

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1131 Online Sting Operations Grant Program

SPONSOR(S): Temple

TIED BILLS: **IDEN./SIM. BILLS:** SB 1190

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee		Butcher	Hall
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACP) within the Florida Department of Law Enforcement (FDLE). CACP provides investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation. Special Agents are qualified to investigate multi-jurisdictional operations and organized crimes against children in conjunction with local law enforcement agencies.

Local law enforcement agencies in Florida routinely conduct sting operations targeting online predators who may intend to commit crimes against children. A “sting operation” generally consists of an opportunity to commit a crime, a likely offender or group of offenders targeted by law enforcement, an undercover or hidden law enforcement officer or surrogate, and the eventual arrest of the likely offender or group of offenders.

Sting operations relating to online child sexual exploitation frequently involve an undercover law enforcement officer who poses as a child online for the purpose of identifying suspects who are communicating with or attempting to communicate with a child for the purpose of soliciting unlawful sexual activity. Such sting operations are generally localized efforts, and their utilization and effectiveness depend on how local officials allocate resources and personnel.

HB 1131 creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within FDLE to award grants to local law enforcement agencies to support the creation of sting operations to target individuals online preying upon children or attempting to prey upon children.

The bill requires FDLE to annually award any funds specifically appropriated to the grant program to local law enforcement agencies to cover expenses related to computers, electronics, software, and other related necessary supplies. The bill specifies that grants must be provided to local law enforcement agencies if funds are appropriated for that purpose, and that the total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill authorizes 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 an indeterminate positive fiscal impact on local law enforcement agencies to the extent that such agencies apply for and receive funding under the grant program, enabling them to support the creation of sting operations to target online predators. However, the bill does not include a specific appropriation for the grant program.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Sting Operations

Section 943.041, F.S., creates the Crimes Against Children Criminal Profiling Program (CACPP) within the Florida Department of Law Enforcement (FDLE). CACPP provides investigative, training, and intelligence assistance to local law enforcement agencies while taking a proactive approach to investigating and preventing child sexual exploitation.¹ Special Agents are qualified to investigate multi-jurisdictional operations and organized crimes against children in conjunction with local law enforcement agencies.²

A “sting operation” generally consists of an opportunity to commit a crime, a likely offender or group of offenders targeted by law enforcement, an undercover or hidden law enforcement officer or surrogate, and the eventual arrest of the likely offender or group of offenders.³ Sting operations have the potential to result in large scale arrests and require planning and coordination from law enforcement to investigate, reduce, and prevent crimes.⁴

Sting operations relating to online child sexual exploitation frequently involve an undercover law enforcement officer who poses as a child online for the purpose of identifying suspects who are communicating with or attempting to communicate with a child for the purpose of soliciting unlawful sexual activity. Such sting operations are generally localized efforts, and their utilization and effectiveness depend on how local officials allocate resources and personnel.⁵

Local law enforcement agencies in Florida 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 2023.⁶ 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 (HCSO) 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.⁷

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.⁸

¹ FDLE, *Missing Children Information Clearinghouse*, <https://www.fdle.state.fl.us/mcicsearch/crimesagainstchildren.asp> (last visited Jan. 17, 2024).

² *Id.*

³ Graeme R. Newman, *Sting Operations*, Center for Problem-Oriented Policing, (2007), <https://cops.usdoj.gov/RIC/Publications/cops-p134-pub.pdf> (last visited Jan. 17, 2024).

⁴ *Id.*

⁵ In 2023, the Florida Legislature allocated \$427,250 from the General Revenue Fund to the South Florida Internet Crimes Against Children Task Force Program. See SB 2500 (2023).

⁶ Elena Barrera, *Human trafficking taskforce arrests over a dozen individuals during undercover operation* (Jan. 11, 2024), Tallahassee Democrat, <https://news.yahoo.com/human-trafficking-taskforce-arrests-over-020052310.html> (last visited Jan. 17, 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.

⁷ HCSO, *Operation Renewed Hope*, <https://teamhcsos.com/News/PressRelease/69dfc87b-5961-4432-b0a4-b123d01d11cf/en-US> (last visited Jan. 17, 2024).

⁸ 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 Jan. 17, 2024). See also “Takedown with Chris Hansen,” an investigative

Criminal Charges Frequently Resulting from Sting Operations

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 felony⁹ 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 chapter 794 (sexual battery), chapter 800 (lewd or lascivious offenses), or chapter 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*; 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 chapter 794, chapter 800, or chapter 827, F.S., or to otherwise engage in any sexual conduct.¹⁰

Traveling to Meet a Minor

Under s. 847.0135(4), F.S., it is a second degree felony¹¹ for a person who travels any distance either within Florida, to Florida, or from Florida 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 chapter 794, chapter 800, or chapter 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:

- 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 chapter 794, chapter 800, or chapter 827, F.S., or to otherwise engage in other unlawful sexual conduct with a child; 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 chapter 794, chapter 800, or chapter 827, F.S., or to otherwise engage in any sexual conduct.

Effect of Proposed Changes

HB 1131 creates s. 943.0411, F.S., establishing the Online Sting Operations Grant Program within FDLE to award grants to local law enforcement agencies to support the creation of sting operations to target individuals online preying upon children or attempting to prey upon children.

The bill requires FDLE to annually award any funds specifically appropriated to the grant program to local law enforcement agencies to cover expenses related to computers, electronics, software, and other related necessary supplies. The bill specifies that grants must be provided to local law

docuseries in which journalist Chris Hansen coordinates with law enforcement, including the Polk County Sheriff's Office, to conduct undercover sting operations that "catch" persons accused of soliciting unlawful sexual activity with minors.

<https://www.imdb.com/takedown-with-chris-hansen> (last visited Jan. 17, 2024).

⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

¹⁰ A person who misrepresents his or her age in violating this subsection commits a second degree felony. Each separate use of a computer online service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission wherein an offense described in this section is committed may be charged as a separate offense.

¹¹ A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

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enforcement agencies if funds are appropriated for that purpose, and that the total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill authorizes 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 provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1: Creates s. 943.0411, F.S., relating to Online Sting Operations Grant Program for local law enforcement agencies to protect children.

Section 2: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may have an indeterminate positive fiscal impact on local law enforcement agencies to the extent that such agencies apply for and receive funding under the grant program, enabling them to support the creation of sting operations to target online predators. However, the bill does not include a specific appropriation for the grant program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES