

HB 1197

2004

A bill to be entitled

An act relating to radio transmission; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute unlicensed radio transmissions to or interference with licensed public or commercial radio stations; creating s. 877.27, F.S.; prohibiting radio transmissions by an unlicensed person and unlicensed radio transmissions to or interference with licensed public or commercial radio stations; providing penalties; providing an effective date.

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

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

16.56 Office of Statewide Prosecution.--

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

(a) Investigate and prosecute the offenses of:

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

2. Any crime involving narcotic or other dangerous drugs;

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(1)(a), providing such listed offense is investigated

HB 1197

2004

30 in connection with a violation of s. 895.03 and is charged in a  
 31 separate count of an information or indictment containing a  
 32 count charging a violation of s. 895.03, the prosecution of  
 33 which listed offense may continue independently if the  
 34 prosecution of the violation of s. 895.03 is terminated for any  
 35 reason;

36 4. Any violation of the provisions of the Florida Anti-  
 37 Fencing Act;

38 5. Any violation of the provisions of the Florida  
 39 Antitrust Act of 1980, as amended;

40 6. Any crime involving, or resulting in, fraud or deceit  
 41 upon any person;

42 7. Any violation of s. 847.0135, relating to computer  
 43 pornography and child exploitation prevention, or any offense  
 44 related to a violation of s. 847.0135;

45 8. Any violation of s. 877.27, relating to unlicensed  
 46 radio transmissions to or interference with public or commercial  
 47 radio stations licensed by the Federal Communications  
 48 Commission;

49 ~~9.8-~~ Any violation of the provisions of chapter 815; or

50 ~~10.9-~~ Any criminal violation of part I of chapter 499;

51  
 52 or any attempt, solicitation, or conspiracy to commit any of the  
 53 crimes specifically enumerated above. The office shall have such  
 54 power only when any such offense is occurring, or has occurred,  
 55 in two or more judicial circuits as part of a related  
 56 transaction, or when any such offense is connected with an  
 57 organized criminal conspiracy affecting two or more judicial  
 58 circuits.

HB 1197

2004

59 Section 2. Section 877.27, Florida Statutes, is created to  
 60 read:

61 877.27 Radio transmissions; prohibited acts; penalties.--

62 (1) No person, firm, or corporation shall:

63 (a) Make, or cause to be made, radio transmissions within  
 64 the state without first having obtained a license from the  
 65 Federal Communications Commission or without being exempt from  
 66 licensure pursuant to 47 U.S.C. s. 301 or other applicable  
 67 federal law or rule; or

68 (b) Perform any act, whether direct or indirect, to cause  
 69 unlicensed radio transmissions to or interference with public or  
 70 commercial radio stations licensed by the Federal Communications  
 71 Commission or to enable such radio transmissions or interference  
 72 to occur.

73 (2) Any person who violates this section commits a felony  
 74 of the third degree, punishable as provided in s. 775.082 or s.  
 75 775.083.

76 Section 3. This act shall take effect upon becoming a law.