

By Senator Flores

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1                   A bill to be entitled  
2       An act relating to offenses concerning racketeering  
3       and illegal debts; amending s. 895.02, F.S.;  
4       reordering and conforming a cross-reference; amending  
5       s. 895.05, F.S.; authorizing an investigative agency  
6       to institute a civil proceeding for forfeiture of  
7       personal property in a circuit court; adding the  
8       diminution in value as a reason that the investigative  
9       agency may bring an action under certain  
10      circumstances; revising when the investigative agency  
11      may bring an action under certain circumstances;  
12      authorizing a court to order the forfeiture of other  
13      property of the defendant up to the value of the  
14      property subject to forfeiture in certain  
15      circumstances; authorizing the Department of Legal  
16      Affairs to bring an action for a certain violation to  
17      obtain specified relief, fees, and costs for certain  
18      purposes; providing civil penalties; requiring certain  
19      fees and costs recovered by the department for certain  
20      violations to be deposited into the Legal Affairs  
21      Revolving Trust Fund; authorizing a party to a  
22      specific civil action brought by the department to  
23      petition the court for entry of a consent decree or  
24      for approval of a settlement agreement, which must  
25      state specified information; conforming a provision to  
26      changes made by the act; amending s. 895.06, F.S.;  
27      providing that a subpoena must be confidential for a  
28      certain time; restricting to whom the subpoenaed  
29      person or entity may disclose the existence of the

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30 subpoena; requiring certain information to be included  
31 in the subpoena; authorizing the investigative agency  
32 to apply for an order extending the amount of time the  
33 subpoena remains confidential for an additional period  
34 of time, rather than having it extended for 90 days;  
35 providing that the investigative agency has the  
36 authority to stipulate to protective orders with  
37 respect to documents and information submitted in  
38 response to a subpoena; amending s. 895.09, F.S.;  
39 adding a specified way for certain funds to be  
40 expended; conforming a cross-reference; amending ss.  
41 16.56 and 905.34, F.S.; conforming cross-references;  
42 reenacting ss. 16.53(4), (5) (a), and (6), 27.345(1),  
43 and 92.142(3), F.S., relating to the Legal Affairs  
44 Revolving Trust Fund, the State Attorney RICO Trust  
45 Fund, and payment to witnesses, respectively, to  
46 incorporate the amendment made to s. 895.05, F.S., in  
47 references thereto; providing an effective date.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Section 895.02, Florida Statutes, is reordered  
52 and amended to read:

53 895.02 Definitions.—As used in ss. 895.01-895.08, the term:  
54 (8)~~(1)~~ "Racketeering activity" means to commit, to attempt  
55 to commit, to conspire to commit, or to solicit, coerce, or  
56 intimidate another person to commit:

57 (a) Any crime that is chargeable by petition, indictment,  
58 or information under the following provisions of the Florida

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59 Statutes:

- 60 1. Section 210.18, relating to evasion of payment of  
61 cigarette taxes.
- 62 2. Section 316.1935, relating to fleeing or attempting to  
63 elude a law enforcement officer and aggravated fleeing or  
64 eluding.
- 65 3. Section 403.727(3)(b), relating to environmental  
66 control.
- 67 4. Section 409.920 or s. 409.9201, relating to Medicaid  
68 fraud.
- 69 5. Section 414.39, relating to public assistance fraud.
- 70 6. Section 440.105 or s. 440.106, relating to workers'  
71 compensation.
- 72 7. Section 443.071(4), relating to creation of a fictitious  
73 employer scheme to commit reemployment assistance fraud.
- 74 8. Section 465.0161, relating to distribution of medicinal  
75 drugs without a permit as an Internet pharmacy.
- 76 9. Section 499.0051, relating to crimes involving  
77 contraband and adulterated drugs.
- 78 10. Part IV of chapter 501, relating to telemarketing.
- 79 11. Chapter 517, relating to sale of securities and  
80 investor protection.
- 81 12. Section 550.235 or s. 550.3551, relating to dogracing  
82 and horseracing.
- 83 13. Chapter 550, relating to jai alai frontons.
- 84 14. Section 551.109, relating to slot machine gaming.
- 85 15. Chapter 552, relating to the manufacture, distribution,  
86 and use of explosives.
- 87 16. Chapter 560, relating to money transmitters, if the

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88 violation is punishable as a felony.

