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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 895.02, Florida Statutes, is reordered
and amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:
(8)~~(1)~~ "Racketeering activity" means to commit, to attempt
to commit, to conspire to commit, or to solicit, coerce, or
intimidate another person to commit:



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- 11 (a) Any crime that is chargeable by petition, indictment,
12 or information under the following provisions of the Florida
13 Statutes:
- 14 1. Section 210.18, relating to evasion of payment of
15 cigarette taxes.
 - 16 2. Section 316.1935, relating to fleeing or attempting to
17 elude a law enforcement officer and aggravated fleeing or
18 eluding.
 - 19 3. Section 403.727(3)(b), relating to environmental
20 control.
 - 21 4. Section 409.920 or s. 409.9201, relating to Medicaid
22 fraud.
 - 23 5. Section 414.39, relating to public assistance fraud.
 - 24 6. Section 440.105 or s. 440.106, relating to workers'
25 compensation.
 - 26 7. Section 443.071(4), relating to creation of a fictitious
27 employer scheme to commit reemployment assistance fraud.
 - 28 8. Section 465.0161, relating to distribution of medicinal
29 drugs without a permit as an Internet pharmacy.
 - 30 9. Section 499.0051, relating to crimes involving
31 contraband and adulterated drugs.
 - 32 10. Part IV of chapter 501, relating to telemarketing.
 - 33 11. Chapter 517, relating to sale of securities and
34 investor protection.
 - 35 12. Section 550.235 or s. 550.3551, relating to dogracing
36 and horseracing.
 - 37 13. Chapter 550, relating to jai alai frontons.
 - 38 14. Section 551.109, relating to slot machine gaming.
 - 39 15. Chapter 552, relating to the manufacture, distribution,



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40 and use of explosives.

41 16. Chapter 560, relating to money transmitters, if the
42 violation is punishable as a felony.

43 17. Chapter 562, relating to beverage law enforcement.

44 18. Section 624.401, relating to transacting insurance
45 without a certificate of authority, s. 624.437(4)(c)1., relating
46 to operating an unauthorized multiple-employer welfare
47 arrangement, or s. 626.902(1)(b), relating to representing or
48 aiding an unauthorized insurer.

49 19. Section 655.50, relating to reports of currency
50 transactions, when such violation is punishable as a felony.

51 20. Chapter 687, relating to interest and usurious
52 practices.

53 21. Section 721.08, s. 721.09, or s. 721.13, relating to
54 real estate timeshare plans.

55 22. Section 775.13(5)(b), relating to registration of
56 persons found to have committed any offense for the purpose of
57 benefiting, promoting, or furthering the interests of a criminal
58 gang.

59 23. Section 777.03, relating to commission of crimes by
60 accessories after the fact.

61 24. Chapter 782, relating to homicide.

62 25. Chapter 784, relating to assault and battery.

63 26. Chapter 787, relating to kidnapping or human
64 trafficking.

65 27. Chapter 790, relating to weapons and firearms.

66 28. Chapter 794, relating to sexual battery, but only if
67 such crime was committed with the intent to benefit, promote, or
68 further the interests of a criminal gang, or for the purpose of



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69 increasing a criminal gang member's own standing or position
70 within a criminal gang.

71 29. Former section 796.03, former s. 796.035, s. 796.04, s.
72 796.05, or s. 796.07, relating to prostitution.

73 30. Chapter 806, relating to arson and criminal mischief.

74 31. Chapter 810, relating to burglary and trespass.

75 32. Chapter 812, relating to theft, robbery, and related
76 crimes.

77 33. Chapter 815, relating to computer-related crimes.

78 34. Chapter 817, relating to fraudulent practices, false
79 pretenses, fraud generally, and credit card crimes.

80 35. Chapter 825, relating to abuse, neglect, or
81 exploitation of an elderly person or disabled adult.

82 36. Section 827.071, relating to commercial sexual
83 exploitation of children.

84 37. Section 828.122, relating to fighting or baiting
85 animals.

86 38. Chapter 831, relating to forgery and counterfeiting.

87 39. Chapter 832, relating to issuance of worthless checks
88 and drafts.

