

9.5 HUMAN TRAFFICKING BY A [PARENT] [LEGAL GUARDIAN] [PERSON WITH CUSTODY OR CONTROL] OF A MINOR

§ 787.06(4), Fla. Stat.

To prove the crime of Human Trafficking By a [Parent] [Legal Guardian] [Person with Custody or Control] of a Minor, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **[was a parent] [was a legal guardian] [had custody or control] of** (victim).
2. (Defendant) **[sold or otherwise transferred custody or control of** (victim) **] [offered to sell or offered to otherwise transfer custody of** (victim) **].**
3. (Defendant) **did so [knowing] [or] [in reckless disregard of the fact] that as a consequence of the sale or transfer,** (victim) **would be subjected to human trafficking.**
4. **At the time,** (victim) **was under the age of 18 years.**

“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.

“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.

“Commercial sexual activity” means:

- a. (name of chapter 796 crime). (Name of chapter 796 crime) **is defined as** *(insert definition of Chapter 796 crime)*.
- b. **an attempt to commit** (name of chapter 796 crime). **An attempt to commit** (name of chapter 796 crime) **is defined as** *(insert definition of attempt in Instruction 5.1 and then define the Chapter 796 crime)*.
- c. **sexually explicit performances. “Sexually explicit performance” means an act or show, whether public or private, that is live, photographed, recorded, or videotaped and intended to arouse or satisfy the sexual desires or appeal to the prurient interest.**
- d. **the production of pornography.**

Give if requested.

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

§ 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 Offenses

No lesser included offenses have been identified for this offense.

Comments

Before April 2026, this instruction had been numbered as 29.25.

This instruction was adopted in 2013 [131 So. 3d 692] and amended in 2015 [176 So. 3d 938], 2018 [242 So. 3d 347], on January 7, 2022, and on March 20, 2026.