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

90 18. Section 624.401, relating to transacting insurance  
91 without a certificate of authority, s. 624.437(4)(c)1., relating  
92 to operating an unauthorized multiple-employer welfare  
93 arrangement, or s. 626.902(1)(b), relating to representing or  
94 aiding an unauthorized insurer.

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

97 20. Chapter 687, relating to interest and usurious  
98 practices.

99 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
100 real estate timeshare plans.

101 22. Section 775.13(5)(b), relating to registration of  
102 persons found to have committed any offense for the purpose of  
103 benefiting, promoting, or furthering the interests of a criminal  
104 gang.

105 23. Section 777.03, relating to commission of crimes by  
106 accessories after the fact.

107 24. Chapter 782, relating to homicide.

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

109 26. Chapter 787, relating to kidnapping or human  
110 trafficking.

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

112 28. Chapter 794, relating to sexual battery, but only if  
113 such crime was committed with the intent to benefit, promote, or  
114 further the interests of a criminal gang, or for the purpose of  
115 increasing a criminal gang member's own standing or position  
116 within a criminal gang.

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- 117 29. Former section 796.03, former s. 796.035, s. 796.04, s.  
118 796.05, or s. 796.07, relating to prostitution.
- 119 30. Chapter 806, relating to arson and criminal mischief.
- 120 31. Chapter 810, relating to burglary and trespass.
- 121 32. Chapter 812, relating to theft, robbery, and related  
122 crimes.
- 123 33. Chapter 815, relating to computer-related crimes.
- 124 34. Chapter 817, relating to fraudulent practices, false  
125 pretenses, fraud generally, and credit card crimes.
- 126 35. Chapter 825, relating to abuse, neglect, or  
127 exploitation of an elderly person or disabled adult.
- 128 36. Section 827.071, relating to commercial sexual  
129 exploitation of children.
- 130 37. Section 828.122, relating to fighting or baiting  
131 animals.
- 132 38. Chapter 831, relating to forgery and counterfeiting.
- 133 39. Chapter 832, relating to issuance of worthless checks  
134 and drafts.
- 135 40. Section 836.05, relating to extortion.
- 136 41. Chapter 837, relating to perjury.
- 137 42. Chapter 838, relating to bribery and misuse of public  
138 office.
- 139 43. Chapter 843, relating to obstruction of justice.
- 140 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
141 s. 847.07, relating to obscene literature and profanity.
- 142 45. Chapter 849, relating to gambling, lottery, gambling or  
143 gaming devices, slot machines, or any of the provisions within  
144 that chapter.
- 145 46. Chapter 874, relating to criminal gangs.

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146 47. Chapter 893, relating to drug abuse prevention and  
147 control.

148 48. Chapter 896, relating to offenses related to financial  
149 transactions.

150 49. Sections 914.22 and 914.23, relating to tampering with  
151 or harassing a witness, victim, or informant, and retaliation  
152 against a witness, victim, or informant.

153 50. Sections 918.12 and 918.13, relating to tampering with  
154 jurors and evidence.

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

157 (12)~~(2)~~ "Unlawful debt" means any money or other thing of  
158 value constituting principal or interest of a debt that is  
159 legally unenforceable in this state in whole or in part because  
160 the debt was incurred or contracted:

161 (a) In violation of any one of the following provisions of  
162 law:

163 1. Section 550.235 or s. 550.3551, relating to dogracing  
164 and horseracing.

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

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

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

168 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
169 849.25, relating to gambling.

170 (b) In gambling activity in violation of federal law or in  
171 the business of lending money at a rate usurious under state or  
172 federal law.

