

By the Committee on Criminal Justice; and Senator Flores

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1                                   A bill to be entitled  
2           An act relating to offenses concerning racketeering  
3           and illegal debts; reordering and amending s. 895.02,  
4           F.S.; specifying the earliest date that incidents  
5           constituting a pattern of racketeering activity may  
6           have occurred; conforming a cross-reference; amending  
7           s. 895.05, F.S.; authorizing an investigative agency  
8           to institute a civil proceeding for forfeiture in a  
9           circuit court in certain circumstances; adding  
10          diminution in value as a ground for an action under  
11          certain circumstances; removing certain grounds for an  
12          action; authorizing a court to order the forfeiture of  
13          other property of the defendant up to the value of the  
14          unavailable property in certain circumstances;  
15          authorizing the Department of Legal Affairs to bring  
16          an action for certain violations to obtain specified  
17          relief, fees, and costs for certain purposes;  
18          providing for civil penalties for natural persons and  
19          other persons who commit certain violations; providing  
20          for deposit of moneys received for certain violations;  
21          authorizing a party to a specific civil action to  
22          petition the court for entry of a consent decree or  
23          for approval of a settlement agreement; providing  
24          requirements for such decrees or agreements; amending  
25          s. 895.06, F.S.; deleting the definition of  
26          "investigative agency" for purposes of provisions  
27          relating to civil investigative subpoenas; providing  
28          that a subpoena must be confidential for a specified  
29          time; restricting to whom the subpoenaed person or

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30 entity may disclose the existence of the subpoena;  
31 requiring certain information to be included in the  
32 subpoena; authorizing the investigative agency to  
33 apply for an order extending the amount of time the  
34 subpoena remains confidential rather than having it  
35 extended by the court for a specified period;  
36 providing that the investigative agency has the  
37 authority to stipulate to protective orders with  
38 respect to documents and information submitted in  
39 response to a subpoena; amending s. 895.09, F.S.;  
40 conforming a cross-reference; providing for  
41 distribution of forfeiture proceeds to victims;  
42 amending ss. 16.56 and 905.34, F.S.; conforming cross-  
43 references; reenacting and amending s. 16.53, F.S.,  
44 relating to the Department of Legal Affairs Trust  
45 Fund, to incorporate the amendment made by the act to  
46 s. 895.05, F.S., in references thereto; conforming a  
47 cross-reference; reenacting ss. 27.345(1) and  
48 92.142(3), F.S., relating to the State Attorney RICO  
49 Trust Fund and witness pay, respectively, to  
50 incorporate the amendment made by the act to s.  
51 895.05, F.S., in references thereto; providing an  
52 effective date.

53  
54 Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Section 895.02, Florida Statutes, is reordered  
57 and amended to read:

58 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

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59        (8)~~(1)~~ "Racketeering activity" means to commit, to attempt  
60 to commit, to conspire to commit, or to solicit, coerce, or  
61 intimidate another person to commit:

62        (a) Any crime that is chargeable by petition, indictment,  
63 or information under the following provisions of the Florida  
64 Statutes:

65            1. Section 210.18, relating to evasion of payment of  
66 cigarette taxes.

67            2. Section 316.1935, relating to fleeing or attempting to  
68 elude a law enforcement officer and aggravated fleeing or  
69 eluding.

70            3. Section 403.727(3)(b), relating to environmental  
71 control.

72            4. Section 409.920 or s. 409.9201, relating to Medicaid  
73 fraud.

74            5. Section 414.39, relating to public assistance fraud.

75            6. Section 440.105 or s. 440.106, relating to workers'  
76 compensation.

77            7. Section 443.071(4), relating to creation of a fictitious  
78 employer scheme to commit reemployment assistance fraud.

79            8. Section 465.0161, relating to distribution of medicinal  
80 drugs without a permit as an Internet pharmacy.

81            9. Section 499.0051, relating to crimes involving  
82 contraband and adulterated drugs.

83            10. Part IV of chapter 501, relating to telemarketing.

84            11. Chapter 517, relating to sale of securities and  
85 investor protection.

86            12. Section 550.235 or s. 550.3551, relating to dogracing  
87 and horseracing.

