



1 F.S.; prescribing procedures with respect to  
2 untimely appeals; amending s. 895.02, F.S.;  
3 redefining the term "racketeering activity,"  
4 for purposes of the criminal statutes  
5 pertaining to that offense, to include creation  
6 of fictitious employer schemes to commit  
7 unemployment compensation fraud; reenacting ss.  
8 16.56(1)(a) and 905.34, F.S., relating to the  
9 Office of Statewide Prosecution and to the  
10 powers and duties of a statewide grand jury,  
11 respectively, to incorporate the amendment to  
12 s. 895.02, F.S., in references thereto;  
13 reenacting ss. 655.50(3)(g) and 896.101(2)(g),  
14 relating to the Florida Control of Money  
15 Laundering in the Financial Institutions Act  
16 and the Florida Money Laundering Act,  
17 respectively, to incorporate the amendment to  
18 s. 895.02, F.S., in references thereto;  
19 providing effective dates.  
20

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

22  
23 Section 1. Paragraph (b) of subsection (10) of section  
24 120.80, Florida Statutes, is amended to read:

25 120.80 Exceptions and special requirements;  
26 agencies.--

27 (10) AGENCY FOR WORKFORCE INNOVATION.--

28 (b) Notwithstanding s. 120.54(5), the uniform rules of  
29 procedure do not apply to appeal proceedings conducted under  
30 chapter 443 by the Unemployment Appeals Commission, special  
31 deputies, or unemployment appeals referees.

1           Section 2. Present subsection (4) of section 443.071,  
2 Florida Statutes, is renumbered as subsection (5) and amended,  
3 and a new subsection (4) and subsections (6), (7), and (8) are  
4 added to that section, to read:

5           443.071 Penalties.--

6           (4) Any person who establishes a fictitious employing  
7 unit and submits to the Agency for Workforce Innovation or its  
8 tax collection service provider fraudulent employing unit  
9 records or tax or wage reports by:

10           (a) Introducing fraudulent records into a computer  
11 system;

12           (b) Intentionally or deliberately altering or  
13 destroying computerized information or files; or

14           (c) Theft of financial instruments, data, or other  
15 assets

16  
17 for the purpose of enabling herself or himself or any other  
18 person to receive benefits under this chapter to which the  
19 recipient is not entitled commits a felony of the third  
20 degree, punishable as provided in s. 775.082, s. 775.083, or  
21 s. 775.084.

22           ~~(5)(4)~~ In any prosecution or action under this  
23 section, the entry into evidence of the signature of a person  
24 on a document, letter, or other writing constitutes prima  
25 facie evidence of the person's identity if the following  
26 conditions exist:

27           (a) The document includes the person's ~~person gives~~  
28 ~~her or his~~ name, residence address, and ~~home telephone number,~~  
29 ~~present or former place of employment, gender, date of birth,~~  
30 social security number, ~~height, weight, and race.~~

1           (b) The signature of the person is witnessed by an  
2 agent or employee of the Agency for Workforce Innovation or  
3 its tax collection service provider at the time the document,  
4 letter, or other writing is filed.

5           (6) The entry into evidence of an application for  
6 unemployment benefits initiated by the use of the Internet  
7 Claims program or the interactive voice response system  
8 telephone claims program of the Agency for Workforce  
9 Innovation constitutes prima facie evidence of the  
10 establishment of a personal benefit account by or for an  
11 individual if the following information is provided: the  
12 applicant's name, residence address, date of birth, social  
13 security number, and present or former place of work.

14           (7) The entry into evidence of a transaction history  
15 generated by a personal identification number establishing  
16 that a certification or claim for a week or weeks of benefits  
17 was made against the benefit account of the individual  
18 together with documentation that payment was paid by a state  
19 warrant made to the order of the person or by direct deposit  
20 via electronic means constitutes prima facie evidence that the  
21 person claimed and received unemployment benefits from the  
22 state.

23           (8) All records relating to investigations of  
24 unemployment compensation fraud in the custody of the Agency  
25 for Workforce Innovation or its tax collection service  
26 provider are available for examination by the Department of  
27 Law Enforcement, the state attorney, or the Office of the  
28 Statewide Prosecutor in the prosecution of offenses under s.  
29 817.568, criminal use of personal identification information,  
30 or in proceedings brought under this chapter.

31

1           Section 3. Paragraph (c) of subsection (1) of section  
2 443.091, Florida Statutes, is amended to read:

3           443.091 Benefit eligibility conditions.--

4           (1) An unemployed individual is eligible to receive  
5 benefits for any week only if the Agency for Workforce  
6 Innovation finds that:

7           (c)1. She or he is able to work and is available for  
8 work. In order to assess eligibility for a claimed week of  
9 unemployment, the Agency for Workforce Innovation shall  
10 develop criteria to determine a claimant's ability to work and  
11 availability for work.

12           2. Notwithstanding ~~any other provision of this~~  
13 paragraph or paragraphs (b) and (d) section, an otherwise  
14 eligible individual may not be denied benefits for any week  
15 because she or he is in training with the approval of the  
16 Agency for Workforce Innovation, and such an individual may  
17 not be denied benefits for any week in which she or he is in  
18 training with the approval of the Agency for Workforce  
19 Innovation by reason of subparagraph 1. relating to  
20 availability for work, or s. 443.101(2) relating to failure to  
21 apply for, or refusal to accept, suitable work. Training may  
22 be approved by the Agency for Workforce Innovation in  
23 accordance with criteria prescribed by rule. A claimant's  
24 eligibility during approved training is contingent upon  
25 satisfying eligibility conditions prescribed by rule.

26           3. Notwithstanding any other provision of this  
27 chapter, an individual who is in training approved under s.  
28 236(a)(1) of the Trade Act of 1974, as amended, may not be  
29 determined to be ineligible or disqualified for benefits with  
30 respect to her or his enrollment in such training or because  
31 of leaving work that is not suitable employment to enter such

1 training. As used in this subparagraph, the term "suitable  
2 employment" means, for a worker, work of a substantially equal  
3 or higher skill level than the worker's past adversely  
4 affected employment, as defined for purposes of the Trade Act  
5 of 1974, as amended, the wages for which are at least 80  
6 percent of the worker's average weekly wage as determined for  
7 purposes of the Trade Act of 1974, as amended.