173 (5)~~(3)~~ "Enterprise" means any individual, sole  
174 proprietorship, partnership, corporation, business trust, union

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175 chartered under the laws of this state, or other legal entity,  
176 or any unchartered union, association, or group of individuals  
177 associated in fact although not a legal entity; and it includes  
178 illicit as well as licit enterprises and governmental, as well  
179 as other, entities. A criminal gang, as defined in s. 874.03,  
180 constitutes an enterprise.

181 (7)~~(4)~~ "Pattern of racketeering activity" means engaging in  
182 at least two incidents of racketeering conduct that have the  
183 same or similar intents, results, accomplices, victims, or  
184 methods of commission or that otherwise are interrelated by  
185 distinguishing characteristics and are not isolated incidents,  
186 provided at least one of such incidents occurred after the  
187 effective date of this act and that the last of such incidents  
188 occurred within 5 years after a prior incident of racketeering  
189 conduct.

190 (4)~~(5)~~ "Documentary material" means any book, paper,  
191 document, writing, drawing, graph, chart, photograph,  
192 phonorecord, magnetic tape, computer printout, other data  
193 compilation from which information can be obtained or from which  
194 information can be translated into usable form, or other  
195 tangible item.

196 (10)~~(6)~~ "RICO lien notice" means the notice described in s.  
197 895.05(13) ~~s. 895.05(12)~~ or in s. 895.07.

198 (6)~~(7)~~ "Investigative agency" means the Department of Legal  
199 Affairs, the Office of Statewide Prosecution, or the office of a  
200 state attorney.

201 (1)~~(8)~~ "Beneficial interest" means any of the following:

202 (a) The interest of a person as a beneficiary under a trust  
203 established pursuant to s. 689.07 or s. 689.071 in which the

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204 trustee for the trust holds legal or record title to real  
205 property;

206 (b) The interest of a person as a beneficiary under any  
207 other trust arrangement pursuant to which a trustee holds legal  
208 or record title to real property for the benefit of such person;  
209 or

210 (c) The interest of a person under any other form of  
211 express fiduciary arrangement pursuant to which any other person  
212 holds legal or record title to real property for the benefit of  
213 such person.

214  
215 The term "beneficial interest" does not include the interest of  
216 a stockholder in a corporation or the interest of a partner in  
217 either a general partnership or a limited partnership. A  
218 beneficial interest shall be deemed to be located where the real  
219 property owned by the trustee is located.

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

223 (11)~~(10)~~ "Trustee" means any of the following:

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

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

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

231  
232 However, the term "trustee" does not include any person



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233 appointed or acting as a personal representative as defined in  
234 s. 731.201 or appointed or acting as a trustee of any  
235 testamentary trust or as a trustee of any indenture of trust  
236 under which any bonds have been or are to be issued.

237 (3)~~(11)~~ "Criminal proceeding" means any criminal proceeding  
238 commenced by an investigative agency under s. 895.03 or any  
239 other provision of the Florida RICO Act.

240 (2)~~(12)~~ "Civil proceeding" means any civil proceeding  
241 commenced by an investigative agency under s. 895.05 or any  
242 other provision of the Florida RICO Act.

243 Section 2. Present subsections (9) through (12) of section  
244 895.05, Florida Statutes, are redesignated as subsections (10)  
245 through (13), respectively, subsection (2) and present  
246 subsection (10) of that section are amended, and a new  
247 subsection (9) is added to that section, to read:

248 895.05 Civil remedies.—

249 (2) (a) All property, real or personal, including money,  
250 used in the course of, intended for use in the course of,  
251 derived from, or realized through conduct in violation of a  
252 provision of ss. 895.01-895.05 is subject to civil forfeiture to  
253 the state.

254 (b) An investigative agency may, on behalf of the state,  
255 institute a civil proceeding for forfeiture of personal property  
256 described in paragraph (a) in a circuit court in the judicial  
257 circuit where the personal property is located.