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- 88 13. Chapter 550, relating to jai alai frontons.
- 89 14. Section 551.109, relating to slot machine gaming.
- 90 15. Chapter 552, relating to the manufacture, distribution,  
91 and use of explosives.
- 92 16. Chapter 560, relating to money transmitters, if the  
93 violation is punishable as a felony.
- 94 17. Chapter 562, relating to beverage law enforcement.
- 95 18. Section 624.401, relating to transacting insurance  
96 without a certificate of authority, s. 624.437(4)(c)1., relating  
97 to operating an unauthorized multiple-employer welfare  
98 arrangement, or s. 626.902(1)(b), relating to representing or  
99 aiding an unauthorized insurer.
- 100 19. Section 655.50, relating to reports of currency  
101 transactions, when such violation is punishable as a felony.
- 102 20. Chapter 687, relating to interest and usurious  
103 practices.
- 104 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
105 real estate timeshare plans.
- 106 22. Section 775.13(5)(b), relating to registration of  
107 persons found to have committed any offense for the purpose of  
108 benefiting, promoting, or furthering the interests of a criminal  
109 gang.
- 110 23. Section 777.03, relating to commission of crimes by  
111 accessories after the fact.
- 112 24. Chapter 782, relating to homicide.
- 113 25. Chapter 784, relating to assault and battery.
- 114 26. Chapter 787, relating to kidnapping or human  
115 trafficking.
- 116 27. Chapter 790, relating to weapons and firearms.

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117 28. Chapter 794, relating to sexual battery, but only if  
118 such crime was committed with the intent to benefit, promote, or  
119 further the interests of a criminal gang, or for the purpose of  
120 increasing a criminal gang member's own standing or position  
121 within a criminal gang.

122 29. Former section 796.03, former s. 796.035, s. 796.04, s.  
123 796.05, or s. 796.07, relating to prostitution.

124 30. Chapter 806, relating to arson and criminal mischief.

125 31. Chapter 810, relating to burglary and trespass.

126 32. Chapter 812, relating to theft, robbery, and related  
127 crimes.

128 33. Chapter 815, relating to computer-related crimes.

129 34. Chapter 817, relating to fraudulent practices, false  
130 pretenses, fraud generally, and credit card crimes.

131 35. Chapter 825, relating to abuse, neglect, or  
132 exploitation of an elderly person or disabled adult.

133 36. Section 827.071, relating to commercial sexual  
134 exploitation of children.

135 37. Section 828.122, relating to fighting or baiting  
136 animals.

137 38. Chapter 831, relating to forgery and counterfeiting.

138 39. Chapter 832, relating to issuance of worthless checks  
139 and drafts.

140 40. Section 836.05, relating to extortion.

141 41. Chapter 837, relating to perjury.

142 42. Chapter 838, relating to bribery and misuse of public  
143 office.

144 43. Chapter 843, relating to obstruction of justice.

145 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

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146 s. 847.07, relating to obscene literature and profanity.

147 45. Chapter 849, relating to gambling, lottery, gambling or  
148 gaming devices, slot machines, or any of the provisions within  
149 that chapter.

150 46. Chapter 874, relating to criminal gangs.

151 47. Chapter 893, relating to drug abuse prevention and  
152 control.

153 48. Chapter 896, relating to offenses related to financial  
154 transactions.

155 49. Sections 914.22 and 914.23, relating to tampering with  
156 or harassing a witness, victim, or informant, and retaliation  
157 against a witness, victim, or informant.

158 50. Sections 918.12 and 918.13, relating to tampering with  
159 jurors and evidence.

160 (b) Any conduct defined as "racketeering activity" under 18  
161 U.S.C. s. 1961(1).

162 (12)~~(2)~~ "Unlawful debt" means any money or other thing of  
163 value constituting principal or interest of a debt that is  
164 legally unenforceable in this state in whole or in part because  
165 the debt was incurred or contracted:

166 (a) In violation of any one of the following provisions of  
167 law:

168 1. Section 550.235 or s. 550.3551, relating to dogracing  
169 and horseracing.

170 2. Chapter 550, relating to jai alai frontons.

171 3. Section 551.109, relating to slot machine gaming.