8 4. Notwithstanding any other provision of this  
9 section, an otherwise eligible individual may not be denied  
10 benefits for any week by reason of subparagraph 1. because she  
11 or he is before any court of the United States or any state  
12 under a lawfully issued summons to appear for jury duty.

13 Section 4. Paragraph (a) of subsection (1) and  
14 subsection (13) of section 443.1216, Florida Statutes, are  
15 amended to read:

16 443.1216 Employment.--Employment, as defined in s.  
17 443.036, is subject to this chapter under the following  
18 conditions:

19 (1)(a) The employment subject to this chapter includes  
20 a service performed, including a service performed in  
21 interstate commerce, by:

- 22 1. An officer of a corporation.
- 23 2. An individual who, under the usual common-law rules  
24 applicable in determining the employer-employee relationship,  
25 is an employee. However, whenever a client, as defined in s.  
26 443.036(18), which would otherwise be designated as an  
27 employing unit has contracted with an employee leasing company  
28 to supply it with workers, those workers are considered  
29 employees of the employee leasing company. An employee leasing  
30 company may lease corporate officers of the client to the  
31 client and ~~to~~ other workers to the client, except as

1 prohibited by regulations of the Internal Revenue Service.  
2 Employees of an employee leasing company must be reported  
3 under the employee leasing company's tax identification number  
4 and contribution rate for work performed for the employee  
5 leasing company.

6           3. An individual other than an individual who is an  
7 employee under subparagraph 1. or subparagraph 2., who  
8 performs services for remuneration for any person:

9           a. As an agent-driver or commission-driver engaged in  
10 distributing meat products, vegetable products, fruit  
11 products, bakery products, beverages other than milk, or  
12 laundry or drycleaning services for his or her principal.

13           b. As a traveling or city salesperson engaged on a  
14 full-time basis in the solicitation on behalf of, and the  
15 transmission to, his or her principal of orders from  
16 wholesalers, retailers, contractors, or operators of hotels,  
17 restaurants, or other similar establishments for merchandise  
18 for resale or supplies for use in their business operations.  
19 This sub-subparagraph does not apply to an agent-driver or a  
20 commission-driver and does not apply to sideline sales  
21 activities performed on behalf of a person other than the  
22 salesperson's principal.

23           4. The services described in subparagraph 3. are  
24 employment subject to this chapter only if:

25           a. The contract of service contemplates that  
26 substantially all of the services are to be performed  
27 personally by the individual;

28           b. The individual does not have a substantial  
29 investment in facilities used in connection with the services,  
30 other than facilities used for transportation; and  
31

1           c. The services are not in the nature of a single  
2 transaction that is not part of a continuing relationship with  
3 the person for whom the services are performed.

4           (13) The following are ~~employment is~~ exempt from  
5 coverage under this chapter:

6           (a) Domestic service in a private home, local college  
7 club, or local chapter of a college fraternity or sorority,  
8 except as provided in subsection (6).

9           (b) Service performed on or in connection with a  
10 vessel or aircraft that is not an American vessel or American  
11 aircraft, if the employee is employed on and in connection  
12 with the vessel or aircraft while the vessel or aircraft is  
13 outside the United States.

14           (c) Service performed by an individual engaged in, or  
15 as an officer or member of the crew of a vessel engaged in,  
16 the catching, taking, harvesting, cultivating, or farming of  
17 any kind of fish, shellfish, crustacea, sponges, seaweeds, or  
18 other aquatic forms of animal and vegetable life, including  
19 service performed by an individual as an ordinary incident to  
20 engaging in those activities, except:

21           1. Service performed in connection with the catching  
22 or taking of salmon or halibut for commercial purposes.

23           2. Service performed on, or in connection with, a  
24 vessel of more than 10 net tons, determined in the manner  
25 provided for determining the registered tonnage of merchant  
26 vessels under the laws of the United States.

27           (d) Service performed by an individual in the employ  
28 of his or her son, daughter, or spouse, including step  
29 relationships, and service performed by a child, or stepchild,  
30 under the age of 21 in the employ of his or her father,  
31 mother, stepfather, or stepmother.



1 (e) Service performed in the employ of the Federal  
2 Government or of an instrumentality of the Federal Government  
3 which is:

4 1. Wholly or partially owned by the United States.  
5 2. Exempt from the tax imposed by s. 3301 of the  
6 Internal Revenue Code under a federal law that specifically  
7 cites s. 3301, or the corresponding section of prior law, in  
8 granting the exemption. However, to the extent that the United  
9 States Congress permits the state to require an  
10 instrumentality of the Federal Government to make payments  
11 into the Unemployment Compensation Trust Fund under this  
12 chapter, this chapter applies to that instrumentality, and to  
13 services performed for that instrumentality, in the same  
14 manner, to the same extent, and on the same terms as other  
15 employers, employing units, individuals, and services. If this  
16 state is not certified for any year by the Secretary of Labor  
17 under s. 3304 of the federal Internal Revenue Code, the tax  
18 collection service provider shall refund the payments required  
19 of each instrumentality of the Federal Government for that  
20 year from the fund in the same manner and within the same  
21 period as provided in s. 443.141(6) for contributions  
22 erroneously collected.

23 (f) Service performed in the employ of a public  
24 employer as defined in s. 443.036, except as provided in  
25 subsection (2), and service performed in the employ of an  
26 instrumentality of a public employer as described in s.  
27 443.036(35)(b) or (c), to the extent that the instrumentality  
28 is immune under the United States Constitution from the tax  
29 imposed by s. 3301 of the Internal Revenue Code for that  
30 service.  
31

1 (g) Service performed in the employ of a corporation,  
2 community chest, fund, or foundation that is organized and  
3 operated exclusively for religious, charitable, scientific,  
4 testing for public safety, literary, or educational purposes  
5 or for the prevention of cruelty to children or animals. This  
6 exemption does not apply to an employer if part of the  
7 employer's net earnings inures to the benefit of any private  
8 shareholder or individual or if a substantial part of the  
9 employer's activities involve carrying on propaganda,  
10 otherwise attempting to influence legislation, or  
11 participating or intervening in, including the publishing or  
12 distributing of statements, a political campaign on behalf of  
13 a candidate for public office, except as provided in  
14 subsection (3).

15 (h) Service for which unemployment compensation is  
16 payable under an unemployment compensation system established  
17 by the United States Congress, of which this chapter is not a  
18 part.