89 40. Section 836.05, relating to extortion.

90 41. Chapter 837, relating to perjury.

91 42. Chapter 838, relating to bribery and misuse of public
92 office.

93 43. Chapter 843, relating to obstruction of justice.

94 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
95 s. 847.07, relating to obscene literature and profanity.

96 45. Chapter 849, relating to gambling, lottery, gambling or
97 gaming devices, slot machines, or any of the provisions within



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98 that chapter.

99 46. Chapter 874, relating to criminal gangs.

100 47. Chapter 893, relating to drug abuse prevention and
101 control.

102 48. Chapter 896, relating to offenses related to financial
103 transactions.

104 49. Sections 914.22 and 914.23, relating to tampering with
105 or harassing a witness, victim, or informant, and retaliation
106 against a witness, victim, or informant.

107 50. Sections 918.12 and 918.13, relating to tampering with
108 jurors and evidence.

109 (b) Any conduct defined as "racketeering activity" under 18
110 U.S.C. s. 1961(1).

111 ~~(12)~~(2) "Unlawful debt" means any money or other thing of
112 value constituting principal or interest of a debt that is
113 legally unenforceable in this state in whole or in part because
114 the debt was incurred or contracted:

115 (a) In violation of any one of the following provisions of
116 law:

117 1. Section 550.235 or s. 550.3551, relating to dogracing
118 and horseracing.

119 2. Chapter 550, relating to jai alai frontons.

120 3. Section 551.109, relating to slot machine gaming.

121 4. Chapter 687, relating to interest and usury.

122 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
123 849.25, relating to gambling.

124 (b) In gambling activity in violation of federal law or in
125 the business of lending money at a rate usurious under state or
126 federal law.



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127 (5)~~(3)~~ "Enterprise" means any individual, sole
128 proprietorship, partnership, corporation, business trust, union
129 chartered under the laws of this state, or other legal entity,
130 or any unchartered union, association, or group of individuals
131 associated in fact although not a legal entity; and it includes
132 illicit as well as licit enterprises and governmental, as well
133 as other, entities. A criminal gang, as defined in s. 874.03,
134 constitutes an enterprise.

135 (7)~~(4)~~ "Pattern of racketeering activity" means engaging in
136 at least two incidents of racketeering conduct that have the
137 same or similar intents, results, accomplices, victims, or
138 methods of commission or that otherwise are interrelated by
139 distinguishing characteristics and are not isolated incidents,
140 provided at least one of such incidents occurred after October
141 1, 1977, ~~the effective date of this act~~ and that the last of
142 such incidents occurred within 5 years after a prior incident of
143 racketeering conduct.

144 (4)~~(5)~~ "Documentary material" means any book, paper,
145 document, writing, drawing, graph, chart, photograph,
146 phonorecord, magnetic tape, computer printout, other data
147 compilation from which information can be obtained or from which
148 information can be translated into usable form, or other
149 tangible item.

150 (10)~~(6)~~ "RICO lien notice" means the notice described in s.
151 895.05(13) ~~895.05(12)~~ or in s. 895.07.

152 (6)~~(7)~~ "Investigative agency" means the Department of Legal
153 Affairs, the Office of Statewide Prosecution, or the office of a
154 state attorney.

155 (1)~~(8)~~ "Beneficial interest" means any of the following:



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156 (a) The interest of a person as a beneficiary under a trust
157 established pursuant to s. 689.07 or s. 689.071 in which the
158 trustee for the trust holds legal or record title to real
159 property;

160 (b) The interest of a person as a beneficiary under any
161 other trust arrangement pursuant to which a trustee holds legal
162 or record title to real property for the benefit of such person;
163 or

164 (c) The interest of a person under any other form of
165 express fiduciary arrangement pursuant to which any other person
166 holds legal or record title to real property for the benefit of
167 such person.

168
169 The term "beneficial interest" does not include the interest of
170 a stockholder in a corporation or the interest of a partner in
171 either a general partnership or a limited partnership. A
172 beneficial interest shall be deemed to be located where the real
173 property owned by the trustee is located.