172 4. Chapter 687, relating to interest and usury.

173 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
174 849.25, relating to gambling.

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175 (b) In gambling activity in violation of federal law or in  
176 the business of lending money at a rate usurious under state or  
177 federal law.

178 (5)~~(3)~~ "Enterprise" means any individual, sole  
179 proprietorship, partnership, corporation, business trust, union  
180 chartered under the laws of this state, or other legal entity,  
181 or any unchartered union, association, or group of individuals  
182 associated in fact although not a legal entity; and it includes  
183 illicit as well as licit enterprises and governmental, as well  
184 as other, entities. A criminal gang, as defined in s. 874.03,  
185 constitutes an enterprise.

186 (7)~~(4)~~ "Pattern of racketeering activity" means engaging in  
187 at least two incidents of racketeering conduct that have the  
188 same or similar intents, results, accomplices, victims, or  
189 methods of commission or that otherwise are interrelated by  
190 distinguishing characteristics and are not isolated incidents,  
191 provided at least one of such incidents occurred after October  
192 1, 1977, ~~the effective date of this act~~ and that the last of  
193 such incidents occurred within 5 years after a prior incident of  
194 racketeering conduct.

195 (4)~~(5)~~ "Documentary material" means any book, paper,  
196 document, writing, drawing, graph, chart, photograph,  
197 phonorecord, magnetic tape, computer printout, other data  
198 compilation from which information can be obtained or from which  
199 information can be translated into usable form, or other  
200 tangible item.

201 (10)~~(6)~~ "RICO lien notice" means the notice described in s.  
202 895.05(13) ~~895.05(12)~~ or in s. 895.07.

203 (6)~~(7)~~ "Investigative agency" means the Department of Legal

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204 Affairs, the Office of Statewide Prosecution, or the office of a  
205 state attorney.

206 (1)~~(8)~~ "Beneficial interest" means any of the following:

207 (a) The interest of a person as a beneficiary under a trust  
208 established pursuant to s. 689.07 or s. 689.071 in which the  
209 trustee for the trust holds legal or record title to real  
210 property;

211 (b) The interest of a person as a beneficiary under any  
212 other trust arrangement pursuant to which a trustee holds legal  
213 or record title to real property for the benefit of such person;  
214 or

215 (c) The interest of a person under any other form of  
216 express fiduciary arrangement pursuant to which any other person  
217 holds legal or record title to real property for the benefit of  
218 such person.

219

220 The term "beneficial interest" does not include the interest of  
221 a stockholder in a corporation or the interest of a partner in  
222 either a general partnership or a limited partnership. A  
223 beneficial interest shall be deemed to be located where the real  
224 property owned by the trustee is located.

225 (9) "Real property" means any real property or any interest  
226 in such real property, including, but not limited to, any lease  
227 of or mortgage upon such real property.

228 (11)~~(10)~~ "Trustee" means any of the following:

229 (a) Any person acting as trustee pursuant to a trust  
230 established under s. 689.07 or s. 689.071 in which the trustee  
231 holds legal or record title to real property.

232 (b) Any person who holds legal or record title to real



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233 property in which any other person has a beneficial interest.

234 (c) Any successor trustee or trustees to any or all of the  
235 foregoing persons.

236  
237 However, the term "trustee" does not include any person  
238 appointed or acting as a personal representative as defined in  
239 s. 731.201 or appointed or acting as a trustee of any  
240 testamentary trust or as a trustee of any indenture of trust  
241 under which any bonds have been or are to be issued.

242 (3)~~(11)~~ "Criminal proceeding" means any criminal proceeding  
243 commenced by an investigative agency under s. 895.03 or any  
244 other provision of the Florida RICO Act.

245 (2)~~(12)~~ "Civil proceeding" means any civil proceeding  
246 commenced by an investigative agency under s. 895.05 or any  
247 other provision of the Florida RICO Act.

