

CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to radio transmission; amending s. 16.56,
7 F.S.; authorizing the Office of Statewide Prosecution to
8 investigate and prosecute specified violations relating to
9 unlicensed radio transmissions; creating s. 877.27, F.S.;
10 prohibiting an unlicensed person from making or causing
11 radio transmissions that intentionally interfere with
12 licensed public or commercial radio stations; prohibiting
13 causing or enabling such transmissions or interference;
14 providing penalties; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (a) of subsection (1) of section
19 16.56, Florida Statutes, is amended to read:

20 16.56 Office of Statewide Prosecution.--

21 (1) There is created in the Department of Legal Affairs an
22 Office of Statewide Prosecution. The office shall be a separate

HB 1197

2004
CS

23 "budget entity" as that term is defined in chapter 216. The
24 office may:

25 (a) Investigate and prosecute the offenses of:

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

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

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

40 4. Any violation of the provisions of the Florida Anti-
41 Fencing Act;

42 5. Any violation of the provisions of the Florida
43 Antitrust Act of 1980, as amended;

44 6. Any crime involving, or resulting in, fraud or deceit
45 upon any person;

46 7. Any violation of s. 847.0135, relating to computer
47 pornography and child exploitation prevention, or any offense
48 related to a violation of s. 847.0135;

49 8. Any violation of s. 877.27, relating to making or
50 causing unlicensed radio transmissions with the intent to cause

HB 1197

2004
CS

51 interference, or enabling such transmissions or interference,
 52 with public or commercial radio stations licensed by the Federal
 53 Communications Commission;

54 ~~9.8.~~ Any violation of the provisions of chapter 815; or
 55 ~~10.9.~~ Any criminal violation of part I of chapter 499;

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

64 Section 2. Section 877.27, Florida Statutes, is created to
 65 read:

66 877.27 Radio transmissions; prohibited acts; penalties.--

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

68 (a) Intentionally make or cause to be made radio
 69 transmissions within the state without first having obtained a
 70 license from the Federal Communications Commission or without
 71 being exempt from licensure pursuant to 47 U.S.C. s. 301 or
 72 other applicable federal law or rule with intent to interfere
 73 with a radio station licensed by the Federal Communications
 74 Commission.

75 (b) Perform any act, whether direct or indirect, that
 76 intentionally causes unlicensed radio transmissions to interfere
 77 with public or commercial radio stations licensed by the Federal

HB 1197

2004
CS

78 | Communications Commission or that intentionally enables such
79 | unlicensed radio transmissions or interference to occur.

80 | (2) Any person who violates this section commits a felony
81 | of the third degree, punishable as provided in s. 775.082 or s.
82 | 775.083.

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