174 (9) "Real property" means any real property or any interest
175 in such real property, including, but not limited to, any lease
176 of or mortgage upon such real property.

177 (11)~~(10)~~ "Trustee" means any of the following:

178 (a) Any person acting as trustee pursuant to a trust
179 established under s. 689.07 or s. 689.071 in which the trustee
180 holds legal or record title to real property.

181 (b) Any person who holds legal or record title to real
182 property in which any other person has a beneficial interest.

183 (c) Any successor trustee or trustees to any or all of the
184 foregoing persons.



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185
186 However, the term "trustee" does not include any person
187 appointed or acting as a personal representative as defined in
188 s. 731.201 or appointed or acting as a trustee of any
189 testamentary trust or as a trustee of any indenture of trust
190 under which any bonds have been or are to be issued.

191 (3)~~(11)~~ "Criminal proceeding" means any criminal proceeding
192 commenced by an investigative agency under s. 895.03 or any
193 other provision of the Florida RICO Act.

194 (2)~~(12)~~ "Civil proceeding" means any civil proceeding
195 commenced by an investigative agency under s. 895.05 or any
196 other provision of the Florida RICO Act.

197 Section 2. Present subsections (9) through (12) of section
198 895.05, Florida Statutes, are renumbered as subsections (10)
199 through (13), respectively, subsection (2) and present
200 subsections (9) through (12) are amended, and a new subsection
201 (9) is added to that section, to read:

202 895.05 Civil remedies.—

203 (2) (a) All property, real or personal, including money,
204 used in the course of, intended for use in the course of,
205 derived from, or realized through conduct in violation of a
206 ~~provision of~~ ss. 895.01-895.05 is subject to civil forfeiture to
207 the state.

208 (b) An investigative agency may, on behalf of the state,
209 institute a civil proceeding for forfeiture in the circuit court
210 for the judicial circuit in which real or personal tangible
211 property as described in paragraph (a) is located. An
212 investigative agency may, on behalf of the state, institute a
213 civil proceeding for forfeiture in a circuit court in the state



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214 regarding intangible property as described in paragraph (a).

215 (c) Upon the entry of a final judgment of forfeiture in
216 favor of the state, the title of the state to the forfeited
217 property shall relate back:

218 1. In the case of real property or a beneficial interest,
219 to the date of filing of the RICO lien notice in the official
220 records of the county where the real property or beneficial
221 trust is located; if no RICO lien notice is filed, then to the
222 date of the filing of any notice of lis pendens under s.
223 895.07(5) (a) in the official records of the county where the
224 real property or beneficial interest is located; and if no RICO
225 lien notice or notice of lis pendens is filed, then to the date
226 of recording of the final judgment of forfeiture in the official
227 records of the county where the real property or beneficial
228 interest is located.

229 2. In the case of personal property, to the date the
230 personal property was seized by the investigating agency.

231 (d) If property subject to forfeiture is conveyed,
232 alienated, disposed of, diminished in value, or otherwise
233 rendered unavailable for forfeiture ~~after the filing of a RICO~~
234 ~~lien notice or after the filing of a civil proceeding or~~
235 ~~criminal proceeding, whichever is earlier~~, the investigative
236 agency may, on behalf of the state, institute an action in any
237 circuit court against the person named in the RICO lien notice
238 or the defendant in the civil proceeding or criminal proceeding,
239 and the court shall enter final judgment against the person
240 named in the RICO lien notice or the defendant in the civil
241 proceeding or criminal proceeding in an amount equal to the fair
242 market value of the property, together with investigative costs



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243 and attorney ~~attorney's~~ fees incurred by the investigative
244 agency in the action. In the alternative, the court may order
245 the forfeiture of any other property of the defendant up to the
246 value of the property subject to forfeiture. If a civil
247 proceeding is pending, such action shall be filed only in the
248 court where the civil proceeding is pending.

249 (e) ~~(e)~~ The state shall dispose of all forfeited property as
250 soon as commercially feasible. If property is not exercisable or
251 transferable for value by the state, it shall expire. All
252 forfeitures or dispositions under this section shall be made
253 with due provision for the rights of innocent persons. The
254 proceeds realized from such forfeiture and disposition shall be
255 promptly distributed in accordance with the provisions of s.
256 895.09.