248 Section 2. Present subsections (9) through (12) of section  
249 895.05, Florida Statutes, are renumbered as subsections (10)  
250 through (13), respectively, subsection (2) and present  
251 subsections (9) through (12) are amended, and a new subsection  
252 (9) is added to that section, to read:

253 895.05 Civil remedies.—

254 (2) (a) All property, real or personal, including money,  
255 used in the course of, intended for use in the course of,  
256 derived from, or realized through conduct in violation of a  
257 ~~provision of~~ ss. 895.01-895.05 is subject to civil forfeiture to  
258 the state.

259 (b) An investigative agency may, on behalf of the state,  
260 institute a civil proceeding for forfeiture in the circuit court  
261 for the judicial circuit in which real or personal tangible

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262 property as described in paragraph (a) is located. An  
263 investigative agency may, on behalf of the state, institute a  
264 civil proceeding for forfeiture in a circuit court in the state  
265 regarding intangible property as described in paragraph (a).

266 (c) Upon the entry of a final judgment of forfeiture in  
267 favor of the state, the title of the state to the forfeited  
268 property shall relate back:

269 1. In the case of real property or a beneficial interest,  
270 to the date of filing of the RICO lien notice in the official  
271 records of the county where the real property or beneficial  
272 trust is located; if no RICO lien notice is filed, then to the  
273 date of the filing of any notice of lis pendens under s.  
274 895.07(5) (a) in the official records of the county where the  
275 real property or beneficial interest is located; and if no RICO  
276 lien notice or notice of lis pendens is filed, then to the date  
277 of recording of the final judgment of forfeiture in the official  
278 records of the county where the real property or beneficial  
279 interest is located.

280 2. In the case of personal property, to the date the  
281 personal property was seized by the investigating agency.

282 (d) If property subject to forfeiture is conveyed,  
283 alienated, disposed of, diminished in value, or otherwise  
284 rendered unavailable for forfeiture ~~after the filing of a RICO~~  
285 ~~lien notice or after the filing of a civil proceeding or~~  
286 ~~criminal proceeding, whichever is earlier~~, the investigative  
287 agency may, on behalf of the state, institute an action in any  
288 circuit court against the person named in the RICO lien notice  
289 or the defendant in the civil proceeding or criminal proceeding,  
290 and the court shall enter final judgment against the person

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291 named in the RICO lien notice or the defendant in the civil  
292 proceeding or criminal proceeding in an amount equal to the fair  
293 market value of the property, together with investigative costs  
294 and attorney ~~attorney's~~ fees incurred by the investigative  
295 agency in the action. In the alternative, the court may order  
296 the forfeiture of any other property of the defendant up to the  
297 value of the property subject to forfeiture. If a civil  
298 proceeding is pending, such action shall be filed only in the  
299 court where the civil proceeding is pending.

300 (e) ~~(e)~~ The state shall dispose of all forfeited property as  
301 soon as commercially feasible. If property is not exercisable or  
302 transferable for value by the state, it shall expire. All  
303 forfeitures or dispositions under this section shall be made  
304 with due provision for the rights of innocent persons. The  
305 proceeds realized from such forfeiture and disposition shall be  
306 promptly distributed in accordance with the provisions of s.  
307 895.09.

308 (9) The Department of Legal Affairs may bring an action for  
309 a violation of s. 895.03 to obtain injunctive relief, civil  
310 penalties as provided in this subsection, attorney fees, and  
311 costs incurred in the investigation and prosecution of any  
312 action under this chapter.

313 (a) A natural person who violates s. 895.03 is subject to a  
314 civil penalty of up to \$100,000. Any other person who violates  
315 s. 895.03 is subject to a civil penalty of up to \$1 million.  
316 Moneys recovered for civil penalties under this paragraph shall  
317 be deposited into the General Revenue Fund.

318 (b) Moneys recovered by the Department of Legal Affairs for  
319 attorney fees and costs under this subsection shall be deposited

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320 into the Legal Affairs Revolving Trust Fund, which may be used  
321 to investigate and enforce this chapter.

322 (c) In a civil action brought under this subsection by the  
323 Department of Legal Affairs, any party to such action may  
324 petition the court for entry of a consent decree or for approval  
325 of a settlement agreement. The proposed decree or settlement  
326 shall specify the alleged violations, the future obligations of  
327 the parties, the relief agreed upon, and the reasons for  
328 entering into the consent decree or settlement agreement.

