

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 1131 Online Sting Operations Grant Program

SPONSOR(S): Temple and others

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

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Pending

SUMMARY ANALYSIS

HB 1131 passed the House on February 22, 2024, and subsequently passed the Senate on March 5, 2024.

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.

The bill 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 grant program established in the bill is subject to legislative appropriation. If an appropriation is provided by the legislature, the bill may have an indeterminate fiscal impact on state and local governments to the extent that local law enforcement agencies may apply for and receive funding from FDLE under the grant program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2024.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Sting Operations

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.¹ 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.²

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.³

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 2023.⁴ The taskforce’s undercover operations targeted individuals engaging in internet crimes against children, prostitution, and human trafficking.

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.⁵

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.⁶

Criminal Charges Frequently Resulting from Sting Operations

¹ Graeme R. Newman, *Sting Operations*, Center for Problem-Oriented Policing, (2007), <https://cops.usdoj.gov/RIC/Publications/cops-p134-pub.pdf> (last visited Mar. 6, 2024).

² *Id.*

³ 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).

⁴ 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 Mar. 6, 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.

⁵ 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 Mar. 6, 2024). See also “Takedown with Chris Hansen,” an investigative 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 Mar. 6, 2024).

⁶ HCSO, *Operation Renewed Hope*, <https://teamhcs.com/News/PressRelease/69dfc87b-5961-4432-b0a4-b123d01d11cf/en-US> (last visited Mar. 6, 2024).

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 felony⁷ 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.⁸

Traveling to Meet a Minor

Under s. 847.0135(4), F.S., it is a second degree felony⁹ 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 the Bill

The bill 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.

⁷ 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.

⁸ 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 maybe charged as a separate offense.

⁹ 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.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate impact on state expenditures to the extent the bill authorizes FDLE to distribute funds specifically appropriated for the grant program. Any such impact is subject to legislative appropriation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have an indeterminate positive impact on local government revenues to the extent that some local law enforcement agencies may receive future grant funding.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.