257 (9) The Department of Legal Affairs may bring an action for
258 a violation of s. 895.03 to obtain injunctive relief, civil
259 penalties as provided in this subsection, attorney fees, and
260 costs incurred in the investigation and prosecution of any
261 action under this chapter.

262 (a) A natural person who violates s. 895.03 is subject to a
263 civil penalty of up to \$100,000. Any other person who violates
264 s. 895.03 is subject to a civil penalty of up to \$1 million.
265 Moneys recovered for civil penalties under this paragraph shall
266 be deposited into the General Revenue Fund.

267 (b) Moneys recovered by the Department of Legal Affairs for
268 attorney fees and costs under this subsection shall be deposited
269 into the Legal Affairs Revolving Trust Fund, which may be used
270 to investigate and enforce this chapter.

271 (c) In a civil action brought under this subsection by the



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272 Department of Legal Affairs, any party to such action may
273 petition the court for entry of a consent decree or for approval
274 of a settlement agreement. The proposed decree or settlement
275 shall specify the alleged violations, the future obligations of
276 the parties, the relief agreed upon, and the reasons for
277 entering into the consent decree or settlement agreement.

278 (10)-(9) The Department of Legal Affairs may, upon timely
279 application, intervene in any civil action or proceeding brought
280 under subsection (6) or subsection (7) if it certifies that, in
281 its opinion, the action or proceeding is of general public
282 importance. In such action or proceeding, the state shall be
283 entitled to the same relief as if the Department of Legal
284 Affairs had instituted the action or proceeding.

285 (11)-(10) Notwithstanding any other provision of law, a
286 criminal or civil action or proceeding under this chapter act
287 may be commenced at any time within 5 years after the conduct in
288 violation of ~~a provision of this chapter act~~ terminates or the
289 cause of action accrues. If a criminal prosecution or civil
290 action or other proceeding is brought, or intervened in, to
291 punish, prevent, or restrain any violation of ~~the provisions of~~
292 this chapter act, the running of the period of limitations
293 prescribed by this section with respect to any cause of action
294 arising under subsection (6), ~~or~~ subsection (7), or subsection
295 (9) which is based in whole or in part upon any matter
296 complained of in any such prosecution, action, or proceeding
297 shall be suspended during the pendency of such prosecution,
298 action, or proceeding and for 2 years following its termination.

299 (12)-(11) The application of one civil remedy under any
300 provision of this chapter act does not preclude the application



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301 of any other remedy, civil or criminal, under this chapter ~~act~~
302 or any other provision of law. Civil remedies under this chapter
303 ~~act~~ are supplemental, and not mutually exclusive.

304 (13)~~(12)~~(a) In addition to the authority to file a RICO
305 lien notice set forth in s. 895.07(1), the Department of Legal
306 Affairs, the Office of Statewide Prosecution, or the office of a
307 state attorney may apply ex parte to a criminal division of a
308 circuit court and, upon petition supported by sworn affidavit,
309 obtain an order authorizing the filing of a RICO lien notice
310 against real property upon a showing of probable cause to
311 believe that the property was used in the course of, intended
312 for use in the course of, derived from, or realized through
313 conduct in violation of ~~a provision of~~ ss. 895.01-895.05. If the
314 lien notice authorization is granted, the department shall,
315 after filing the lien notice, forthwith provide notice to the
316 owner of the property by one of the following methods:

317 1. By serving the notice in the manner provided by law for
318 the service of process.

319 2. By mailing the notice, postage prepaid, by ~~registered or~~
320 certified mail to the person to be served at his or her last
321 known address and evidence of the delivery.

322 3. If neither of the foregoing can be accomplished, by
323 posting the notice on the premises.

324 (b) The owner of the property may move the court to
325 discharge the lien, and such motion shall be set for hearing at
326 the earliest possible time.