329 (10)~~(9)~~ The Department of Legal Affairs may, upon timely  
330 application, intervene in any civil action or proceeding brought  
331 under subsection (6) or subsection (7) if it certifies that, in  
332 its opinion, the action or proceeding is of general public  
333 importance. In such action or proceeding, the state shall be  
334 entitled to the same relief as if the Department of Legal  
335 Affairs had instituted the action or proceeding.

336 (11)~~(10)~~ Notwithstanding any other provision of law, a  
337 criminal or civil action or proceeding under this chapter act  
338 may be commenced at any time within 5 years after the conduct in  
339 violation of ~~a provision of this chapter act~~ terminates or the  
340 cause of action accrues. If a criminal prosecution or civil  
341 action or other proceeding is brought, or intervened in, to  
342 punish, prevent, or restrain any violation of ~~the provisions of~~  
343 this chapter act, the running of the period of limitations  
344 prescribed by this section with respect to any cause of action  
345 arising under subsection (6), ~~or~~ subsection (7), or subsection  
346 (9) which is based in whole or in part upon any matter  
347 complained of in any such prosecution, action, or proceeding  
348 shall be suspended during the pendency of such prosecution,

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349 action, or proceeding and for 2 years following its termination.

350 (12)~~(11)~~ The application of one civil remedy under any  
351 provision of this chapter ~~act~~ does not preclude the application  
352 of any other remedy, civil or criminal, under this chapter ~~act~~  
353 or any other provision of law. Civil remedies under this chapter  
354 ~~act~~ are supplemental, and not mutually exclusive.

355 (13)~~(12)~~(a) In addition to the authority to file a RICO  
356 lien notice set forth in s. 895.07(1), the Department of Legal  
357 Affairs, the Office of Statewide Prosecution, or the office of a  
358 state attorney may apply ex parte to a criminal division of a  
359 circuit court and, upon petition supported by sworn affidavit,  
360 obtain an order authorizing the filing of a RICO lien notice  
361 against real property upon a showing of probable cause to  
362 believe that the property was used in the course of, intended  
363 for use in the course of, derived from, or realized through  
364 conduct in violation of ~~a provision of~~ ss. 895.01-895.05. If the  
365 lien notice authorization is granted, the department shall,  
366 after filing the lien notice, forthwith provide notice to the  
367 owner of the property by one of the following methods:

368 1. By serving the notice in the manner provided by law for  
369 the service of process.

370 2. By mailing the notice, postage prepaid, by ~~registered or~~  
371 certified mail to the person to be served at his or her last  
372 known address and evidence of the delivery.

373 3. If neither of the foregoing can be accomplished, by  
374 posting the notice on the premises.

375 (b) The owner of the property may move the court to  
376 discharge the lien, and such motion shall be set for hearing at  
377 the earliest possible time.

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378 (c) The court shall discharge the lien if it finds that  
379 there is no probable cause to believe that the property was used  
380 in the course of, intended for use in the course of, derived  
381 from, or realized through conduct in violation of ~~a provision of~~  
382 ss. 895.01-895.05 or if it finds that the owner of the property  
383 neither knew nor reasonably should have known that the property  
384 was used in the course of, intended for use in the course of,  
385 derived from, or realized through conduct in violation of ~~a~~  
386 ~~provision of~~ ss. 895.01-895.05.

387 (d) No testimony presented by the owner of the property at  
388 the hearing is admissible against him or her in any criminal  
389 proceeding except in a criminal prosecution for perjury or false  
390 statement, nor shall such testimony constitute a waiver of the  
391 owner's constitutional right against self-incrimination.

392 (e) A lien notice secured under ~~the provisions of~~ this  
393 subsection is valid for a period of 90 days from the date the  
394 court granted authorization, which period may be extended for an  
395 additional 90 days by the court for good cause shown, unless a  
396 civil proceeding is instituted under this section and a lien  
397 notice is filed under s. 895.07, in which event the term of the  
398 lien notice is governed by s. 895.08.

