Section 10. Section 501.994, Florida Statutes, is created  
298 to read:

299 501.994 Bond.—If a person initiates a proceeding against a  
300 target in a court of competent jurisdiction, the target may move  
301 that the proceeding involves a bad faith assertion of patent  
302 infringement in violation of this part and request that the  
303 court issue a protective order. After the motion, and if the  
304 court finds that the target has established a reasonable  
305 likelihood that the plaintiff has made a bad faith assertion of  
306 patent infringement, the court must require the plaintiff to  
307 post a bond in an amount equal to the lesser of \$250,000 or a  
308 good faith estimate of the target's expense of litigation,  
309 including an estimate of reasonable attorney fees, conditioned  
310 on payment of any amount finally determined to be due to the  
311 target. The court shall hold a hearing at either party's  
312 request. A court may waive the bond requirement for good cause  
313 shown or if it finds the plaintiff has available assets equal to  
314 the amount of the proposed bond.

315 Section 11. Section 501.995, Florida Statutes, is created  
316 to read:

317 501.995 Private right of action.—A person aggrieved by a  
318 violation of this part may bring an action in a court of  
319 competent jurisdiction. A court may award the following remedies

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320 to a prevailing plaintiff in an action brought pursuant to this  
321 section:

322 (1) Equitable relief;

323 (2) Damages;

324 (3) Costs and fees, including reasonable attorney fees; and

325 (4) Punitive damages in an amount equal to \$50,000 or three  
326 times the total damages, costs, and fees, whichever is greater.

327 Section 12. Section 501.996, Florida Statutes, is created  
328 to read:

329 501.996 Enforcement.—A violation of this part is an unfair  
330 or deceptive trade practice under part II of this chapter.

331 Section 13. Section 501.997, Florida Statutes, is created  
332 to read:

333 501.997 Exemptions.—This part does not apply to an  
334 institution of higher education, to a technology transfer  
335 organization owned by or affiliated with an institution of  
336 higher education, or to a demand letter or an assertion of  
337 patent infringement that includes a claim for relief arising  
338 under 35 U.S.C. s. 271(e) (2) or 42 U.S.C. s. 262.

339 Section 14. Subsections (3) and (6) of section 960.03,  
340 Florida Statutes, are amended to read:

341 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
342 960.01-960.28, unless the context otherwise requires, the term:

343 (3) "Crime" means:

344 (a) A felony or misdemeanor offense committed by an adult  
345 or a juvenile which results in physical injury or death, a  
346 forcible felony committed by an adult or juvenile which directly  
347 results in psychiatric or psychological injury, or a felony or  
348 misdemeanor offense of child abuse committed by an adult or a

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349 juvenile which results in a mental injury, as defined in s.  
 350 827.03, to a person younger than 18 years of age who was not  
 351 physically injured by the criminal act. The mental injury to the  
 352 minor must be verified by a psychologist licensed under chapter  
 353 490, by a physician licensed in this state under chapter 458 or  
 354 chapter 459 who has completed an accredited residency in  
 355 psychiatry, or by a physician who has obtained certification as  
 356 an expert witness pursuant to s. 458.3175. The term also  
 357 includes a criminal act that is committed within this state but  
 358 that falls exclusively within federal jurisdiction.

359 (b) A violation of s. 316.027(2), s. 316.193, s. 316.1935  
 360 ~~s. 316.027(1)~~, s. 327.35(1), s. 782.071(1)(b), or s.  
 361 860.13(1)(a) which results in physical injury or death.

362 (c) ~~however,~~ An act involving the operation of a motor  
 363 vehicle, boat, or aircraft which results in another person's  
 364 injury or death that is intentionally inflicted through the use  
 365 of the vehicle, boat, or aircraft; however, no other act  
 366 involving the operation of a motor vehicle, boat, or aircraft  
 367 constitutes a crime for purposes of this chapter ~~does not~~  
 368 ~~constitute a crime for the purpose of this chapter unless the~~  
 369 ~~injury or death was intentionally inflicted through the use of~~  
 370 ~~the vehicle, boat, or aircraft.~~

371 (d) ~~(e)~~ A criminal act committed outside this state against  
 372 a resident of this state which would have been compensable if it  
 373 had occurred in this state and which occurred in a jurisdiction  
 374 that does not have an eligible crime victim compensation program  
 375 as the term is defined in the federal Victims of Crime Act of  
 376 1984.

377 (e) ~~(d)~~ A violation of s. 827.071, s. 847.0135, s. 847.0137,

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378 or s. 847.0138, related to online sexual exploitation and child  
379 pornography.

380 (6) "Disabled adult" means a person 18 years of age or  
381 older who suffers from a condition of physical or mental  
382 incapacitation due to a developmental disability, ~~or~~ organic  
383 brain damage, or mental illness or who has one or more physical  
384 or mental limitations that restrict the person's ability to  
385 perform the normal activities of daily living.