327 (c) The court shall discharge the lien if it finds that
328 there is no probable cause to believe that the property was used
329 in the course of, intended for use in the course of, derived



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330 from, or realized through conduct in violation of ~~a provision of~~
331 ss. 895.01-895.05 or if it finds that the owner of the property
332 neither knew nor reasonably should have known that the property
333 was used in the course of, intended for use in the course of,
334 derived from, or realized through conduct in violation of a
335 ~~provision of~~ ss. 895.01-895.05.

336 (d) No testimony presented by the owner of the property at
337 the hearing is admissible against him or her in any criminal
338 proceeding except in a criminal prosecution for perjury or false
339 statement, nor shall such testimony constitute a waiver of the
340 owner's constitutional right against self-incrimination.

341 (e) A lien notice secured under ~~the provisions of~~ this
342 subsection is valid for a period of 90 days from the date the
343 court granted authorization, which period may be extended for an
344 additional 90 days by the court for good cause shown, unless a
345 civil proceeding is instituted under this section and a lien
346 notice is filed under s. 895.07, in which event the term of the
347 lien notice is governed by s. 895.08.

348 (f) The filing of a lien notice, whether or not
349 subsequently discharged or otherwise lifted, shall constitute
350 notice to the owner and knowledge by the owner that the property
351 was used in the course of, intended for use in the course of,
352 derived from, or realized through conduct in violation of a
353 ~~provision of~~ ss. 895.01-895.05, such that lack of such notice
354 and knowledge shall not be a defense in any subsequent civil or
355 criminal proceeding under this chapter.

356 Section 3. Section 895.06, Florida Statutes, is amended to
357 read:

358 895.06 Civil investigative subpoenas.-



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359 ~~(1) As used in this section, the term "investigative~~
360 ~~agency" means the Department of Legal Affairs, the Office of~~
361 ~~Statewide Prosecution, or the office of a state attorney.~~

362 (1)(2) If, pursuant to the civil enforcement provisions of
363 s. 895.05, an investigative agency has reason to believe that a
364 person or other enterprise has engaged in, or is engaging in,
365 activity in violation of this chapter act, the investigative
366 agency may administer oaths or affirmations, subpoena witnesses
367 or material, and collect evidence.

368 (2)(3) A subpoena issued pursuant to this chapter is
369 confidential for 120 days after the date of its issuance. The
370 subpoenaed person or entity may not disclose the existence of
371 the subpoena to any person or entity other than his or her
372 attorney during the 120-day period. The subpoena must include a
373 reference to the confidentiality of the subpoena and a notice to
374 the recipient of the subpoena that disclosure of the existence
375 of the subpoena to any other person or entity except the
376 subpoenaed person's or entity's attorney is prohibited. The
377 investigative agency may apply ex parte to the circuit court for
378 the circuit in which a subpoenaed person or entity resides, is
379 found, or transacts business for an order directing that the
380 subpoenaed person or entity not disclose the existence of the
381 subpoena to any other person or entity except the subpoenaed
382 person's attorney for an additional a period of time 90 days,
383 which time may be extended by the court for good cause shown by
384 the investigative agency. The order shall be served on the
385 subpoenaed person or entity with the subpoena, and the subpoena
386 must shall include a reference to the order and a notice to the
387 recipient of the subpoena that disclosure of the existence of



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388 the subpoena to any other person or entity in violation of the
389 order may subject the subpoenaed person or entity to punishment
390 for contempt of court. Such an order may be granted by the court
391 only upon a showing:

392 (a) Of sufficient factual grounds to reasonably indicate a
393 violation of ss. 895.01-895.06;

394 (b) That the documents or testimony sought appear
395 reasonably calculated to lead to the discovery of admissible
396 evidence; and

397 (c) Of facts that ~~which~~ reasonably indicate that disclosure
398 of the subpoena would hamper or impede the investigation or
399 would result in a flight from prosecution.

400 (3) ~~(4)~~ If matter that the investigative agency seeks to
401 obtain by the subpoena is located outside the state, the person
402 or enterprise subpoenaed may make such matter available to the
403 investigative agency or its representative for examination at
404 the place where such matter is located. The investigative agency
405 may designate representatives, including officials of the
406 jurisdiction in which the matter is located, to inspect the
407 matter on its behalf and may respond to similar requests from
408 officials of other jurisdictions.