258 (c) Upon the entry of a final judgment of forfeiture in  
259 favor of the state, the title of the state to the forfeited  
260 property shall relate back:

261 1. In the case of real property or a beneficial interest,

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262 to the date of filing of the RICO lien notice in the official  
263 records of the county where the real property or beneficial  
264 trust is located; if no RICO lien notice is filed, then to the  
265 date of the filing of any notice of lis pendens under s.  
266 895.07(5) (a) in the official records of the county where the  
267 real property or beneficial interest is located; and if no RICO  
268 lien notice or notice of lis pendens is filed, then to the date  
269 of recording of the final judgment of forfeiture in the official  
270 records of the county where the real property or beneficial  
271 interest is located.

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

274 (d) If the property subject to forfeiture is conveyed,  
275 alienated, disposed of, diminished in value, or otherwise  
276 rendered unavailable for forfeiture ~~after the filing of a RICO~~  
277 ~~lien notice or after the filing of a civil proceeding or~~  
278 ~~criminal proceeding, whichever is earlier~~, the investigative  
279 agency may, on behalf of the state, institute an action in any  
280 circuit court against the person named in the RICO lien notice  
281 or the defendant in the civil proceeding or criminal proceeding,  
282 and the court shall enter final judgment against the person  
283 named in the RICO lien notice or the defendant in the civil  
284 proceeding or criminal proceeding in an amount equal to the fair  
285 market value of the property, together with investigative costs  
286 and attorney ~~attorney's~~ fees incurred by the investigative  
287 agency in the action. In the alternative, the court may order  
288 the forfeiture of any other property of the defendant up to the  
289 value of the property subject to forfeiture. If a civil  
290 proceeding is pending, such action shall be filed only in the

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291 court where the civil proceeding is pending.

292 (e)~~(e)~~ The state shall dispose of all forfeited property as  
293 soon as commercially feasible. If property is not exercisable or  
294 transferable for value by the state, it shall expire. All  
295 forfeitures or dispositions under this section shall be made  
296 with due provision for the rights of innocent persons. The  
297 proceeds realized from such forfeiture and disposition shall be  
298 promptly distributed in accordance with the provisions of s.  
299 895.09.

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

305 (a) Any natural person who violates s. 895.03 is subject to  
306 a civil penalty of up to \$100,000. Any other person who violates  
307 s. 895.03 is subject to a civil penalty of up to \$1 million.  
308 Moneys recovered for civil penalties under this section must be  
309 deposited into the General Revenue Fund.

310 (b) Notwithstanding any other law, moneys recovered by the  
311 Department of Legal Affairs for attorney fees and costs under  
312 this section shall be deposited into the Legal Affairs Revolving  
313 Trust Fund, which may be used to investigate and enforce this  
314 chapter.

315 (c) In a civil action brought under this subsection by the  
316 Department of Legal Affairs, any party to such action may  
317 petition the court for entry of a consent decree or for approval  
318 of a settlement agreement. The proposed decree or agreement must  
319 set out the alleged violations, the future obligations of the

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320 parties, the relief agreed upon, and the reasons for entering  
321 into the consent decree or settlement agreement.

322 (11)~~(10)~~ Notwithstanding any other provision of law, a  
323 criminal or civil action or proceeding under this act may be  
324 commenced at any time within 5 years after the conduct in  
325 violation of a provision of this act terminates or the cause of  
326 action accrues. If a criminal prosecution or civil action or  
327 other proceeding is brought, or intervened in, to punish,  
328 prevent, or restrain any violation of the provisions of this  
329 act, the running of the period of limitations prescribed by this  
330 section with respect to any cause of action arising under  
331 subsection (6), ~~or~~ subsection (7), or subsection (9) which is  
332 based in whole or in part upon any matter complained of in any  
333 such prosecution, action, or proceeding shall be suspended  
334 during the pendency of such prosecution, action, or proceeding  
335 and for 2 years following its termination.

