

Human Trafficking (H.B. 7049) by Representative Snyder

Highlights

House Bill 7049 has been supported by the Attorney General and makes significant changes to Florida's human trafficking laws by:

- *Giving prosecution authority over cases of human trafficking* to the Florida Attorney General's Office of Statewide Prosecution;
- *Requiring offenders to register as sex offenders* or sexual predators when found guilty of commercial sexual activity; and,
- *Increasing penalties* for violations of human trafficking, especially for offenders found guilty of commercial sexual exploitation of a minor.

As of April 2, 2012, the Governor had until April 7, 2012 to act on this bill. If approved, this bill takes effect July 1, 2012.

Detailed Analysis

Section 1

Fla. Stat. §16.56-Office of Statewide Prosecution.

- Provides the AG's Office of Statewide Prosecution with authority to investigate and prosecute violations of Chapter 787 and related offenses

Section 2

Fla. Stat. §480.0535- Documents required while working in a massage establishment

- Requires massage parlor employees and operators to immediately present valid governmental identification if requested by law enforcement; defines valid government identification.
 - Places burden on operator to show that every employee or person engaged in massage be able to present valid government identification while on the premises
 - Creates criminal penalties for violations ranging from a misdemeanor of the second degree to a felony of the third degree

Section 3

Fla. Stat. §775.21-The Florida Sexual Predators Act

- Makes Florida Sexual Predator registration and community notification requirements applicable to specified commercial sexual activity offenses

Section 4

Fla. Stat. §787.05-Unlawfully obtaining labor or services.

- Repeals 787.05 relating to unlawfully obtaining labor or services.

Section 5

Fla. Stat. §787.06- Human trafficking

- Specifies that victims of trafficking include US citizens and persons trafficked domestically, within US borders
- Removes the definition of 'forced labor or services' and instead defines 'coercion' and adds to that definition:
 - Enticing or luring by fraud or deceit
 - Providing a controlled substance for purposes of exploitation

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- Defines ‘commercial sexual activity’ as a violation of or an attempt to commit prostitution, and includes sexually explicit performances and production of pornography
- Expands the definition of ‘human trafficking’ to include enticing or maintaining a person for purposes of exploitation
- Adds definitions for ‘labor,’ ‘obtain,’ ‘services,’ ‘sexually explicit performance,’ ‘unauthorized alien,’ and ‘venture.’
- Creates penalties for persons who knowingly or in reckless disregard of the facts, engage in, attempt to engage in, or benefit from a venture that subjects a person to human trafficking
 - Creates the harshest penalties for trafficking for commercial sexual activity when the victim is under the age of 18
 - Provides that the state has no requirement to prove knowledge of the victim’s age in specified circumstances when the victim is under 18
- Authorizes a separate crime and punishment for each instance of human trafficking
- Makes the use of any real or personal property subject to the Florida Contraband Forfeiture Act

Section 6

Fla. Stat. §787.07-Human smuggling

- Increases human smuggling criminal penalty from M1 to F3

Section 7

Fla. Stat. §796.035-Selling or buying of minors into prostitution; penalties

- Deletes provisions relevance to sex trafficking and solely focuses on selling or buying of minors into prostitution; broadens the standard from knowledge to knowledge or in reckless disregard of the facts

Section 8

Fla. Stat. §796.045-Sex trafficking; penalties

- Repeals 796.045 relating to sex trafficking penalties but these penalties are added in other sections of statute and are often increased.

Section 9

Fla. Stat. §905.34-Powers and duties; law applicable

- Provides a statewide grand jury with jurisdiction over violations of chapter 787 and related offenses. Chapter 787 includes human trafficking and smuggling, among other offenses.

Section 10

Fla. Stat. §934.07-Authorization for interception of wire, oral, or electronic communications

- Authorizes law enforcement agencies investigating human trafficking cases to intercept wire, oral, or electronic communications when such interception may provide or has provided evidence of such a violation

Section 11

Fla. Stat. §943.0435-Sexual offenders required to register with the department; penalty

- Requires sex offender registration of any person convicted of committing, attempting, soliciting or conspiring to commit certain commercial sexual activity offenses

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- In this state
- Or in another state, if that person establishes or maintains a residence in this state and is in the custody, control or supervision of another jurisdiction due to the same or similar violation

Sections 12-13

Fla. Stat. §944.606-944.607-Notification of sex offenders

- Includes persons convicted of committing, attempting, soliciting or conspiring to commit specified sexual commercial activity offenses in the definition of 'sex offender'; does the same in the provisions requiring notification to FDLE

Section 14

Fla. Stat. §90.404-Character evidence; when admissible

- For purposes of using evidence of other crimes, wrongs or acts in court:
 - Includes commercial sexual activity offenses on children under 18 in the definition of 'child molestation'
 - Includes commercial sexual activity offenses in the definition of 'sexual offense'

Sections 15-18

- Conforms references to repealed statute

Section 19

Fla. Stat. §921.0022-Criminal punishment code; offense severity ranking chart

- Revises Criminal Punishment Code offense severity chart to reflect increased penalties for violations of human trafficking and other specified offenses

Section 20

- Provides effective date of July 1, 2012