409 (4) ~~(5)~~ Upon failure of a person or enterprise, without
410 lawful excuse, to obey a subpoena issued under this section or a
411 subpoena issued in the course of a civil proceeding instituted
412 pursuant to s. 895.05, and after reasonable notice to such
413 person or enterprise, the investigative agency may apply to the
414 circuit court in which such civil proceeding is pending or, if
415 no civil proceeding is pending, to the circuit court for the
416 judicial circuit in which such person or enterprise resides, is



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417 found, or transacts business for an order compelling compliance.
418 Except in a prosecution for perjury, an individual who complies
419 with a court order to provide testimony or material after
420 asserting a privilege against self-incrimination to which the
421 individual is entitled by law shall not have the testimony or
422 material so provided, or evidence derived therefrom, received
423 against him or her in any criminal investigation or proceeding.

424 ~~(5)~~ (6) A person who fails to obey a court order entered
425 pursuant to this section may be punished for contempt of court.

426 (6) The investigative agency may stipulate to protective
427 orders with respect to documents and information submitted in
428 response to a subpoena issued under this section.

429 Section 4. Paragraph (b) of subsection (1) of section
430 895.09, Florida Statutes, is amended, and paragraph (d) is added
431 to that subsection, to read:

432 895.09 Disposition of funds obtained through forfeiture
433 proceedings.—

434 (1) A court entering a judgment of forfeiture in a
435 proceeding brought pursuant to s. 895.05 shall retain
436 jurisdiction to direct the distribution of any cash or of any
437 cash proceeds realized from the forfeiture and disposition of
438 the property. The court shall direct the distribution of the
439 funds in the following order of priority:

440 (b) Any claims against the property by persons who have
441 previously been judicially determined to be innocent persons,
442 pursuant to s. 895.05(2) (e) ~~the provisions of s. 895.05(2) (e),~~
443 and whose interests are preserved from forfeiture by the court
444 and not otherwise satisfied. Such claims may include any claim
445 by a person appointed by the court as receiver pending



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446 litigation.

447 (d) Any claims for restitution by victims of the
448 racketeering activity. Where the forfeiture action was brought
449 by the Department of Legal Affairs, the restitution shall be
450 distributed through the Legal Affairs Revolving Trust Fund;
451 otherwise, the restitution shall be distributed by the clerk of
452 the court.

453 Section 5. Paragraph (a) of subsection (1) of section
454 16.56, Florida Statutes, is amended to read:

455 16.56 Office of Statewide Prosecution.—

456 (1) There is created in the Department of Legal Affairs an
457 Office of Statewide Prosecution. The office shall be a separate
458 “budget entity” as that term is defined in chapter 216. The
459 office may:

460 (a) Investigate and prosecute the offenses of:

461 1. Bribery, burglary, criminal usury, extortion, gambling,
462 kidnapping, larceny, murder, prostitution, perjury, robbery,
463 carjacking, and home-invasion robbery;

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

465 3. Any violation of the provisions of the Florida RICO
466 (Racketeer Influenced and Corrupt Organization) Act, including
467 any offense listed in the definition of racketeering activity in
468 s. 895.02(8)(a) ~~895.02(1)(a)~~, providing such listed offense is
469 investigated in connection with a violation of s. 895.03 and is
470 charged in a separate count of an information or indictment
471 containing a count charging a violation of s. 895.03, the
472 prosecution of which listed offense may continue independently
473 if the prosecution of the violation of s. 895.03 is terminated
474 for any reason;