19 (i)1. Service performed during a calendar quarter in  
20 the employ of an organization exempt from the federal income  
21 tax under s. 501(a) of the Internal Revenue Code, other than  
22 an organization described in s. 401(a), or under s. 521, if  
23 the remuneration for the service is less than \$50.

24 2. Service performed in the employ of a school,  
25 college, or university, if the service is performed by a  
26 student who is enrolled and is regularly attending classes at  
27 the school, college, or university.

28 (j) Service performed in the employ of a foreign  
29 government, including service as a consular or other officer  
30 or employee of a nondiplomatic representative.  
31

1 (k) Service performed in the employ of an  
2 instrumentality wholly owned by a foreign government if:

3 1. The service is of a character similar to that  
4 performed in foreign countries by employees of the Federal  
5 Government or of an instrumentality of the Federal Government;  
6 and

7 2. The United States Secretary of State certifies to  
8 the United States Secretary of the Treasury that the foreign  
9 government for whose instrumentality the exemption is claimed  
10 grants an equivalent exemption for similar service performed  
11 in the foreign country by employees of the Federal Government  
12 and of instrumentalities of the Federal Government.

13 (l) Service performed as a student nurse in the employ  
14 of a hospital or a nurses' training school by an individual  
15 who is enrolled and is regularly attending classes in a  
16 nurses' training school chartered or approved under state law,  
17 service performed as an intern in the employ of a hospital by  
18 an individual who has completed a 4-year course in a medical  
19 school chartered or approved under state law, and service  
20 performed by a patient of a hospital for the hospital.

21 (m) Service performed by an individual for a person as  
22 an insurance agent or as an insurance solicitor, if all of the  
23 service performed by the individual for that person is  
24 performed for remuneration solely by way of commission, except  
25 for services performed in accordance with 26 U.S.C. s.  
26 3306(c)(7) and (8). For purposes of this section, those  
27 benefits excluded from the wages subject to this chapter under  
28 s. 443.1217(2)(b)-(f), inclusive, are not considered  
29 remuneration.

30 (n) Service performed by an individual for a person as  
31 a real estate salesperson or agent, if all of the service

1 performed by the individual for that person is performed for  
2 remuneration solely by way of commission.

3 (o) Service performed by an individual under the age  
4 of 18 in the delivery or distribution of newspapers or  
5 shopping news, excluding delivery or distribution to any point  
6 for subsequent delivery or distribution.

7 (p) Service covered by an arrangement between the  
8 Agency for Workforce Innovation, or its tax collection service  
9 provider, and the agency charged with the administration of  
10 another state or federal unemployment compensation law under  
11 which all services performed by an individual for an employing  
12 unit during the period covered by the employing unit's duly  
13 approved election is deemed to be performed entirely within  
14 the other agency's state or under the federal law.

15 (q) Service performed by an individual enrolled at a  
16 nonprofit or public educational institution that normally  
17 maintains a regular faculty and curriculum and normally has a  
18 regularly organized body of students in attendance at the  
19 place where its educational activities are carried on, if the  
20 institution certifies to the employer that the individual is a  
21 student in a full-time program, taken for credit at the  
22 institution that combines academic instruction with work  
23 experience, and that the service is an integral part of the  
24 program. This paragraph does not apply to service performed in  
25 a program established for or on behalf of an employer or group  
26 of employers.

27 (r) Service performed by an individual for a person as  
28 a barber, if all of the service performed by the individual  
29 for that person is performed for remuneration solely by way of  
30 commission.

31

1           (s) Casual labor not in the course of the employer's  
2 trade or business.

3           (t) Service performed by a speech therapist,  
4 occupational therapist, or physical therapist who is  
5 nonsalaried and working under a written contract with a home  
6 health agency as defined in s. 400.462.

7           (u) Service performed by a direct seller. As used in  
8 this paragraph, the term "direct seller" means a person:

9           1.a. Who is engaged in the trade or business of  
10 selling or soliciting the sale of consumer products to buyers  
11 on a buy-sell basis, on a deposit-commission basis, or on a  
12 similar basis, for resale in the home or in another place that  
13 is not a permanent retail establishment; or

14           b. Who is engaged in the trade or business of selling  
15 or soliciting the sale of consumer products in the home or in  
16 another place that is not a permanent retail establishment;

17           2. Substantially all of whose remuneration for  
18 services described in subparagraph 1., regardless of whether  
19 paid in cash, is directly related to sales or other output,  
20 rather than to the number of hours worked; and

21           3. Who performs the services under a written contract  
22 with the person for whom the services are performed, if the  
23 contract provides that the person will not be treated as an  
24 employee for those services for federal tax purposes.

25           (v) Service performed by a nonresident alien for the  
26 period he or she is temporarily present in the United States  
27 as a nonimmigrant under subparagraph (F) or subparagraph (J)  
28 of s. 101(a)(15) of the Immigration and Nationality Act, and  
29 which is performed to carry out the purpose specified in  
30 subparagraph (F) or subparagraph (J), as applicable.  
31

1           (w) Service performed by an individual for  
2 remuneration for a private, for-profit delivery or messenger  
3 service, if the individual:

4           1. Is free to accept or reject jobs from the delivery  
5 or messenger service and the delivery or messenger service  
6 does not have control over when the individual works;

7           2. Is remunerated for each delivery, or the  
8 remuneration is based on factors that relate to the work  
9 performed, including receipt of a percentage of any rate

10 schedule;

11           3. Pays all expenses, and the opportunity for profit  
12 or loss rests solely with the individual;

13           4. Is responsible for operating costs, including fuel,  
14 repairs, supplies, and motor vehicle insurance;

15           5. Determines the method of performing the service,  
16 including selection of routes and order of deliveries;

17           6. Is responsible for the completion of a specific job  
18 and is liable for any failure to complete that job;

19           7. Enters into a contract with the delivery or  
20 messenger service which specifies that the individual is an  
21 independent contractor and not an employee of the delivery or  
22 messenger service; and

23           8. Provides the vehicle used to perform the service.

24           (x) Service performed in agricultural labor by an  
25 individual who is an alien admitted to the United States to  
26 perform service in agricultural labor under ss. 101(a)(15)(H)  
27 and 214(c) of the Immigration and Nationality Act.

28           (y) Service performed by a person who is an inmate of  
29 a penal institution.

