

9.4 CAPITAL HUMAN TRAFFICKING OF VULNERABLE PERSONS FOR SEXUAL EXPLOITATION

§ 787.06(5), Fla. Stat.

To prove the crime of Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation, the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **knowingly [initiated] [organized] [planned] [financed] [directed] [managed] [or] [supervised]** a venture that subjected (victim) to human trafficking for sexual exploitation.
2. At the time, (victim) was **[under 12 years of age] [mentally defective] [or] [mentally incapacitated]**.
3. At the time, (defendant) was **18 years of age or older**.

“Venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

“Human trafficking” means [transporting] [soliciting] [recruiting] [harboring] [providing] [enticing] [maintaining] [purchasing] [patronizing] [procuring] [or] [obtaining] another person for the purpose of exploitation of that person.

***“Sexual exploitation” means the oral, anal, or female genital penetration by, or union with, the sexual organ of another or the anal, or female genital penetration of another by any other object, without the consent of (victim). [Sexual exploitation does not include an act done for a genuine fide medical purpose.]**

“An object” includes a finger.

“Union” means contact.

“Female genitals” includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

“Maintain” means in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of a victim to perform such type service.

“Obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or to secure performance thereof.

“Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered to that person

without his or her consent, or due to any other act committed upon that person without his or her consent.

“Mentally defective” means that a person suffers from a mental disease or defect that renders that person temporarily or permanently incapable of appraising the nature of his or her conduct.

The defendant’s ignorance of (victim’s) age, (victim’s) misrepresentation of [his] [her] age, or the defendant’s bona fide belief of (victim’s) age is not a defense to the crime charged. “Bona fide” means genuine.

(Victim’s) lack of chastity or the willingness or consent of (victim) is not a defense to this crime if [he] [she] was under 18 years of age at the time of the crime.

§ 787.001, Fla. Stat. Give only if applicable.

The defendant’s ignorance of (victim’s) age is not a defense. Additionally, the misrepresentation of (victim’s) age by any person or the defendant’s genuine belief that (victim) was over a specified age is not a defense.

Lesser Included Offense

CAPITAL HUMAN TRAFFICKING OF VULNERABLE PERSONS FOR SEXUAL EXPLOITATION — 787.06(5)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Human Trafficking	787.06(3)	9.5

Comments

*“Sexual exploitation” means any violation of § 794.011, Fla. Stat., excluding § 794.011(10), Fla. Stat. Accordingly, the definition of “sexual exploitation” may need to be modified depending on the evidence.

This instruction was adopted on March 20, 2026.