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- 475 4. Any violation of the provisions of the Florida Anti-
476 Fencing Act;
- 477 5. Any violation of the provisions of the Florida Antitrust
478 Act of 1980, as amended;
- 479 6. Any crime involving, or resulting in, fraud or deceit
480 upon any person;
- 481 7. Any violation of s. 847.0135, relating to computer
482 pornography and child exploitation prevention, or any offense
483 related to a violation of s. 847.0135 or any violation of
484 chapter 827 where the crime is facilitated by or connected to
485 the use of the Internet or any device capable of electronic data
486 storage or transmission;
- 487 8. Any violation of the provisions of chapter 815;
- 488 9. Any criminal violation of part I of chapter 499;
- 489 10. Any violation of the provisions of the Florida Motor
490 Fuel Tax Relief Act of 2004;
- 491 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 492 12. Any crime involving voter registration, voting, or
493 candidate or issue petition activities;
- 494 13. Any criminal violation of the Florida Money Laundering
495 Act;
- 496 14. Any criminal violation of the Florida Securities and
497 Investor Protection Act; or
- 498 15. Any violation of the provisions of chapter 787, as well
499 as any and all offenses related to a violation of the provisions
500 of chapter 787;
- 501
502 or any attempt, solicitation, or conspiracy to commit any of the
503 crimes specifically enumerated above. The office shall have such



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504 power only when any such offense is occurring, or has occurred,
505 in two or more judicial circuits as part of a related
506 transaction, or when any such offense is connected with an
507 organized criminal conspiracy affecting two or more judicial
508 circuits. Informations or indictments charging such offenses
509 shall contain general allegations stating the judicial circuits
510 and counties in which crimes are alleged to have occurred or the
511 judicial circuits and counties in which crimes affecting such
512 circuits or counties are alleged to have been connected with an
513 organized criminal conspiracy.

514 Section 6. Subsection (3) of section 905.34, Florida
515 Statutes, is amended to read:

516 905.34 Powers and duties; law applicable.—The jurisdiction
517 of a statewide grand jury impaneled under this chapter shall
518 extend throughout the state. The subject matter jurisdiction of
519 the statewide grand jury shall be limited to the offenses of:

520 (3) Any violation of the provisions of the Florida RICO
521 (Racketeer Influenced and Corrupt Organization) Act, including
522 any offense listed in the definition of racketeering activity in
523 s. 895.02(8)(a) ~~895.02(1)(a)~~, providing such listed offense is
524 investigated in connection with a violation of s. 895.03 and is
525 charged in a separate count of an information or indictment
526 containing a count charging a violation of s. 895.03, the
527 prosecution of which listed offense may continue independently
528 if the prosecution of the violation of s. 895.03 is terminated
529 for any reason;

530
531 or any attempt, solicitation, or conspiracy to commit any
532 violation of the crimes specifically enumerated above, when any



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533 such offense is occurring, or has occurred, in two or more
534 judicial circuits as part of a related transaction or when any
535 such offense is connected with an organized criminal conspiracy
536 affecting two or more judicial circuits. The statewide grand
537 jury may return indictments and presentments irrespective of the
538 county or judicial circuit where the offense is committed or
539 triable. If an indictment is returned, it shall be certified and
540 transferred for trial to the county where the offense was
541 committed. The powers and duties of, and law applicable to,
542 county grand juries shall apply to a statewide grand jury except
543 when such powers, duties, and law are inconsistent with the
544 provisions of ss. 905.31-905.40.

545 Section 7. For the purpose of incorporating the amendment
546 made by this act to section 895.05, Florida Statutes, in a
547 reference thereto, subsection (4) and paragraph (a) of
548 subsection (5) of section 16.53, Florida Statutes, are
549 reenacted, and subsection (6) of that section is amended, to
550 read:

551 16.53 Legal Affairs Revolving Trust Fund.—

552 (4) Subject to the provisions of s. 895.09, when the
553 Attorney General files an action pursuant to s. 895.05, funds
554 provided to the Department of Legal Affairs pursuant to s.
555 895.09(2)(a) or, alternatively, attorneys' fees and costs,
556 whichever is greater, shall be deposited in the fund.

557 (5)(a) In the case of a forfeiture action pursuant to s.
558 895.05, the remainder of the moneys recovered shall be
559 distributed as set forth in s. 895.09.

560 (6) "Moneys recovered" means damages or penalties or any
561 other monetary payment, including monetary proceeds from



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562 property forfeited to the state pursuant to s. 895.05 remaining
563 after satisfaction of any valid claims made pursuant to s.
564 895.09(1)(a)-(d) ~~895.09(1)(a)-(e)~~, which damages, penalties, or
565 other monetary payment is made by any defendant by reason of any
566 decree or settlement in any Racketeer Influenced and Corrupt
567 Organization Act or state or federal antitrust action prosecuted
568 by the Attorney General, but excludes attorney ~~attorneys'~~ fees
569 and costs.

