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A bill to be entitled

An act relating to enforcement of prohibited financial acts and practices; amending s. 517.191, F.S.; authorizing the Attorney General to conduct certain investigations and bring certain enforcement actions to enjoin and seek restitution for certain acts and practices constituting violations of certain provisions of law; providing for a civil penalty; providing for recovery of costs and attorney's fees; amending s. 16.56, F.S.; bringing violations of certain additional provisions of law under the investigation and prosecution authority of the Office of Statewide Prosecutor; amending s. 905.34, F.S.; bringing violations of certain additional provisions of law under the subject matter jurisdiction of a statewide grand jury; providing an effective date.

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

Section 1. Section 517.191, Florida Statutes, is amended to read:

517.191 Injunction to restrain violations; enforcement.--

(1) When it appears to the office, either upon complaint or otherwise, that a person has engaged or is about to engage in any act or practice constituting a violation of this chapter or a rule or order hereunder, the office may investigate; and whenever it shall believe from evidence satisfactory to it that any such person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of this chapter or a rule or order hereunder, the office may, in addition to any

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30 other remedies, bring action in the name and on behalf of the
31 state against such person and any other person concerned in or
32 in any way participating in or about to participate in such
33 practices or engaging therein or doing any act or acts in
34 furtherance thereof or in violation of this chapter to enjoin
35 such person or persons from continuing such fraudulent practices
36 or engaging therein or doing any act or acts in furtherance
37 thereof or in violation of this chapter. In any such court
38 proceedings, the office may apply for, and on due showing be
39 entitled to have issued, the court's subpoena requiring
40 forthwith the appearance of any defendant and her or his
41 employees, associated persons, or agents and the production of
42 documents, books, and records that may appear necessary for the
43 hearing of such petition, to testify or give evidence concerning
44 the acts or conduct or things complained of in such application
45 for injunction. In such action, the equity courts shall have
46 jurisdiction of the subject matter, and a judgment may be
47 entered awarding such injunction as may be proper.

48 (2) In addition to all other means provided by law for the
49 enforcement of any temporary restraining order, temporary
50 injunction, or permanent injunction issued in any such court
51 proceedings, the court shall have the power and jurisdiction,
52 upon application of the office, to impound and to appoint a
53 receiver or administrator for the property, assets, and business
54 of the defendant, including, but not limited to, the books,
55 records, documents, and papers appertaining thereto. Such
56 receiver or administrator, when appointed and qualified, shall
57 have all powers and duties as to custody, collection,
58 administration, winding up, and liquidation of said property and

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59 business as shall from time to time be conferred upon her or him
 60 by the court. In any such action, the court may issue orders and
 61 decrees staying all pending suits and enjoining any further
 62 suits affecting the receiver's or administrator's custody or
 63 possession of the said property, assets, and business or, in its
 64 discretion, may with the consent of the presiding judge of the
 65 circuit require that all such suits be assigned to the circuit
 66 court judge appointing the said receiver or administrator.

67 (3) In addition to any other remedies provided by this
 68 chapter, the office may apply to the court hearing this matter
 69 for an order of restitution whereby the defendants in such
 70 action shall be ordered to make restitution of those sums shown
 71 by the office to have been obtained by them in violation of any
 72 of the provisions of this chapter. Such restitution shall, at
 73 the option of the court, be payable to the administrator or
 74 receiver appointed pursuant to this section or directly to the
 75 persons whose assets were obtained in violation of this chapter.

76 (4) In addition to all other means provided by law for the
 77 enforcement of any of the provisions of this chapter, when it
 78 appears to the Attorney General, upon complaint or otherwise,
 79 that a person has engaged or is engaged in any act or practice
 80 constituting a violation of s. 517.275, s. 517.301, s. 517.311,
 81 or s. 517.312, or any rule or order adopted under such sections,
 82 the Attorney General may conduct an investigation as provided in
 83 ss. 517.201 and 517.2015. If the Attorney General determines
 84 from evidence satisfactory to the Attorney General that such
 85 person has engaged or is engaged in any act or practice
 86 constituting a violation of s. 517.275, s. 517.301, s. 517.311,
 87 or s. 517.312, or any rule or order adopted under such sections,

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88 the Attorney General may bring an action against such person,
 89 and any other person concerned with or in any way participating
 90 or engaging in such act or practice or engaging in any activity
 91 in furtherance of such act or practice, to obtain injunctive
 92 relief and restitution as provided in this section and to
 93 recover from each person a civil penalty of not more than
 94 \$10,000 for each such violation, plus the cost of such action,
 95 including reasonable attorney's fees.