336 Section 3. Subsection (3) of section 895.06, Florida  
337 Statutes, is amended, subsections (2) and (5) of that section  
338 are republished, and subsection (7) is added to that section, to  
339 read:

340 895.06 Civil investigative subpoenas.—

341 (2) If, pursuant to the civil enforcement provisions of s.  
342 895.05, an investigative agency has reason to believe that a  
343 person or other enterprise has engaged in, or is engaging in,  
344 activity in violation of this act, the investigative agency may  
345 administer oaths or affirmations, subpoena witnesses or  
346 material, and collect evidence.

347 (3) A subpoena issued pursuant to this chapter is  
348 confidential for 120 days after the date of its issuance. The

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349 subpoenaed person or entity may not disclose the existence of  
350 the subpoena to any person or entity other than his or her  
351 attorney during the 120-day period. The subpoena must include a  
352 reference to the confidentiality of the subpoena and a notice to  
353 the recipient of the subpoena that disclosure of the existence  
354 of the subpoena to any other person or entity except the  
355 subpoenaed person's or entity's attorney is prohibited. The  
356 investigative agency may apply ex parte to the circuit court for  
357 the circuit in which a subpoenaed person or entity resides, is  
358 found, or transacts business for an order directing that the  
359 subpoenaed person or entity not disclose the existence of the  
360 subpoena to any other person or entity except the subpoenaed  
361 person's attorney for an additional a period of time ~~90 days,~~  
362 which time may be extended by the court for good cause shown by  
363 the investigative agency. The order shall be served on the  
364 subpoenaed person or entity with the subpoena, and the subpoena  
365 must ~~shall~~ include a reference to the order and a notice to the  
366 recipient of the subpoena that disclosure of the existence of  
367 the subpoena to any other person or entity in violation of the  
368 order may subject the subpoenaed person or entity to punishment  
369 for contempt of court. Such an order may be granted by the court  
370 only upon a showing:

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

373 (b) That the documents or testimony sought appear  
374 reasonably calculated to lead to the discovery of admissible  
375 evidence; and

376 (c) Of facts that ~~which~~ reasonably indicate that disclosure  
377 of the subpoena would hamper or impede the investigation or

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378 would result in a flight from prosecution.

379 (5) Upon failure of a person or enterprise, without lawful  
380 excuse, to obey a subpoena issued under this section or a  
381 subpoena issued in the course of a civil proceeding instituted  
382 pursuant to s. 895.05, and after reasonable notice to such  
383 person or enterprise, the investigative agency may apply to the  
384 circuit court in which such civil proceeding is pending or, if  
385 no civil proceeding is pending, to the circuit court for the  
386 judicial circuit in which such person or enterprise resides, is  
387 found, or transacts business for an order compelling compliance.  
388 Except in a prosecution for perjury, an individual who complies  
389 with a court order to provide testimony or material after  
390 asserting a privilege against self-incrimination to which the  
391 individual is entitled by law shall not have the testimony or  
392 material so provided, or evidence derived therefrom, received  
393 against him or her in any criminal investigation or proceeding.

394 (7) The investigative agency may stipulate to protective  
395 orders with respect to documents and information submitted in  
396 response to a subpoena issued under this section.

397 Section 4. Paragraph (b) of subsection (1) and subsection  
398 (2) of section 895.09, Florida Statutes, are amended, and  
399 subsections (3) and (5) of that section are republished, to  
400 read:

401 895.09 Disposition of funds obtained through forfeiture  
402 proceedings.—

403 (1) A court entering a judgment of forfeiture in a  
404 proceeding brought pursuant to s. 895.05 shall retain  
405 jurisdiction to direct the distribution of any cash or of any  
406 cash proceeds realized from the forfeiture and disposition of

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407 the property. The court shall direct the distribution of the  
408 funds in the following order of priority:

409 (b) Any claims against the property by persons who have  
410 previously been judicially determined to be innocent persons,  
411 pursuant to the provisions of s. 895.05(2)(e) ~~s. 895.05(2)(e)~~,  
412 and whose interests are preserved from forfeiture by the court  
413 and not otherwise satisfied. Such claims may include any claim  
414 by a person appointed by the court as receiver pending  
415 litigation.