570 Section 8. For the purpose of incorporating the amendment
571 made by this act to section 895.05, Florida Statutes, in a
572 reference thereto, subsection (1) of section 27.345, Florida
573 Statutes, is reenacted to read:

574 27.345 State Attorney RICO Trust Fund; authorized use of
575 funds; reporting.—

576 (1) Subject to the provisions of s. 895.09, when a state
577 attorney files an action pursuant to s. 895.05, funds provided
578 to the state attorney pursuant to s. 895.09(2)(a) or,
579 alternatively, attorneys' fees and costs, whichever is greater,
580 shall be deposited in the State Attorney RICO Trust Fund.

581 Section 9. For the purpose of incorporating the amendment
582 made by this act to section 895.05, Florida Statutes, in a
583 reference thereto, subsection (3) of section 92.142, Florida
584 Statutes, is reenacted to read:

585 92.142 Witnesses; pay.—

586 (3) Any witness subpoenaed to testify on behalf of the
587 state in any action brought pursuant to s. 895.05 or chapter 542
588 who is required to travel outside his or her county of residence
589 and more than 50 miles from his or her residence, or who is
590 required to travel from out of state, shall be entitled to per



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591 diem and travel expenses at the same rate provided for state
592 employees under s. 112.061 in lieu of any state witness fee.

593 Section 10. This act shall take effect July 1, 2015.

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

595 And the title is amended as follows:

596 Delete everything before the enacting clause
597 and insert:

598 A bill to be entitled
599 An act relating to offenses concerning racketeering
600 and illegal debts; reordering and amending s. 895.02,
601 F.S.; specifying the earliest date that incidents
602 constituting a pattern of racketeering activity may
603 have occurred; conforming a cross-reference; amending
604 s. 895.05, F.S.; authorizing an investigative agency
605 to institute a civil proceeding for forfeiture in a
606 circuit court in certain circumstances; adding
607 diminution in value as a ground for an action under
608 certain circumstances; removing certain grounds for an
609 action; authorizing a court to order the forfeiture of
610 other property of the defendant up to the value of the
611 unavailable property in certain circumstances;
612 authorizing the Department of Legal Affairs to bring
613 an action for certain violations to obtain specified
614 relief, fees, and costs for certain purposes;
615 providing for civil penalties for natural persons and
616 other persons who commit certain violations; providing
617 for deposit of moneys received for certain violations;
618 authorizing a party to a specific civil action to
619 petition the court for entry of a consent decree or



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620 for approval of a settlement agreement; providing
621 requirements for such decrees or agreements; amending
622 s. 895.06, F.S.; deleting the definition of
623 "investigative agency" for purposes of provisions
624 relating to civil investigative subpoenas; providing
625 that a subpoena must be confidential for a specified
626 time; restricting to whom the subpoenaed person or
627 entity may disclose the existence of the subpoena;
628 requiring certain information to be included in the
629 subpoena; authorizing the investigative agency to
630 apply for an order extending the amount of time the
631 subpoena remains confidential rather than having it
632 extended by the court for a specified period;
633 providing that the investigative agency has the
634 authority to stipulate to protective orders with
635 respect to documents and information submitted in
636 response to a subpoena; amending s. 895.09, F.S.;
637 conforming a cross-reference; providing for
638 distribution of forfeiture proceeds to victims;
639 amending ss. 16.56 and 905.34, F.S.; conforming cross-
640 references; reenacting and amending s. 16.53, F.S.,
641 relating to the Department of Legal Affairs Trust
642 Fund, to incorporate the amendment made by the act to
643 s. 895.05, F.S., in references thereto; conforming a
644 cross-reference; reenacting ss. 27.345(1) and
645 92.142(3), F.S., relating to the State Attorney RICO
646 Trust Fund and witness pay, respectively, to
647 incorporate the amendment made by the act to s.
648 895.05, F.S., in references thereto; providing an



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649

effective date.