

By Senator Villalobos

38-1458-04

1 A bill to be entitled
 2 An act relating to an unauthorized transmission
 3 to, or interference with, a public or
 4 commercial radio station; creating s. 877.27,
 5 F.S.; prohibiting a person from making a radio
 6 transmission in this state unless the person
 7 obtains a license or an exemption from
 8 licensure from the Federal Communications
 9 Commission; prohibiting an unlicensed radio
 10 transmission that interferes with a licensed
 11 public or commercial radio station; providing
 12 criminal penalties; amending s. 16.56, F.S.;
 13 authorizing the Office of Statewide Prosecution
 14 to investigate and prosecute offenses relating
 15 to the unauthorized transmission to, or
 16 interference with, a public or commercial radio
 17 station; providing an effective date.

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

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 21 Section 1. Section 877.27, Florida Statutes, is
 22 created to read:

23 877.27 Unauthorized transmissions to, or interference
 24 with, a public or commercial radio station licensed by the
 25 Federal Communications Commission prohibited; penalties.--

26 (1) A person may not:

27 (a) Make, or cause to be made, a radio transmission in
 28 this state unless the person obtains a license or an exemption
 29 from licensure from the Federal Communications Commission
 30 under 47 U.S.C. s. 301, or other applicable federal law or
 31 regulation; or

1 (b) Do any act, whether direct or indirect, to cause
2 an unlicensed radio transmission to, or interference with, a
3 public or commercial radio station licensed by the Federal
4 Communications Commission or to enable the radio transmission
5 or interference to occur.

6 (2) A person who violates this section commits a
7 felony of the third degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084.

9 Section 2. Paragraph (a) of subsection (1) of section
10 16.56, Florida Statutes, is amended to read:

11 16.56 Office of Statewide Prosecution.--

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

16 (a) Investigate and prosecute the offenses of:

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

20 2. Any crime involving narcotic or other dangerous
21 drugs;

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

1 4. Any violation of the provisions of the Florida
2 Anti-Fencing Act;

3 5. Any violation of the provisions of the Florida
4 Antitrust Act of 1980, as amended;

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

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

10 8. Any violation of s. 877.27, relating to
11 unauthorized transmissions to, or interference with, a public
12 or commercial radio station licensed by the Federal
13 Communications Commission;

14 ~~9.8.~~ Any violation of the provisions of chapter 815;
15 or

16 ~~10.9.~~ Any criminal violation of part I of chapter 499;

17
18 or any attempt, solicitation, or conspiracy to commit any of
19 the crimes specifically enumerated above. The office shall
20 have such power only when any such offense is occurring, or
21 has occurred, in two or more judicial circuits as part of a
22 related transaction, or when any such offense is connected
23 with an organized criminal conspiracy affecting two or more
24 judicial circuits.

25 Section 3. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Provides that it is a third-degree felony for a person to make a radio transmission in this state unless the person obtains a license or an exemption from licensure from the Federal Communications Commission. Provides that it is a third-degree felony to make an unlicensed radio transmission that interferes with a licensed public or commercial radio station. Authorizes the Office of Statewide Prosecution to investigate and prosecute offenses relating to the unauthorized transmission to, or interference with, a public or commercial radio station.