30           Section 5. Subsection (2) of section 443.1217, Florida  
31 Statutes, is amended to read:

1 443.1217 Wages.--

2 (2) For purposes of determining an employer's  
3 contributions, the following wages are exempt from this  
4 chapter:

5 (a) That part of remuneration paid to an individual by  
6 an employer for employment during a calendar year in excess of  
7 the first \$7,000 of remuneration paid to the individual by the  
8 employer or his or her predecessor during that calendar year,  
9 unless that part of the remuneration is subject to a tax,  
10 under a federal law imposing the tax, against which credit may  
11 be taken for contributions required to be paid into a state  
12 unemployment fund. As used in this section only, the term  
13 "employment" includes services constituting employment under  
14 any employment security law of another state or of the Federal  
15 Government.

16 (b) Payment by an employing unit with respect to  
17 services performed for, or on behalf of, an individual  
18 employed by the employing unit under a plan or system  
19 established by the employing unit which provides for payment  
20 to its employees generally or to a class of its employees,  
21 including any amount paid by the employing unit for insurance  
22 or annuities or paid into a fund on account of:

23 1. Sickness or accident disability. When payment is  
24 made to an employee or any of his or her dependents, this  
25 subparagraph exempts from the wages subject to this chapter  
26 only those payments received under a workers' compensation  
27 law.

28 2. Medical and hospitalization expenses in connection  
29 with sickness or accident disability.

30 3. Death, if the employee:  
31

1           a. Does not have the option to receive, in lieu of the  
2 death benefit, part of the payment or, if the death benefit is  
3 insured, part of the premiums or contributions to premiums  
4 paid by his or her employing unit; and

5           b. Does not have the right under the plan, system, or  
6 policy providing the death benefit to assign the benefit or to  
7 receive cash consideration in lieu of the benefit upon his or  
8 her withdrawal from the plan or system; upon termination of  
9 the plan, system, or policy; or upon termination of his or her  
10 services with the employing unit.

11           (c) Payment on account of sickness or accident  
12 disability, or payment of medical or hospitalization expenses  
13 in connection with sickness or accident disability, by an  
14 employing unit to, or on behalf of, an individual performing  
15 services for the employing unit more than 6 calendar months  
16 after the last calendar month the individual performed  
17 services for the employing unit.

18           (d) Payment by an employing unit, without deduction  
19 from the remuneration of an individual employed by the  
20 employing unit, of the tax imposed upon the individual under  
21 s. 3101 of the federal Internal Revenue Code for services  
22 performed.

23           (e) The value of:

24           1. Meals furnished to an employee or the employee's  
25 spouse or dependents by the employer on the business premises  
26 of the employer for the convenience of the employer; or

27           2. Lodging furnished to an employee or the employee's  
28 spouse or dependents by the employer on the business premises  
29 of the employer for the convenience of the employer when  
30 lodging is included as a condition of employment.  
31



1 (f) Payment made by an employing unit to, or on behalf  
2 of, an individual performing services for the employing unit  
3 or a beneficiary of the individual:

4 1. From or to a trust described in s. 401(a) of the  
5 Internal Revenue Code of 1954 which is exempt from tax under  
6 s. 501(a) at the time of payment, unless payment is made to an  
7 employee of the trust as remuneration for services rendered as  
8 an employee of the trust and not as a beneficiary of the  
9 trust;

10 2. Under or to an annuity plan that, at the time of  
11 payment, is a plan described in s. 403(a) of the Internal  
12 Revenue Code of 1954;

13 3. Under a simplified employee pension if, at the time  
14 of payment, it is reasonable to believe that the employee is  
15 entitled to a deduction under s. 219(b)(2) of the Internal  
16 Revenue Code of 1954 for the payment;

17 4. Under or to an annuity contract described in s.  
18 403(b) of the Internal Revenue Code of 1954, other than a  
19 payment for the purchase of an annuity contract as part of a  
20 salary reduction agreement, regardless of whether the  
21 agreement is evidenced by a written instrument or otherwise;

22 5. Under or to an exempt governmental deferred  
23 compensation plan described in s. 3121(v)(3) of the Internal  
24 Revenue Code of 1954;

25 6. To supplement pension benefits under a plan or  
26 trust described in subparagraphs 1.-5. to account for some  
27 portion or all of the increase in the cost of living, as  
28 determined by the United States Secretary of Labor, since  
29 retirement, but only if the supplemental payments are under a  
30 plan that is treated as a welfare plan under s. 3(2)(B)(ii) of  
31 the Employee Retirement Income Security Act of 1974; or

1           7. Under a cafeteria plan, as defined in s. 125 of the  
2 Internal Revenue Code of 1986, as amended, if the payment  
3 would not be treated as wages without regard to such plan and  
4 it is reasonable to believe that, if s. 125 of the Internal  
5 Revenue Code of 1986, as amended, applied for purposes of this  
6 section, s. 125 of the Internal Revenue Code of 1986, as  
7 amended, would not treat any wages as constructively received.

8           (g) Payment made, or benefit provided, by an employing  
9 unit to or for the benefit of an individual performing  
10 services for the employing unit or a beneficiary of the  
11 individual if, at the time of such payment or provision of the  
12 benefit, it is reasonable to believe that the individual may  
13 exclude the payment or benefit from income under s. 127 of the  
14 Internal Revenue Code of 1986, as amended.

15           Section 6. Effective January 1, 2006, paragraph (e) of  
16 subsection (3) of section 443.131, Florida Statutes, is  
17 amended, present paragraphs (g), (h), (i), and (j) of that  
18 subsection, are redesignated as paragraphs (h), (i), (j), and  
19 (k), respectively, and a new paragraph (g) is added to that  
20 subsection to read:

21           443.131 Contributions.--

22           (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
23 EXPERIENCE.--

24           (e) Assignment of variations from the standard rate.--

25           1. The tax collection service provider shall assign a  
26 variation from the standard rate of contributions for each  
27 calendar year to each eligible employer. In determining the  
28 contribution rate, varying from the standard rate to be  
29 assigned each employer, adjustment factors computed under  
30 sub-subparagraphs a.-c. shall be added to the benefit ratio.  
31 This addition shall be accomplished in two steps by adding a

1 | variable adjustment factor and a final adjustment factor. The  
2 | sum of these adjustment factors computed under  
3 | sub-subparagraphs a.-c. shall first be algebraically summed.  
4 | The sum of these adjustment factors shall next be divided by a  
5 | gross benefit ratio determined as follows: Total benefit  
6 | payments for the 3-year period described in subparagraph (b)2.  
7 | shall be charged to employers eligible for a variation from  
8 | the standard rate, minus excess payments for the same period,  
9 | divided by taxable payroll entering into the computation of  
10 | individual benefit ratios for the calendar year for which the  
11 | contribution rate is being computed. The ratio of the sum of  
12 | the adjustment factors computed under sub-subparagraphs a.-c.  
13 | to the gross benefit ratio shall be multiplied by each  
14 | individual benefit ratio that is less than the maximum  
15 | contribution rate to obtain variable adjustment factors;  
16 | except that in any instance in which the sum of an employer's  
17 | individual benefit ratio and variable adjustment factor  
18 | exceeds the maximum contribution rate, the variable adjustment  
19 | factor shall be reduced in order that the sum equals the  
20 | maximum contribution rate. The variable adjustment factor for  
21 | each of these employers is multiplied by his or her taxable  
22 | payroll entering into the computation of his or her benefit  
23 | ratio. The sum of these products shall be divided by the  
24 | taxable payroll of the employers who entered into the  
25 | computation of their benefit ratios. The resulting ratio shall  
26 | be subtracted from the sum of the adjustment factors computed  
27 | under sub-subparagraphs a.-c. to obtain the final adjustment  
28 | factor. The variable adjustment factors and the final  
29 | adjustment factor shall be computed to five decimal places and  
30 | rounded to the fourth decimal place. This final adjustment  
31 | factor shall be added to the variable adjustment factor and

1 benefit ratio of each employer to obtain each employer's  
2 contribution rate. An employer's contribution rate may not,  
3 however, be rounded to less than 0.1 percent.

4 a. An adjustment factor for noncharge benefits shall  
5 be computed to the fifth decimal place and rounded to the  
6 fourth decimal place by dividing the amount of noncharge  
7 benefits during the 3-year period described in subparagraph  
8 (b)2. by the taxable payroll of employers eligible for a  
9 variation from the standard rate who have a benefit ratio for  
10 the current year which is less than the maximum contribution  
11 rate. For purposes of computing this adjustment factor, the  
12 taxable payroll of these employers is the taxable payrolls for  
13 the 3 years ending June 30 of the current calendar year as  
14 reported to the tax collection service provider by September  
15 30 of the same calendar year. As used in this  
16 sub-subparagraph, the term "noncharge benefits" means benefits  
17 paid to an individual from the Unemployment Compensation Trust  
18 Fund, but which were not charged to the employment record of  
19 any employer.

20 b. An adjustment factor for excess payments shall be  
21 computed to the fifth decimal place, and rounded to the fourth  
22 decimal place by dividing the total excess payments during the  
23 3-year period described in subparagraph (b)2. by the taxable  
24 payroll of employers eligible for a variation from the  
25 standard rate who have a benefit ratio for the current year  
26 which is less than the maximum contribution rate. For purposes  
27 of computing this adjustment factor, the taxable payroll of  
28 these employers is the same figure used to compute the  
29 adjustment factor for noncharge benefits under  
30 sub-subparagraph a. As used in this sub-subparagraph, the term  
31 "excess payments" means the amount of benefits charged to the

1 | employment record of an employer during the 3-year period  
2 | described in subparagraph (b)2., less the product of the  
3 | maximum contribution rate and the employer's taxable payroll  
4 | for the 3 years ending June 30 of the current calendar year as  
5 | reported to the tax collection service provider by September  
6 | 30 of the same calendar year. As used in this  
7 | sub-subparagraph, the term "total excess payments" means the  
8 | sum of the individual employer excess payments for those  
9 | employers that were eligible to be considered for assignment  
10 | of a contribution rate different ~~a variation~~ from the standard  
11 | rate.

12 |         c. If the balance of the Unemployment Compensation  
13 | Trust Fund on June 30 of the calendar year immediately  
14 | preceding the calendar year for which the contribution rate is  
15 | being computed is less than 3.7 percent of the taxable  
16 | payrolls for the year ending June 30 as reported to the tax  
17 | collection service provider by September 30 of that calendar  
18 | year, a positive adjustment factor shall be computed. The  
19 | positive adjustment factor shall be computed annually to the  
20 | fifth decimal place and rounded to the fourth decimal place by  
21 | dividing the sum of the total taxable payrolls for the year  
22 | ending June 30 of the current calendar year as reported to the  
23 | tax collection service provider by September 30 of that  
24 | calendar year into a sum equal to one-fourth of the difference  
25 | between the balance of the fund as of June 30 of that calendar  
26 | year and the sum of 4.7 percent of the total taxable payrolls  
27 | for that year. The positive adjustment factor remains in  
28 | effect for subsequent years until the balance of the  
29 | Unemployment Compensation Trust Fund as of June 30 of the year  
30 | immediately preceding the effective date of the contribution  
31 | rate equals or exceeds 3.7 percent of the taxable payrolls for

1 | the year ending June 30 of the current calendar year as  
2 | reported to the tax collection service provider by September  
3 | 30 of that calendar year. If the balance of the Unemployment  
4 | Compensation Trust Fund as of June 30 of the year immediately  
5 | preceding the calendar year for which the contribution rate is  
6 | being computed exceeds 4.7 percent of the taxable payrolls for  
7 | the year ending June 30 of the current calendar year as  
8 | reported to the tax collection service provider by September  
9 | 30 of that calendar year, a negative adjustment factor shall  
10 | be computed. The negative adjustment factor shall be computed  
11 | annually to the fifth decimal place and rounded to the fourth  
12 | decimal place by dividing the sum of the total taxable  
13 | payrolls for the year ending June 30 of the current calendar  
14 | year as reported to the tax collection service provider by  
15 | September 30 of the calendar year into a sum equal to  
16 | one-fourth of the difference between the balance of the fund  
17 | as of June 30 of the current calendar year and 4.7 percent of  
18 | the total taxable payrolls of that year. The negative  
19 | adjustment factor remains in effect for subsequent years until  
20 | the balance of the Unemployment Compensation Trust Fund as of  
21 | June 30 of the year immediately preceding the effective date  
22 | of the contribution rate is less than 4.7 percent, but more  
23 | than 3.7 percent of the taxable payrolls for the year ending  
24 | June 30 of the current calendar year as reported to the tax  
25 | collection service provider by September 30 of that calendar  
26 | year.