416 (2) (a) Following satisfaction of all valid claims under  
417 subsection (1), 25 percent of the remainder of the funds  
418 obtained in the forfeiture proceedings pursuant to s. 895.05  
419 shall be deposited as provided in paragraph (b) into the  
420 appropriate trust fund of the Department of Legal Affairs or  
421 state attorney's office which filed the civil forfeiture action;  
422 25 percent shall be deposited as provided in paragraph (c) into  
423 the applicable law enforcement trust fund of the investigating  
424 law enforcement agency conducting the investigation which  
425 resulted in or significantly contributed to the forfeiture of  
426 the property; 25 percent shall be deposited in the General  
427 Revenue Fund; and the remaining 25 percent shall be deposited in  
428 the Internal Improvement Trust Fund of the Department of  
429 Environmental Protection. If a forfeiture action is filed by the  
430 Department of Legal Affairs or a state attorney, the court  
431 entering the judgment of forfeiture shall, taking into account  
432 the overall effort and contribution to the investigation and  
433 forfeiture action by the agencies that filed the action, make a  
434 pro rata apportionment among such agencies of the funds  
435 available for distribution to the agencies filing the action as

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436 provided in this section. If multiple investigating law  
437 enforcement agencies have contributed to the forfeiture of the  
438 property, the court which entered the judgment of forfeiture  
439 shall, taking into account the overall effort and contribution  
440 of the agencies to the investigation and forfeiture action, make  
441 a pro rata apportionment among such investigating law  
442 enforcement agencies of the funds available for distribution to  
443 the investigating agencies as provided in this section.

444 (b) If a forfeiture action is filed by the Attorney  
445 General, any funds obtained by the Department of Legal Affairs  
446 by reason of paragraph (a) shall be deposited in the Legal  
447 Affairs Revolving Trust Fund as established by s. 16.53 and may  
448 be expended for the purposes and in the manner authorized in  
449 that section or to provide restitution to consumers, as  
450 appropriate. If a forfeiture action is filed by a state  
451 attorney, any funds obtained by the state attorney's office by  
452 reason of paragraph (a) shall be deposited in the State Attorney  
453 RICO Trust Fund as established by s. 27.345 and may be expended  
454 for the purposes and in the manner authorized in that section.  
455 In addition, any funds that are distributed pursuant to this  
456 section to an agency filing a forfeiture action may be used to  
457 pay the costs of investigations of violations of this chapter  
458 and the criminal prosecutions and civil actions related thereto.  
459 Such costs may include all taxable costs; costs of protecting,  
460 maintaining, and forfeiting the property; employees' base  
461 salaries and compensation for overtime; and such other costs as  
462 are directly attributable to the investigation, prosecution, or  
463 civil action.

464 (c) Any funds distributed to an investigating law



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465 enforcement agency under paragraph (a) shall be deposited in the  
466 applicable law enforcement trust fund established for that  
467 agency pursuant to s. 932.7055 and expended for the purposes and  
468 in the manner authorized in that section. In addition, any funds  
469 distributed to an investigating law enforcement agency pursuant  
470 to this section may be used to pay the costs of investigations  
471 of violations of this chapter and the criminal prosecutions and  
472 civil actions related thereto, pursuant to s. 932.7055. Such  
473 costs may include all taxable costs; costs of protecting,  
474 maintaining, and forfeiting the property; employees' base  
475 salaries and compensation for overtime; and such other costs  
476 directly attributable to the investigation, prosecution, or  
477 civil action.

478 (d) On a quarterly basis, any excess funds from forfeited  
479 property receipts, including interest, over \$1 million deposited  
480 in the Internal Improvement Trust Fund of the Department of  
481 Environmental Protection in accordance with paragraph (a) shall  
482 be deposited in the General Revenue Fund.

483 (3) Nothing in this section shall be construed to limit the  
484 authority of an entity that files a forfeiture action to  
485 compromise a claim for forfeiture; however, any proceeds arising  
486 from a compromise or from the sale of property obtained in a  
487 compromise shall be distributed in the manner provided in  
488 subsections (1) and (2).