96 Section 2. Paragraph (a) of subsection (1) of section
 97 16.56, Florida Statutes, is amended to read:

98 16.56 Office of Statewide Prosecution.--

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

103 (a) Investigate and prosecute the offenses of:

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

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

108 3. Any violation of the provisions of the Florida RICO
 109 (Racketeer Influenced and Corrupt Organization) Act, including
 110 any offense listed in the definition of racketeering activity in
 111 s. 895.02(1)(a), providing such listed offense is investigated
 112 in connection with a violation of s. 895.03 and is charged in a
 113 separate count of an information or indictment containing a
 114 count charging a violation of s. 895.03, the prosecution of
 115 which listed offense may continue independently if the

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116 prosecution of the violation of s. 895.03 is terminated for any
 117 reason;

118 4. Any violation of the provisions of the Florida Anti-
 119 Fencing Act;

120 5. Any violation of the provisions of the Florida
 121 Antitrust Act of 1980, as amended;

122 6. Any crime involving, or resulting in, fraud or deceit
 123 upon any person;

124 7. Any violation of s. 847.0135, relating to computer
 125 pornography and child exploitation prevention, or any offense
 126 related to a violation of s. 847.0135;

127 8. Any violation of the provisions of chapter 815; ~~or~~

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

129 10. Any violation of the provisions of chapter 517; or

130 11. Any violation of the provisions of chapter 896;

131
 132 or any attempt, solicitation, or conspiracy to commit any of the
 133 crimes specifically enumerated above. The office shall have such
 134 power only when any such offense is occurring, or has occurred,
 135 in two or more judicial circuits as part of a related
 136 transaction, or when any such offense is connected with an
 137 organized criminal conspiracy affecting two or more judicial
 138 circuits.

139 Section 3. Section 905.34, Florida Statutes, is amended to
 140 read:

141 905.34 Powers and duties; law applicable.--The
 142 jurisdiction of a statewide grand jury impaneled under this
 143 chapter shall extend throughout the state. The subject matter

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144 jurisdiction of the statewide grand jury shall be limited to the
 145 offenses of:

146 (1) Bribery, burglary, carjacking, home-invasion robbery,
 147 criminal usury, extortion, gambling, kidnapping, larceny,
 148 murder, prostitution, perjury, and robbery;

149 (2) Crimes involving narcotic or other dangerous drugs;

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

160 (4) Any violation of the provisions of the Florida Anti-
 161 Fencing Act;

162 (5) Any violation of the provisions of the Florida
 163 Antitrust Act of 1980, as amended;

164 (6) Any violation of the provisions of chapter 815;

165 (7) Any crime involving, or resulting in, fraud or deceit
 166 upon any person;

167 (8) Any violation of s. 847.0135, s. 847.0137, or s.
 168 847.0138 relating to computer pornography and child exploitation
 169 prevention, or any offense related to a violation of s.
 170 847.0135, s. 847.0137, or s. 847.0138; ~~or~~

171 (9) Any criminal violation of part I of chapter 499;

172 (10) Any violation of the provisions of chapter 517; or

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173 (11) Any violation of the provisions of chapter 896;

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175 or any attempt, solicitation, or conspiracy to commit any

176 violation of the crimes specifically enumerated above, when any

177 such offense is occurring, or has occurred, in two or more

178 judicial circuits as part of a related transaction or when any

179 such offense is connected with an organized criminal conspiracy

180 affecting two or more judicial circuits. The statewide grand

181 jury may return indictments and presentments irrespective of the

182 county or judicial circuit where the offense is committed or

183 triable. If an indictment is returned, it shall be certified and

184 transferred for trial to the county where the offense was

185 committed. The powers and duties of, and law applicable to,

186 county grand juries shall apply to a statewide grand jury except

187 when such powers, duties, and law are inconsistent with the

188 provisions of ss. 905.31-905.40.

189 Section 4. This act shall take effect upon becoming a law.