27 |         d. The maximum contribution rate that may be assigned  
28 | to an employer is 5.4 percent, except employers participating  
29 | in an approved short-time compensation plan may be assigned a  
30 | maximum contribution rate that is 1 percent greater than the  
31 | maximum contribution rate for other employers in any calendar

1 year in which short-time compensation benefits are charged to  
2 the employer's employment record.

3 2. If the transfer of an employer's employment record  
4 to an employing unit under paragraph (f) which, before the  
5 transfer, was an employer, the tax collection service provider  
6 shall recompute a benefit ratio for the successor employer  
7 based on the combined employment records and reassign an  
8 appropriate contribution rate to the successor employer  
9 effective on the first day of the calendar quarter immediately  
10 after the effective date of the transfer.

11 (g) Transfer of unemployment experience upon transfer  
12 or acquisition of a business.--Notwithstanding any other  
13 provision of law, the following apply regarding assignment of  
14 rates and transfers of experience:

15 1.a. If an employer transfers its trade or business,  
16 or a portion thereof, to another employer and, at the time of  
17 the transfer, there is any common ownership, management, or  
18 control of the two employers, the unemployment experience  
19 attributable to the transferred trade or business shall be  
20 transferred to the employer to whom such business is so  
21 transferred. The rates of both employers shall be recalculated  
22 and made effective as of the beginning of the calendar quarter  
23 immediately following the date of the transfer of trade or  
24 business unless the transfer occurred on the first day of a  
25 calendar quarter, in which case the rate shall be recalculated  
26 as of that date.

27 b. If, following a transfer of experience under  
28 sub-subparagraph a., the Agency for Workforce Innovation or  
29 the tax collection service provider determines that a  
30 substantial purpose of the transfer of trade or business was  
31 to obtain a reduced liability for contributions, the

1 experience rating account of the employers involved shall be  
2 combined into a single account and a single rate assigned to  
3 such account.

4 2. Whenever a person who is not at the time an  
5 employer under this chapter acquires the trade or business of  
6 an employer, the unemployment experience of the acquired  
7 business shall not be transferred to such person if the Agency  
8 for Workforce Innovation or the tax collection service  
9 provider finds that such person acquired the business solely  
10 or primarily for the purpose of obtaining a lower rate of  
11 contributions. Instead, such person shall be assigned the new  
12 employer rate under paragraph (2)(a). In determining whether  
13 the business was acquired solely or primarily for the purpose  
14 of obtaining a lower rate of contributions, the tax collection  
15 service provider shall consider, but not be limited to, the  
16 following factors:

17 a. Whether the person continued the business  
18 enterprise of the acquired business;

19 b. How long such business enterprise was continued; or

20 c. Whether a substantial number of new employees was  
21 hired for performance of duties unrelated to the business  
22 activity conducted prior to acquisition.

23 3. If a person knowingly violates or attempts to  
24 violate subparagraph 1. or subparagraph 2. or any other  
25 provision of this chapter related to determining the  
26 assignment of a contribution rate, or if a person knowingly  
27 advises another person to violate the law, the person shall be  
28 subject to the following penalties:

29 a. If the person is an employer, such employer shall  
30 be assigned the highest rate assignable under this chapter for  
31 the rate year during which such violation or attempted



1 violation occurred and the 3 rate years immediately following  
2 this rate year. However, if the person's business is already  
3 at such highest rate for any year, or if the amount of  
4 increase in the person's rate would be less than 2 percent for  
5 such year, then a penalty rate of contributions of 2 percent  
6 of taxable wages shall be imposed for such year.

7 b. If the person is not an employer, such person shall  
8 be subject to a civil penalty of not more than \$5,000. The  
9 procedures for the assessment of a penalty shall be in  
10 accordance with the procedures set forth in s. 443.141(2) and  
11 the provisions of s. 443.141(3) shall apply to the collection  
12 of the penalty. Any such penalty shall be deposited in the  
13 penalty and interest account established under s. 443.211(2).

14 4. For purposes of this paragraph, the term:

15 a. "Knowingly" means having actual knowledge of or  
16 acting with deliberate ignorance or reckless disregard for the  
17 prohibition involved.

18 b. "Violates or attempts to violate" includes, but is  
19 not limited to, intent to evade, misrepresentation, or willful  
20 nondisclosure.

21 c. "Person" has the meaning given such term by s.  
22 7701(a)(1) of the Internal Revenue Code of 1986; and

23 d. "Trade or business" includes the employer's  
24 workforce.

25 5. In addition to the penalty imposed by subparagraph  
26 3., any person who violates this paragraph commits a felony of  
27 the third degree, punishable as provided in s. 775.082, s.  
28 775.083, or s. 775.084.

29 6. The Agency for Workforce Innovation and the tax  
30 collection service provider shall establish procedures to  
31 identify the transfer or acquisition of a business for

1 purposes of this paragraph and shall adopt any rules necessary  
2 to administer this paragraph.

3 7. This paragraph shall be interpreted and applied in  
4 such manner as to meet the minimum requirements contained in  
5 any guidance or regulations issued by the United States  
6 Department of Labor.

7 Section 7. Section 443.1317, Florida Statutes, is  
8 amended to read:

9 443.1317 Rulemaking authority, seal; enforcement of  
10 rules.--

11 (1) AGENCY FOR WORKFORCE INNOVATION.--

12 (a) Except as otherwise provided in s. 443.012, the  
13 Agency for Workforce Innovation has ultimate authority over  
14 the administration of the Unemployment Compensation Program.

15 (b) The Agency for Workforce Innovation shall have an  
16 official seal, which shall be judicially noticed.

17 ~~(c)(b)~~ The Agency for Workforce Innovation may adopt  
18 rules under ss. 120.536(1) and 120.54 to administer the  
19 provisions of this chapter conferring duties upon either the  
20 agency or its tax collection service provider.

21 (2) TAX COLLECTION SERVICE PROVIDER.--The state agency  
22 providing unemployment tax collection services under contract  
23 with the Agency for Workforce Innovation through an  
24 interagency agreement pursuant to s. 443.1316 may adopt rules  
25 under ss. 120.536(1) and 120.54, subject to approval by the  
26 Agency for Workforce Innovation, to administer the provisions  
27 of law described in s. 443.1316(1)(a) and (b) which are within  
28 this chapter. These rules must not conflict with the rules  
29 adopted by the Agency for Workforce Innovation or with the  
30 interagency agreement.