399 (f) The filing of a lien notice, whether or not  
400 subsequently discharged or otherwise lifted, shall constitute  
401 notice to the owner and knowledge by the owner that the property  
402 was used in the course of, intended for use in the course of,  
403 derived from, or realized through conduct in violation of ~~a~~  
404 ~~provision of~~ ss. 895.01-895.05, such that lack of such notice  
405 and knowledge shall not be a defense in any subsequent civil or  
406 criminal proceeding under this chapter.

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407 Section 3. Section 895.06, Florida Statutes, is amended to  
408 read:

409 895.06 Civil investigative subpoenas.—

410 ~~(1) As used in this section, the term "investigative~~  
411 ~~agency" means the Department of Legal Affairs, the Office of~~  
412 ~~Statewide Prosecution, or the office of a state attorney.~~

413 (1)~~(2)~~ If, pursuant to the civil enforcement provisions of  
414 s. 895.05, an investigative agency has reason to believe that a  
415 person or other enterprise has engaged in, or is engaging in,  
416 activity in violation of this chapter act, the investigative  
417 agency may administer oaths or affirmations, subpoena witnesses  
418 or material, and collect evidence.

419 (2)~~(3)~~ A subpoena issued pursuant to this chapter is  
420 confidential for 120 days after the date of its issuance. The  
421 subpoenaed person or entity may not disclose the existence of  
422 the subpoena to any person or entity other than his or her  
423 attorney during the 120-day period. The subpoena must include a  
424 reference to the confidentiality of the subpoena and a notice to  
425 the recipient of the subpoena that disclosure of the existence  
426 of the subpoena to any other person or entity except the  
427 subpoenaed person's or entity's attorney is prohibited. The  
428 investigative agency may apply ex parte to the circuit court for  
429 the circuit in which a subpoenaed person or entity resides, is  
430 found, or transacts business for an order directing that the  
431 subpoenaed person or entity not disclose the existence of the  
432 subpoena to any other person or entity except the subpoenaed  
433 person's attorney for an additional a period of time 90 days,  
434 ~~which time may be extended by the court~~ for good cause shown by  
435 the investigative agency. The order shall be served on the

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436 subpoenaed person or entity with the subpoena, and the subpoena  
437 must ~~shall~~ include a reference to the order and a notice to the  
438 recipient of the subpoena that disclosure of the existence of  
439 the subpoena to any other person or entity in violation of the  
440 order may subject the subpoenaed person or entity to punishment  
441 for contempt of court. Such an order may be granted by the court  
442 only upon a showing:

443 (a) Of sufficient factual grounds to reasonably indicate a  
444 violation of ss. 895.01-895.06;

445 (b) That the documents or testimony sought appear  
446 reasonably calculated to lead to the discovery of admissible  
447 evidence; and

448 (c) Of facts that ~~which~~ reasonably indicate that disclosure  
449 of the subpoena would hamper or impede the investigation or  
450 would result in a flight from prosecution.

451 (3)~~(4)~~ If matter that the investigative agency seeks to  
452 obtain by the subpoena is located outside the state, the person  
453 or enterprise subpoenaed may make such matter available to the  
454 investigative agency or its representative for examination at  
455 the place where such matter is located. The investigative agency  
456 may designate representatives, including officials of the  
457 jurisdiction in which the matter is located, to inspect the  
458 matter on its behalf and may respond to similar requests from  
459 officials of other jurisdictions.

460 (4)~~(5)~~ Upon failure of a person or enterprise, without  
461 lawful excuse, to obey a subpoena issued under this section or a  
462 subpoena issued in the course of a civil proceeding instituted  
463 pursuant to s. 895.05, and after reasonable notice to such  
464 person or enterprise, the investigative agency may apply to the



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465 circuit court in which such civil proceeding is pending or, if  
466 no civil proceeding is pending, to the circuit court for the  
467 judicial circuit in which such person or enterprise resides, is  
468 found, or transacts business for an order compelling compliance.  
469 Except in a prosecution for perjury, an individual who complies  
470 with a court order to provide testimony or material after  
471 asserting a privilege against self-incrimination to which the  
472 individual is entitled by law shall not have the testimony or  
473 material so provided, or evidence derived therefrom, received  
474 against him or her in any criminal investigation or proceeding.

475 (5)~~(6)~~ A person who fails to obey a court order entered  
476 pursuant to this section may be punished for contempt of court.