489 (5) For purposes of this section, the term "cash or cash  
490 proceeds" includes, but is not limited to, damages or penalties  
491 or any other monetary payment, the monetary proceeds from  
492 property forfeited to the state pursuant to s. 895.05, or any  
493 payment made by any defendant by reason of any decree or

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494 settlement in any action filed pursuant to s. 895.05.

495 Section 5. Paragraph (a) of subsection (1) of section  
496 16.56, Florida Statutes, is amended to read:

497 16.56 Office of Statewide Prosecution.—

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

502 (a) Investigate and prosecute the offenses of:

503 1. Bribery, burglary, criminal usury, extortion, gambling,  
504 kidnapping, larceny, murder, prostitution, perjury, robbery,  
505 carjacking, and home-invasion robbery;

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

507 3. Any violation of the provisions of the Florida RICO  
508 (Racketeer Influenced and Corrupt Organization) Act, including  
509 any offense listed in the definition of racketeering activity in  
510 s. 895.02(8)(a) ~~s. 895.02(1)(a)~~, providing such listed offense  
511 is investigated in connection with a violation of s. 895.03 and  
512 is charged in a separate count of an information or indictment  
513 containing a count charging a violation of s. 895.03, the  
514 prosecution of which listed offense may continue independently  
515 if the prosecution of the violation of s. 895.03 is terminated  
516 for any reason;

517 4. Any violation of the provisions of the Florida Anti-  
518 Fencing Act;

519 5. Any violation of the provisions of the Florida Antitrust  
520 Act of 1980, as amended;

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

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523           7. Any violation of s. 847.0135, relating to computer  
524 pornography and child exploitation prevention, or any offense  
525 related to a violation of s. 847.0135 or any violation of  
526 chapter 827 where the crime is facilitated by or connected to  
527 the use of the Internet or any device capable of electronic data  
528 storage or transmission;

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

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

531           10. Any violation of the provisions of the Florida Motor  
532 Fuel Tax Relief Act of 2004;

533           11. Any criminal violation of s. 409.920 or s. 409.9201;

534           12. Any crime involving voter registration, voting, or  
535 candidate or issue petition activities;

536           13. Any criminal violation of the Florida Money Laundering  
537 Act;

538           14. Any criminal violation of the Florida Securities and  
539 Investor Protection Act; or

540           15. Any violation of the provisions of chapter 787, as well  
541 as any and all offenses related to a violation of the provisions  
542 of chapter 787;

543

544 or any attempt, solicitation, or conspiracy to commit any of the  
545 crimes specifically enumerated above. The office shall have such  
546 power only when any such offense is occurring, or has occurred,  
547 in two or more judicial circuits as part of a related  
548 transaction, or when any such offense is connected with an  
549 organized criminal conspiracy affecting two or more judicial  
550 circuits. Informations or indictments charging such offenses  
551 shall contain general allegations stating the judicial circuits

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552 and counties in which crimes are alleged to have occurred or the  
553 judicial circuits and counties in which crimes affecting such  
554 circuits or counties are alleged to have been connected with an  
555 organized criminal conspiracy.

556 Section 6. Section 905.34, Florida Statutes, is amended to  
557 read:

558 905.34 Powers and duties; law applicable.—The jurisdiction  
559 of a statewide grand jury impaneled under this chapter shall  
560 extend throughout the state. The subject matter jurisdiction of  
561 the statewide grand jury shall be limited to the offenses of:

562 (1) Bribery, burglary, carjacking, home-invasion robbery,  
563 criminal usury, extortion, gambling, kidnapping, larceny,  
564 murder, prostitution, perjury, and robbery;

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

566 (3) Any violation of the provisions of the Florida RICO  
567 (Racketeer Influenced and Corrupt Organization) Act, including  
568 any offense listed in the definition of racketeering activity in  
569 s. 895.02(8)(a) ~~s. 895.02(1)(a)~~, providing such listed offense  
570 is investigated in connection with a violation of s. 895.03 and  
571 is charged in a separate count of an information or indictment  
572 containing a count charging a violation of s. 895.03, the  
573 prosecution of which listed offense may continue independently  
574 if the prosecution of the violation of s. 895.03 is terminated  
575 for any reason;