31

1           (3) ENFORCEMENT OF RULES.--The Agency for Workforce  
2 Innovation may enforce any rule adopted by the state agency  
3 providing unemployment tax collection services to administer  
4 this chapter. The tax collection service provider may enforce  
5 any rule adopted by the Agency for Workforce Innovation to  
6 administer the provisions of law described in s.  
7 443.1316(1)(a) and (b).

8           Section 8. Paragraph (b) of subsection (4) and  
9 paragraph (b) of subsection (6) of section 443.151, Florida  
10 Statutes, are amended to read:

11           443.151 Procedure concerning claims.--

12           (4) APPEALS.--

13           (b) Filing and hearing.--

14           1. The claimant or any other party entitled to notice  
15 of a determination may appeal an adverse determination to an  
16 appeals referee within 20 days after the date of mailing of  
17 the notice to her or his last known address or, if the notice  
18 is not mailed, within 20 days after the date of delivery of  
19 the notice.

20           2. Unless the appeal is untimely or withdrawn or  
21 review is initiated by the commission, the appeals referee,  
22 after mailing all parties and attorneys of record a notice of  
23 hearing at least 10 days before the date of hearing,  
24 notwithstanding the 14-day notice requirement in s.  
25 120.569(2)(b), may only affirm, modify, or reverse the  
26 determination. An appeal may not be withdrawn without the  
27 permission of the appeals referee.

28           3. However, when an appeal appears to have been filed  
29 after the permissible time limit, the Office of Appeals may  
30 issue an order to show cause to the appellant, requiring the  
31 appellant to show why the appeal should not be dismissed as

1 untimely. If the appellant does not, within 15 days after the  
2 mailing date of the order to show cause, provide written  
3 evidence of timely filing or good cause for failure to appeal  
4 timely, the appeal shall be dismissed.

5 ~~4.3-~~ When an appeal involves a question of whether  
6 services were performed by a claimant in employment or for an  
7 employer, the referee must give special notice of the question  
8 and of the pendency of the appeal to the employing unit and to  
9 the Agency for Workforce Innovation, both of which become  
10 parties to the proceeding.

11 ~~5.4-~~ The parties must be notified promptly of the  
12 referee's decision. The referee's decision is final unless  
13 further review is initiated under paragraph (c) within 20 days  
14 after the date of mailing notice of the decision to the  
15 party's last known address or, in lieu of mailing, within 20  
16 days after the delivery of the notice.

17 (6) RECOVERY AND RECOUPMENT.--

18 (b) Any person who, by reason other than her or his  
19 fraud, receives benefits under this chapter to which, under a  
20 redetermination or decision pursuant to this section, she or  
21 he is found not entitled, is liable to repay those benefits to  
22 the Agency for Workforce Innovation on behalf of the trust  
23 fund or, in the agency's discretion, to have those benefits  
24 deducted from any future benefits payable to her or him under  
25 this chapter. Any recovery or recoupment of benefits must be  
26 effected within 3 ~~2~~ years after the redetermination or  
27 decision.

28 Section 9. Paragraph (a) of subsection (1) of section  
29 895.02, Florida Statutes, is amended to read:

30 895.02 Definitions.--As used in ss. 895.01-895.08, the  
31 term:

1 (1) "Racketeering activity" means to commit, to  
2 attempt to commit, to conspire to commit, or to solicit,  
3 coerce, or intimidate another person to commit:

4 (a) Any crime which is chargeable by indictment or  
5 information under the following provisions of the Florida  
6 Statutes:

7 1. Section 210.18, relating to evasion of payment of  
8 cigarette taxes.

9 2. Section 403.727(3)(b), relating to environmental  
10 control.

11 3. Section 409.920 or s. 409.9201, relating to  
12 Medicaid fraud.

13 4. Section 414.39, relating to public assistance  
14 fraud.

15 5. Section 440.105 or s. 440.106, relating to workers'  
16 compensation.

17 6. Section 443.071(3), relating to creation of  
18 fictitious employer schemes to commit unemployment  
19 compensation fraud.

20 ~~7.6.~~ Section 465.0161, relating to distribution of  
21 medicinal drugs without a permit as an Internet pharmacy.

22 ~~8.7.~~ Sections 499.0051, 499.0052, 499.00535,  
23 499.00545, and 499.0691, relating to crimes involving  
24 contraband and adulterated drugs.

25 ~~9.8.~~ Part IV of chapter 501, relating to  
26 telemarketing.

27 ~~10.9.~~ Chapter 517, relating to sale of securities and  
28 investor protection.

29 ~~11.10.~~ Section 550.235, s. 550.3551, or s. 550.3605,  
30 relating to dogracing and horseracing.

31 ~~12.11.~~ Chapter 550, relating to jai alai frontons.

1           ~~13.12.~~ Chapter 552, relating to the manufacture,  
2 distribution, and use of explosives.  
3           ~~14.13.~~ Chapter 560, relating to money transmitters, if  
4 the violation is punishable as a felony.  
5           ~~15.14.~~ Chapter 562, relating to beverage law  
6 enforcement.  
7           ~~16.15.~~ Section 624.401, relating to transacting  
8 insurance without a certificate of authority, s.  
9 624.437(4)(c)1., relating to operating an unauthorized  
10 multiple-employer welfare arrangement, or s. 626.902(1)(b),  
11 relating to representing or aiding an unauthorized insurer.  
12           ~~17.16.~~ Section 655.50, relating to reports of currency  
13 transactions, when such violation is punishable as a felony.  
14           ~~18.17.~~ Chapter 687, relating to interest and usurious  
15 practices.  
16           ~~19.18.~~ Section 721.08, s. 721.09, or s. 721.13,  
17 relating to real estate timeshare plans.  
18           ~~20.19.~~ Chapter 782, relating to homicide.  
19           ~~21.20.~~ Chapter 784, relating to assault and battery.  
20           ~~22.21.~~ Chapter 787, relating to kidnapping.  
21           ~~23.22.~~ Chapter 790, relating to weapons and firearms.  
22           ~~24.23.~~ Section 796.03, s. 796.035, s. 796.04, s.  
23 796.045, s. 796.05, or s. 796.07, relating to prostitution and  
24 sex trafficking.  
25           ~~25.24.~~ Chapter 806, relating to arson.  
26           ~~26.25.~~ Section 810.02(2)(c), relating to specified  
27 burglary of a dwelling or structure.  
28           ~~27.26.~~ Chapter 812, relating to theft, robbery, and  
29 related crimes.  
30           ~~28.27.~~ Chapter 815, relating to computer-related  
31 crimes.