477 (6) The investigative agency may stipulate to protective  
478 orders with respect to documents and information submitted in  
479 response to a subpoena issued under this section.

480 Section 4. Paragraph (b) of subsection (1) of section  
481 895.09, Florida Statutes, is amended, and paragraph (d) is added  
482 to that subsection, to read:

483 895.09 Disposition of funds obtained through forfeiture  
484 proceedings.—

485 (1) A court entering a judgment of forfeiture in a  
486 proceeding brought pursuant to s. 895.05 shall retain  
487 jurisdiction to direct the distribution of any cash or of any  
488 cash proceeds realized from the forfeiture and disposition of  
489 the property. The court shall direct the distribution of the  
490 funds in the following order of priority:

491 (b) Any claims against the property by persons who have  
492 previously been judicially determined to be innocent persons,  
493 pursuant to s. 895.05(2)(e) ~~the provisions of s. 895.05(2)(e),~~

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494 and whose interests are preserved from forfeiture by the court  
495 and not otherwise satisfied. Such claims may include any claim  
496 by a person appointed by the court as receiver pending  
497 litigation.

498 (d) Any claims for restitution by victims of the  
499 racketeering activity. Where the forfeiture action was brought  
500 by the Department of Legal Affairs, the restitution shall be  
501 distributed through the Legal Affairs Revolving Trust Fund;  
502 otherwise, the restitution shall be distributed by the clerk of  
503 the court.

504 Section 5. Paragraph (a) of subsection (1) of section  
505 16.56, Florida Statutes, is amended to read:

506 16.56 Office of Statewide Prosecution.—

507 (1) There is created in the Department of Legal Affairs an  
508 Office of Statewide Prosecution. The office shall be a separate  
509 "budget entity" as that term is defined in chapter 216. The  
510 office may:

511 (a) Investigate and prosecute the offenses of:

512 1. Bribery, burglary, criminal usury, extortion, gambling,  
513 kidnapping, larceny, murder, prostitution, perjury, robbery,  
514 carjacking, and home-invasion robbery;

515 2. Any crime involving narcotic or other dangerous drugs;

516 3. Any violation of the provisions of the Florida RICO  
517 (Racketeer Influenced and Corrupt Organization) Act, including  
518 any offense listed in the definition of racketeering activity in  
519 s. 895.02(8)(a) ~~895.02(1)(a)~~, providing such listed offense is  
520 investigated in connection with a violation of s. 895.03 and is  
521 charged in a separate count of an information or indictment  
522 containing a count charging a violation of s. 895.03, the

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523 prosecution of which listed offense may continue independently  
524 if the prosecution of the violation of s. 895.03 is terminated  
525 for any reason;

526 4. Any violation of the provisions of the Florida Anti-  
527 Fencing Act;

528 5. Any violation of the provisions of the Florida Antitrust  
529 Act of 1980, as amended;

530 6. Any crime involving, or resulting in, fraud or deceit  
531 upon any person;

532 7. Any violation of s. 847.0135, relating to computer  
533 pornography and child exploitation prevention, or any offense  
534 related to a violation of s. 847.0135 or any violation of  
535 chapter 827 where the crime is facilitated by or connected to  
536 the use of the Internet or any device capable of electronic data  
537 storage or transmission;

538 8. Any violation of the provisions of chapter 815;

539 9. Any criminal violation of part I of chapter 499;

540 10. Any violation of the provisions of the Florida Motor  
541 Fuel Tax Relief Act of 2004;

542 11. Any criminal violation of s. 409.920 or s. 409.9201;

543 12. Any crime involving voter registration, voting, or  
544 candidate or issue petition activities;

545 13. Any criminal violation of the Florida Money Laundering  
546 Act;

547 14. Any criminal violation of the Florida Securities and  
548 Investor Protection Act; or

549 15. Any violation of the provisions of chapter 787, as well  
550 as any and all offenses related to a violation of the provisions  
551 of chapter 787;

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or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. Informations or indictments charging such offenses shall contain general allegations stating the judicial circuits and counties in which crimes are alleged to have occurred or the judicial circuits and counties in which crimes affecting such circuits or counties are alleged to have been connected with an organized criminal conspiracy.