386 Section 15. Subsection (6) of section 960.13, Florida  
387 Statutes, is amended to read:

388 960.13 Awards.—

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

393 (a) From or on behalf of the person who committed the  
394 crime; provided, however, that a restitution award ordered by a  
395 court to be paid to the claimant by the person who committed the  
396 crime shall not reduce any award made pursuant to this chapter  
397 unless it appears to the department that the claimant will be  
398 unjustly enriched thereby.

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

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

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

405 Section 16. Section 960.195, Florida Statutes, is amended  
406 to read:

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407 960.195 Awards to elderly persons or disabled adults for  
408 property loss.—

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

415 (a)~~(1)~~ There is proof that a criminal or delinquent act was  
416 committed;

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

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

422 (c)~~(4)~~ There is proof that the tangible personal property  
423 in question belonged to the claimant;

424 (d)~~(5)~~ The claimant did not contribute to the criminal or  
425 delinquent act;

426 (e)~~(6)~~ There is no other source of reimbursement or  
427 indemnification available to the claimant; and

428 (f)~~(7)~~ The claimant would not be able to replace the  
429 tangible personal property in question without incurring a  
430 serious financial hardship.

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

435 Section 17. Section 960.196, Florida Statutes, is created

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436 to read:

437 960.196 Relocation assistance for victims of human  
438 trafficking.-

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

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

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

450 (b) The crime must be reported to the proper authorities  
451 and the claim must be filed within 1 year, or 2 years with good  
452 cause, after the date of the last human trafficking offense, as  
453 described in s. 787.06(3)(b), (d), (f), or (g). In a case that  
454 exceeds the 2-year requirement due to an active and ongoing  
455 investigation, a state attorney, statewide prosecutor, or  
456 federal prosecutor may certify in writing a human trafficking  
457 victim's need to relocate from an unsafe environment due to the  
458 threat of future violence which is directly related to the human  
459 trafficking offense.

460 (c) The victim's need must be certified by a certified  
461 domestic violence or rape crisis center in this state, except as  
462 provided in paragraph (b). The center's certification must  
463 assert that the victim is cooperating with the proper  
464 authorities and must include documentation that the victim has

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465 developed a safety plan.

466 (3) Relocation payments for a human trafficking claim shall  
467 be denied if the department has previously approved or paid out  
468 a domestic violence or sexual battery relocation claim under s.  
469 960.198 or s. 960.199 to the same victim regarding the same  
470 incident.

471 Section 18. Subsection (3) of section 960.198, Florida  
472 Statutes, is amended to read:

473 960.198 Relocation assistance for victims of domestic  
474 violence.—

475 (3) Relocation payments for a domestic violence claim shall  
476 be denied if the department has previously approved or paid out  
477 a human trafficking or sexual battery relocation claim under s.  
478 960.196 or s. 960.199 to the same victim regarding the same  
479 incident.

480 Section 19. Section 960.199, Florida Statutes, is amended  
481 to read:

482 960.199 Relocation assistance for victims of sexual battery  
483 ~~or human trafficking.~~—

484 (1) The department may award a one-time payment of up to  
485 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a  
486 victim of sexual battery, as defined in s. 794.011, ~~or a victim~~  
487 ~~of human trafficking, as described in s. 787.06(3)(b), (d), (f),~~  
488 ~~or (g),~~ who needs relocation assistance.

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

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

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

497 (c) The victim's need for assistance must be certified by a  
498 certified rape crisis center in this state ~~or by the state~~  
499 ~~attorney or statewide prosecutor having jurisdiction over the~~  
500 ~~offense. A victim of human trafficking's need for assistance may~~  
501 ~~also be certified by a certified domestic violence center in~~  
502 ~~this state.~~

503 (d) The center's certification must assert that the victim  
504 is cooperating with law enforcement officials, if applicable,  
505 and must include documentation that the victim has developed a  
506 safety plan. ~~If the victim seeking relocation assistance is a~~  
507 ~~victim of a human trafficking offense as described in s.~~  
508 ~~787.06(3) (b), (d), (f), or (g), the certified rape crisis~~  
509 ~~center's or certified domestic violence center's certification~~  
510 ~~must include, if applicable, approval of the state attorney or~~  
511 ~~statewide prosecutor attesting that the victim is cooperating~~  
512 ~~with law enforcement officials.~~

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

518 (3) Relocation payments for a sexual battery ~~or human~~  
519 ~~trafficking~~ claim under this section shall be denied if the  
520 department has previously approved or paid out a human  
521 trafficking or domestic violence relocation claim under s.  
522 960.196 or s. 960.198 to the same victim regarding the same

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523 incident.

524 Section 20. This act shall take effect July 1, 2015.