

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Criminal and Civil Justice

BILL: SB 1190

INTRODUCER: Senator Ingoglia

SUBJECT: Online Sting Operations Grant Program

DATE: February 7, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1190 creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within the Florida Department of Law Enforcement (FDLE). The purpose of the program is to award grants to law enforcement agencies to support their creation of sting operations to target individuals online who prey upon children or attempt to do so.

The FDLE will annually award to local law enforcement agencies funds specifically appropriated for the grant program to cover expenses related to computers, electronics, software, and other related necessary supplies.

The bill provides that grants must be provided to local law enforcement agencies if funds are appropriated for that purpose. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill authorizes the FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The bill may have a negative workload impact on the FDLE. See Section V., Fiscal Impact Statement.

The bill becomes effective July 1, 2024.

II. Present Situation:

Local law enforcement agencies routinely conduct sting operations targeting online predators who may intend to commit crimes against children. In Leon County, the Capital City Human

Trafficking Taskforce has arrested 16 people since its formation in late 2023.¹ The taskforce's undercover operations targeted individuals engaging in Internet crimes against children, prostitution, and human trafficking.

On January 11, 2024, the Hillsborough County Sheriff's Office (HSCO) announced the arrest of 123 people over the course of three months, including online predators who thought they were communicating with children and young teens but were actually communicating with HCSO detectives.²

On October 10, 2023, the Polk County Sheriff's Office announced that its fourth undercover sting operation resulted in the arrest of six people alleged to have communicated online with persons they thought were children or guardians for the purpose of soliciting unlawful sexual activity with minors.³

Florida Crimes Against Children Criminal Profiling Program

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE. The CACP provides investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation.^{4,5}

Intelligence Assistance

The first step in this program is the identification of local, state, and federal law enforcement professionals working these cases. The networking and sharing of intelligence and investigative data enhances the existing communications network of the Florida Investigative Support Center (FISC) within the FDLE. This database enables FDLE personnel to identify patterns and movements of specific criminal activities. In addition, it provides local law enforcement investigators with a statewide medium through which they share criminal information.

Investigative Assistance

Special Agents of the CACP have received extensive training in the area of crimes against children. Consequently, members of this program are qualified to investigate multi-jurisdictional

¹ Elena Barrera, *Human trafficking taskforce arrests over a dozen individuals during undercover operation* (January 11, 2024), Tallahassee Democrat, <https://news.yahoo.com/human-trafficking-taskforce-arrests-over-020052310.html?guccounter=1> (last visited January 19, 2024). The taskforce includes members from the Department of Homeland Security, the United States Attorney's Office for the Northern District of Florida, the State Attorney's Office for the Second Judicial Circuit, the Leon County Sheriff's Office, FDLE, the Tallahassee Police Department, the Federal Bureau of Investigations, the Internal Revenue Service, and the United States Marshals Service.

² HCSO, Operation Renewed Hope, <https://teamhcsso.com/News/PressRelease/69dfc87b-5961-4432-b0a4-b123d01d11cf/en-US> (last visited January 19, 2024).

³ Polk County Sheriff's Office, Six suspects arrested during "Operation Child Protector IV" focusing on online solicitation of minors (Oct. 10, 2023) <https://www.polksheriff.org/news-investigations/2023/10/10/six-suspects-arrested-during-operation-child-protector-iv-focusing-on-online-solicitation-of-minors> (last visited on January 19, 2024).

⁴ Section 943.041, F.S.

⁵ Florida Department of Law Enforcement, *Crimes Against Children*, available at <https://www.fdle.state.fl.us/mcicsearch/crimesagainstchildren.asp#:~:text=The%20Crimes%20Against%20Children%20Program,to%20local%20law%20enforcement%20agencies>. (last visited January 19, 2024).

operations and organized crimes against children. In addition, investigative and technical assistance is provided to local law enforcement agencies.

The major concerns include:

- Serial Child Homicides.
- Pedophiles.
- Child Pornography.
- Child Sexual Abuse.

The CACP also has the ability to utilize the services of FDLE Special Agents who have been specifically trained in psychological profiling.⁶

Sting operations cover a wide variety of crimes and use different techniques depending on the operation's immediate or long-term purpose. It is difficult to define precisely what a sting operation is. However, with some exceptions, all sting operations contain four basic elements:

- An opportunity or enticement to commit a crime, either created or exploited by police.
- A targeted likely offender or group of offenders for a particular crime type.
- An undercover or hidden police officer or surrogate, or some form of deception.
- A "gotcha" climax when the operation ends with arrests.⁷

Sting operations targeting child predators online may frequently result in criminal charges for the offenses described below.

Certain Uses of Computer Services or Devices Prohibited

Under s. 847.0135(3), F.S., it is a third degree felony⁸ for a person who knowingly uses a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:

- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed by the person to be a child, to commit any illegal act described in ch. 794 (sexual battery), ch. 800 (lewd or lascivious offenses), or ch. 827 (child sexual performance), F.S., or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child;⁹ or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in any sexual conduct.¹⁰

⁶ *Id.*

⁷ Graeme R. Newman, *Sting Operations, Center for Problem-Oriented Policing*, 2007, <https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p134-pub.pdf> (last visited January 18, 2024).

⁸ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine pursuant to s. 775.082, s. 775.083, and s. 775.084, F.S.

⁹ Section 847.0135(3)(a), F.S.

¹⁰ Section 847.0135(3)(b), F.S.

Traveling to Meet a Minor

Any person who travels any distance either within this state, to this state, or from this state by any means, who attempts to do so, or who causes another to do so or to attempt to do so for the purpose of engaging in any illegal act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:¹¹

- Seduce, solicit, lure, or entice or attempt to seduce, solicit, lure, or entice a child or another person believed by the person to be a child, to engage in any illegal act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child;¹² or
- Solicit, lure, or entice or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act described in ch. 794, ch. 800, or ch. 827, F.S., or to otherwise engage in any sexual conduct, commits a felony of the second degree.^{13,14}

III. Effect of Proposed Changes:

The bill creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within the FDLE. The purpose of the program is to award grants to law enforcement agencies to support their creation of sting operations to target individuals online who prey upon children or attempt to do so.

The FDLE will annually award to local law enforcement agencies funds specifically appropriated for the grant program to cover expenses related to computers, electronics, software, and other related necessary supplies.

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The bill authorizes the FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The bill becomes effective July 1, 2024.

¹¹ Section 847.0135(4), F.S.

¹² Section 847.0135(4)(a), F.S.

¹³ Section 847.0135(4)(b), F.S.

¹⁴ A second degree felony is punishable by a term of imprisonment not exceeding 15 years pursuant to s. 775.082, s. 775.083, or s. 775.084, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill's provisions may increase workload for the FDLE. The FDLE requested one position and a total of \$96,504 to address the estimated workload associated with the grant process.¹⁵ As of December 2023, the FDLE had two vacant positions in the Office of Justice Grants that could be filled to address this workload. Moreover, in SB 2500, the General Appropriations Bill for Fiscal Year 2024-2025, the Senate funded two positions and funds totaling \$217,887 for the Office of Criminal Justice Grants. If funded, these positions would offset the FDLE's need for additional positions.

VI. Technical Deficiencies:

None.

¹⁵ FDLE, *2024 Legislative Bill Analysis*, (January 8, 2023), at p. 3 (on file with the Senate Committee on Criminal Justice).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.0411 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