Section 6. Subsection (3) of section 905.34, Florida Statutes, is amended to read:

905.34 Powers and duties; law applicable.—The jurisdiction of a statewide grand jury impaneled under this chapter shall extend throughout the state. The subject matter jurisdiction of the statewide grand jury shall be limited to the offenses of:

(3) Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(8)(a) ~~895.02(1)(a)~~, providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

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581  
582 or any attempt, solicitation, or conspiracy to commit any  
583 violation of the crimes specifically enumerated above, when any  
584 such offense is occurring, or has occurred, in two or more  
585 judicial circuits as part of a related transaction or when any  
586 such offense is connected with an organized criminal conspiracy  
587 affecting two or more judicial circuits. The statewide grand  
588 jury may return indictments and presentments irrespective of the  
589 county or judicial circuit where the offense is committed or  
590 triable. If an indictment is returned, it shall be certified and  
591 transferred for trial to the county where the offense was  
592 committed. The powers and duties of, and law applicable to,  
593 county grand juries shall apply to a statewide grand jury except  
594 when such powers, duties, and law are inconsistent with the  
595 provisions of ss. 905.31-905.40.

596 Section 7. For the purpose of incorporating the amendment  
597 made by this act to section 895.05, Florida Statutes, in a  
598 reference thereto, subsection (4) and paragraph (a) of  
599 subsection (5) of section 16.53, Florida Statutes, are  
600 reenacted, and subsection (6) of that section is amended, to  
601 read:

602 16.53 Legal Affairs Revolving Trust Fund.—

603 (4) Subject to the provisions of s. 895.09, when the  
604 Attorney General files an action pursuant to s. 895.05, funds  
605 provided to the Department of Legal Affairs pursuant to s.  
606 895.09(2)(a) or, alternatively, attorneys' fees and costs,  
607 whichever is greater, shall be deposited in the fund.

608 (5)(a) In the case of a forfeiture action pursuant to s.  
609 895.05, the remainder of the moneys recovered shall be

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610 distributed as set forth in s. 895.09.

611 (6) "Moneys recovered" means damages or penalties or any  
612 other monetary payment, including monetary proceeds from  
613 property forfeited to the state pursuant to s. 895.05 remaining  
614 after satisfaction of any valid claims made pursuant to s.  
615 895.09(1)(a)-(d) ~~895.09(1)(a)-(e)~~, which damages, penalties, or  
616 other monetary payment is made by any defendant by reason of any  
617 decree or settlement in any Racketeer Influenced and Corrupt  
618 Organization Act or state or federal antitrust action prosecuted  
619 by the Attorney General, but excludes attorney ~~attorneys'~~ fees  
620 and costs.

621 Section 8. For the purpose of incorporating the amendment  
622 made by this act to section 895.05, Florida Statutes, in a  
623 reference thereto, subsection (1) of section 27.345, Florida  
624 Statutes, is reenacted to read:

625 27.345 State Attorney RICO Trust Fund; authorized use of  
626 funds; reporting.-

627 (1) Subject to the provisions of s. 895.09, when a state  
628 attorney files an action pursuant to s. 895.05, funds provided  
629 to the state attorney pursuant to s. 895.09(2)(a) or,  
630 alternatively, attorneys' fees and costs, whichever is greater,  
631 shall be deposited in the State Attorney RICO Trust Fund.

632 Section 9. For the purpose of incorporating the amendment  
633 made by this act to section 895.05, Florida Statutes, in a  
634 reference thereto, subsection (3) of section 92.142, Florida  
635 Statutes, is reenacted to read:

636 92.142 Witnesses; pay.-

637 (3) Any witness subpoenaed to testify on behalf of the  
638 state in any action brought pursuant to s. 895.05 or chapter 542

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639 who is required to travel outside his or her county of residence  
640 and more than 50 miles from his or her residence, or who is  
641 required to travel from out of state, shall be entitled to per  
642 diem and travel expenses at the same rate provided for state  
643 employees under s. 112.061 in lieu of any state witness fee.

644 Section 10. This act shall take effect July 1, 2015.