576 (4) Any violation of the provisions of the Florida Anti-  
577 Fencing Act;

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

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

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

583 (8) Any violation of s. 847.0135, s. 847.0137, or s.  
584 847.0138 relating to computer pornography and child exploitation  
585 prevention, or any offense related to a violation of s.  
586 847.0135, s. 847.0137, or s. 847.0138 or any violation of  
587 chapter 827 where the crime is facilitated by or connected to  
588 the use of the Internet or any device capable of electronic data  
589 storage or transmission;

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

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

592 (11) Any criminal violation of the Florida Money Laundering  
593 Act;

594 (12) Any criminal violation of the Florida Securities and  
595 Investor Protection Act; or

596 (13) Any violation of chapter 787, as well as any and all  
597 offenses related to a violation of chapter 787;

598  
599 or any attempt, solicitation, or conspiracy to commit any  
600 violation of the crimes specifically enumerated above, when any  
601 such offense is occurring, or has occurred, in two or more  
602 judicial circuits as part of a related transaction or when any  
603 such offense is connected with an organized criminal conspiracy  
604 affecting two or more judicial circuits. The statewide grand  
605 jury may return indictments and presentments irrespective of the  
606 county or judicial circuit where the offense is committed or  
607 triable. If an indictment is returned, it shall be certified and  
608 transferred for trial to the county where the offense was  
609 committed. The powers and duties of, and law applicable to,

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610 county grand juries shall apply to a statewide grand jury except  
611 when such powers, duties, and law are inconsistent with the  
612 provisions of ss. 905.31-905.40.

613 Section 7. For the purpose of incorporating the amendment  
614 made by this act to section 895.05, Florida Statutes, in a  
615 reference thereto, subsection (4), paragraph (a) of subsection  
616 (5), and subsection (6) of section 16.53, Florida Statutes, are  
617 reenacted to read:

618 16.53 Legal Affairs Revolving Trust Fund.—

619 (4) Subject to the provisions of s. 895.09, when the  
620 Attorney General files an action pursuant to s. 895.05, funds  
621 provided to the Department of Legal Affairs pursuant to s.  
622 895.09(2)(a) or, alternatively, attorneys' fees and costs,  
623 whichever is greater, shall be deposited in the fund.

624 (5)(a) In the case of a forfeiture action pursuant to s.  
625 895.05, the remainder of the moneys recovered shall be  
626 distributed as set forth in s. 895.09.

627 (6) "Moneys recovered" means damages or penalties or any  
628 other monetary payment, including monetary proceeds from  
629 property forfeited to the state pursuant to s. 895.05 remaining  
630 after satisfaction of any valid claims made pursuant to s.  
631 895.09(1)(a)-(c), which damages, penalties, or other monetary  
632 payment is made by any defendant by reason of any decree or  
633 settlement in any Racketeer Influenced and Corrupt Organization  
634 Act or state or federal antitrust action prosecuted by the  
635 Attorney General, but excludes attorneys' fees and costs.

636 Section 8. For the purpose of incorporating the amendment  
637 made by this act to section 895.05, Florida Statutes, in a  
638 reference thereto, subsection (1) of section 27.345, Florida

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639 Statutes, is reenacted to read:

640 27.345 State Attorney RICO Trust Fund; authorized use of  
641 funds; reporting.—

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

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

651 92.142 Witnesses; pay.—

652 (3) Any witness subpoenaed to testify on behalf of the  
653 state in any action brought pursuant to s. 895.05 or chapter 542  
654 who is required to travel outside his or her county of residence  
655 and more than 50 miles from his or her residence, or who is  
656 required to travel from out of state, shall be entitled to per  
657 diem and travel expenses at the same rate provided for state  
658 employees under s. 112.061 in lieu of any state witness fee.

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