

Bill No. SB 1652

Barcode 615666

CHAMBER ACTION

Senate

House

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11 The Committee on Commerce and Consumer Services (King)
12 recommended the following amendment:

Senate Amendment (with title amendment)

15 On page 31, between lines 7 and 8,

17 insert:

18 Section 10. For the purpose of incorporating the
19 amendment to section 895.02, Florida Statutes, in a reference
20 thereto, paragraph (a) of subsection (1) of section 16.56,
21 Florida Statutes, is reenacted to read:

22 16.56 Office of Statewide Prosecution.--

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

27 (a) Investigate and prosecute the offenses of:

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

31 2. Any crime involving narcotic or other dangerous

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1 | drugs;

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

12 | 4. Any violation of the provisions of the Florida
13 | Anti-Fencing Act;

14 | 5. Any violation of the provisions of the Florida
15 | Antitrust Act of 1980, as amended;

16 | 6. Any crime involving, or resulting in, fraud or
17 | deceit upon any person;

18 | 7. Any violation of s. 847.0135, relating to computer
19 | pornography and child exploitation prevention, or any offense
20 | related to a violation of s. 847.0135;

21 | 8. Any violation of the provisions of chapter 815;

22 | 9. Any criminal violation of part I of chapter 499;

23 | 10. Any violation of the provisions of the Florida
24 | Motor Fuel Tax Relief Act of 2004; or

25 | 11. Any criminal violation of s. 409.920 or s.
26 | 409.9201;

27 |
28 | or any attempt, solicitation, or conspiracy to commit any of
29 | the crimes specifically enumerated above. The office shall
30 | have such power only when any such offense is occurring, or
31 | has occurred, in two or more judicial circuits as part of a

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1 related transaction, or when any such offense is connected
2 with an organized criminal conspiracy affecting two or more
3 judicial circuits.

4 Section 11. For the purpose of incorporating the
5 amendment to section 895.02, Florida Statutes, in a reference
6 thereto, subsection (3)(g) of section 655.50, Florida
7 Statutes, is reenacted to read:

8 655.50 Florida Control of Money Laundering in
9 Financial Institutions Act; reports of transactions involving
10 currency or monetary instruments; when required; purpose;
11 definitions; penalties.--

12 (3) As used in this section, the term:

13 (g) "Specified unlawful activity" means any
14 "racketeering activity" as defined in s. 895.02.

15 Section 12. For the purpose of incorporating the
16 amendment to section 895.02, Florida Statutes, in a reference
17 thereto, subsection (2)(g) of section 896.101, Florida
18 Statutes, is reenacted to read:

19 896.101 Florida Money Laundering Act; definitions;
20 penalties; injunctions; seizure warrants; immunity.--

21 (2) As used in this section, the term:

22 (g) "Specified unlawful activity" means any
23 "racketeering activity" as defined in s. 895.02.

24 Section 13. For the purpose of incorporating the
25 amendment to section 895.02, Florida Statutes, in a reference
26 thereto, Section 905.34, Florida Statutes, is reenacted to
27 read:

28 905.34 Powers and duties; law applicable.--The
29 jurisdiction of a statewide grand jury impaneled under this
30 chapter shall extend throughout the state. The subject matter
31 jurisdiction of the statewide grand jury shall be limited to

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1 the offenses of:

2 (1) Bribery, burglary, carjacking, home-invasion
3 robbery, criminal usury, extortion, gambling, kidnapping,
4 larceny, murder, prostitution, perjury, and robbery;

5 (2) Crimes involving narcotic or other dangerous
6 drugs;

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

17 (4) Any violation of the provisions of the Florida
18 Anti-Fencing Act;

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

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

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

24 (8) Any violation of s. 847.0135, s. 847.0137, or s.
25 847.0138 relating to computer pornography and child
26 exploitation prevention, or any offense related to a violation
27 of s. 847.0135, s. 847.0137, or s. 847.0138;

28 (9) Any criminal violation of part I of chapter 499;
29 or

30 (10) Any criminal violation of s. 409.920 or s.
31 409.9201;

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1
2 or any attempt, solicitation, or conspiracy to commit any
3 violation of the crimes specifically enumerated above, when
4 any such offense is occurring, or has occurred, in two or more
5 judicial circuits as part of a related transaction or when any
6 such offense is connected with an organized criminal
7 conspiracy affecting two or more judicial circuits. The
8 statewide grand jury may return indictments and presentments
9 irrespective of the county or judicial circuit where the
10 offense is committed or triable. If an indictment is
11 returned, it shall be certified and transferred for trial to
12 the county where the offense was committed. The powers and
13 duties of, and law applicable to, county grand juries shall
14 apply to a statewide grand jury except when such powers,
15 duties, and law are inconsistent with the provisions of ss.
16 905.31-905.40.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 2, line 7, after the semicolon

22
23 insert:

24 reenacting s. 16.56(1)(a) and s. 905.34, F.S.,
25 relating to the Office of Statewide Prosecution
26 and to the powers and duties of a statewide
27 grand jury, respectively, to incorporate the
28 amendment to s. 895.02, F.S., in a reference
29 thereto; reenacting ss. 655.50(3)(g) and
30 896.101(2)(g), relating to the Florida Control
31 of Money Laundering in the Financial

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1 Institutions Act and the Florida Money
2 Laundering Act, respectively, to incorporate
3 the amendment to s. 895.02, F.S., in a
4 reference thereto;

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