1           ~~29.28.~~ Chapter 817, relating to fraudulent practices,  
2 false pretenses, fraud generally, and credit card crimes.  
3           ~~30.29.~~ Chapter 825, relating to abuse, neglect, or  
4 exploitation of an elderly person or disabled adult.  
5           ~~31.30.~~ Section 827.071, relating to commercial sexual  
6 exploitation of children.  
7           ~~32.31.~~ Chapter 831, relating to forgery and  
8 counterfeiting.  
9           ~~33.32.~~ Chapter 832, relating to issuance of worthless  
10 checks and drafts.  
11           ~~34.33.~~ Section 836.05, relating to extortion.  
12           ~~35.34.~~ Chapter 837, relating to perjury.  
13           ~~36.35.~~ Chapter 838, relating to bribery and misuse of  
14 public office.  
15           ~~37.36.~~ Chapter 843, relating to obstruction of  
16 justice.  
17           ~~38.37.~~ Section 847.011, s. 847.012, s. 847.013, s.  
18 847.06, or s. 847.07, relating to obscene literature and  
19 profanity.  
20           ~~39.38.~~ Section 849.09, s. 849.14, s. 849.15, s.  
21 849.23, or s. 849.25, relating to gambling.  
22           ~~40.39.~~ Chapter 874, relating to criminal street gangs.  
23           ~~41.40.~~ Chapter 893, relating to drug abuse prevention  
24 and control.  
25           ~~42.41.~~ Chapter 896, relating to offenses related to  
26 financial transactions.  
27           ~~43.42.~~ Sections 914.22 and 914.23, relating to  
28 tampering with a witness, victim, or informant, and  
29 retaliation against a witness, victim, or informant.  
30           ~~44.43.~~ Sections 918.12 and 918.13, relating to  
31 tampering with jurors and evidence.

1           Section 10. For the purpose of incorporating the  
2 amendments made by this act to section 895.02, Florida  
3 Statutes, in a reference thereto, paragraph (a) of subsection  
4 (1) of section 16.56, Florida Statutes, is reenacted to read:

5           16.56 Office of Statewide Prosecution.--

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

10           (a) Investigate and prosecute the offenses of:

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

14           2. Any crime involving narcotic or other dangerous  
15 drugs;

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

26           4. Any violation of the provisions of the Florida  
27 Anti-Fencing Act;

28           5. Any violation of the provisions of the Florida  
29 Antitrust Act of 1980, as amended;

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



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

4           8. Any violation of the provisions of chapter 815;

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

6           10. Any violation of the provisions of the Florida  
7 Motor Fuel Tax Relief Act of 2004; or

8           11. Any criminal violation of s. 409.920 or s.  
9 409.9201;

10

11 or any attempt, solicitation, or conspiracy to commit any of  
12 the crimes specifically enumerated above. The office shall  
13 have such power only when any such offense is occurring, or  
14 has occurred, in two or more judicial circuits as part of a  
15 related transaction, or when any such offense is connected  
16 with an organized criminal conspiracy affecting two or more  
17 judicial circuits.

18           Section 11. For the purpose of incorporating the  
19 amendments made by this act to section 895.02, Florida  
20 Statutes, in a reference thereto, paragraph (g) of subsection  
21 (3) of section 655.50, Florida Statutes, is reenacted to read:

22           655.50 Florida Control of Money Laundering in  
23 Financial Institutions Act; reports of transactions involving  
24 currency or monetary instruments; when required; purpose;  
25 definitions; penalties.--

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

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

29           Section 12. For the purpose of incorporating the  
30 amendments made by this act to section 895.02, Florida  
31 Statutes, in a reference thereto, paragraph (g) of subsection

1 (2) of section 896.101, Florida Statutes, is reenacted to  
2 read:

3 896.101 Florida Money Laundering Act; definitions;  
4 penalties; injunctions; seizure warrants; immunity.--

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

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

8 Section 13. For the purpose of incorporating the  
9 amendments made by this act to section 895.022, Florida  
10 Statutes, in a reference thereto, section 905.34, Florida  
11 Statutes, is reenacted to read:

12 905.34 Powers and duties; law applicable.--The  
13 jurisdiction of a statewide grand jury impaneled under this  
14 chapter shall extend throughout the state. The subject matter  
15 jurisdiction of the statewide grand jury shall be limited to  
16 the offenses of:

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

20 (2) Crimes involving narcotic or other dangerous  
21 drugs;

22 (3) Any violation of the provisions of the Florida  
23 RICO (Racketeer Influenced and Corrupt Organization) Act,  
24 including any offense listed in the definition of racketeering  
25 activity 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 violation of the provisions of chapter 815;  
6           (7) Any crime involving, or resulting in, fraud or  
7 deceit upon any person;  
8           (8) Any violation of s. 847.0135, s. 847.0137, or s.  
9 847.0138 relating to computer pornography and child  
10 exploitation prevention, or any offense related to a violation  
11 of s. 847.0135, s. 847.0137, or s. 847.0138;  
12           (9) Any criminal violation of part I of chapter 499;  
13 or  
14           (10) Any criminal violation of s. 409.920 or s.  
15 409.9201;  
16  
17 or any attempt, solicitation, or conspiracy to commit any  
18 violation of the crimes specifically enumerated above, when  
19 any such offense is occurring, or has occurred, in two or more  
20 judicial circuits as part of a related transaction or when any  
21 such offense is connected with an organized criminal  
22 conspiracy affecting two or more judicial circuits. The  
23 statewide grand jury may return indictments and presentments  
24 irrespective of the county or judicial circuit where the  
25 offense is committed or triable. If an indictment is  
26 returned, it shall be certified and transferred for trial to  
27 the county where the offense was committed. The powers and  
28 duties of, and law applicable to, county grand juries shall  
29 apply to a statewide grand jury except when such powers,  
30 duties, and law are inconsistent with the provisions of ss.  
31 905.31-905.40.

1           Section 14. Except as otherwise expressly provided in  
2 this act, this act shall take effect July 1, 2005.

3  
4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                   COMMITTEE SUBSTITUTE FOR  
6                   CS/SB 1652

7 The CS for CS for SB 1652 deletes a computer use-related crime  
8 created in the bill as it is currently an existing crime and  
9 it re-states one of the elements in a newly-created third  
10 degree felony, changing the term "stealing" to "theft of."

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