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HB 549

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1
2 An act relating to offenses concerning racketeering
3 and illegal debts; reordering and amending s. 895.02,
4 F.S.; specifying the earliest date that incidents
5 constituting a pattern of racketeering activity may
6 have occurred; conforming a cross-reference; amending
7 s. 895.05, F.S.; authorizing an investigative agency
8 to institute a civil proceeding for forfeiture in a
9 circuit court in certain circumstances; adding
10 diminution in value as a ground for an action under
11 certain circumstances; removing certain grounds for an
12 action; authorizing a court to order the forfeiture of
13 other property of the defendant up to the value of
14 unavailable property in certain circumstances;
15 authorizing the Department of Legal Affairs to bring
16 an action for certain violations to obtain specified
17 relief, fees, and costs for certain purposes;
18 providing for civil penalties for natural persons and
19 other persons who commit certain violations; providing
20 for deposit of moneys received for certain violations;
21 authorizing a party to a specific civil action to
22 petition the court for entry of a consent decree or
23 for approval of a settlement agreement; providing
24 requirements for such decrees or agreements; amending
25 s. 895.06, F.S.; deleting the definition of
26 "investigative agency" for purposes of provisions

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27 relating to civil investigative subpoenas; providing
28 that a subpoena must be confidential for a specified
29 time; restricting to whom the subpoenaed person or
30 entity may disclose the existence of the subpoena;
31 requiring certain information be included in the
32 subpoena; authorizing the investigative agency to
33 apply for an order extending the amount of time the
34 subpoena remains confidential rather than having it
35 extended by the court for a specified period;
36 providing that the investigative agency has the
37 authority to stipulate to protective orders with
38 respect to documents and information submitted in
39 response to a subpoena; amending s. 895.09, F.S.;
40 conforming a cross-reference; providing for
41 distribution of forfeiture proceeds to victims;
42 amending ss. 16.56 and 905.34, F.S.; conforming cross-
43 references; reenacting and amending s. 16.53, F.S.,
44 relating to the Department of Legal Affairs Trust
45 Fund, to incorporate the amendment made by the act to
46 s. 895.05, F.S., in references thereto; conforming a
47 cross-reference; reenacting ss. 27.345(1) and
48 92.142(3), F.S., relating to the State Attorney RICO
49 Trust Fund and witness pay, respectively, to
50 incorporate the amendment made by the act to s.
51 895.05, F.S., in references thereto; providing an
52 effective date.

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

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:

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

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

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

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

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

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79 (2)~~(12)~~ "Civil proceeding" means any civil proceeding
80 commenced by an investigative agency under s. 895.05 or any
81 other provision of the Florida RICO Act.

82 (3)~~(11)~~ "Criminal proceeding" means any criminal
83 proceeding commenced by an investigative agency under s. 895.03
84 or any other provision of the Florida RICO Act.

85 (4)~~(5)~~ "Documentary material" means any book, paper,
86 document, writing, drawing, graph, chart, photograph,
87 phonorecord, magnetic tape, computer printout, other data
88 compilation from which information can be obtained or from which
89 information can be translated into usable form, or other
90 tangible item.

91 (5)~~(3)~~ "Enterprise" means any individual, sole
92 proprietorship, partnership, corporation, business trust, union
93 chartered under the laws of this state, or other legal entity,
94 or any unchartered union, association, or group of individuals
95 associated in fact although not a legal entity; and it includes
96 illicit as well as licit enterprises and governmental, as well
97 as other, entities. A criminal gang, as defined in s. 874.03,
98 constitutes an enterprise.

99 (6)~~(7)~~ "Investigative agency" means the Department of
100 Legal Affairs, the Office of Statewide Prosecution, or the
101 office of a state attorney.

102 (7)~~(4)~~ "Pattern of racketeering activity" means engaging
103 in at least two incidents of racketeering conduct that have the
104 same or similar intents, results, accomplices, victims, or

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105 methods of commission or that otherwise are interrelated by
106 distinguishing characteristics and are not isolated incidents,
107 provided at least one of such incidents occurred after October
108 1, 1977, ~~the effective date of this act~~ and that the last of
109 such incidents occurred within 5 years after a prior incident of
110 racketeering conduct.

111 (8)~~(1)~~ "Racketeering activity" means to commit, to attempt
112 to commit, to conspire to commit, or to solicit, coerce, or
113 intimidate another person to commit:

114 (a) Any crime that is chargeable by petition, indictment,
115 or information under the following provisions of the Florida
116 Statutes:

117 1. Section 210.18, relating to evasion of payment of
118 cigarette taxes.

119 2. Section 316.1935, relating to fleeing or attempting to
120 elude a law enforcement officer and aggravated fleeing or
121 eluding.

122 3. Section 403.727(3)(b), relating to environmental
123 control.

124 4. Section 409.920 or s. 409.9201, relating to Medicaid
125 fraud.

126 5. Section 414.39, relating to public assistance fraud.

127 6. Section 440.105 or s. 440.106, relating to workers'
128 compensation.

129 7. Section 443.071(4), relating to creation of a
130 fictitious employer scheme to commit reemployment assistance

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- 131 fraud.
- 132 8. Section 465.0161, relating to distribution of medicinal
- 133 drugs without a permit as an Internet pharmacy.
- 134 9. Section 499.0051, relating to crimes involving
- 135 contraband and adulterated drugs.
- 136 10. Part IV of chapter 501, relating to telemarketing.
- 137 11. Chapter 517, relating to sale of securities and
- 138 investor protection.
- 139 12. Section 550.235 or s. 550.3551, relating to dogracing
- 140 and horseracing.
- 141 13. Chapter 550, relating to jai alai frontons.
- 142 14. Section 551.109, relating to slot machine gaming.
- 143 15. Chapter 552, relating to the manufacture,
- 144 distribution, and use of explosives.
- 145 16. Chapter 560, relating to money transmitters, if the
- 146 violation is punishable as a felony.
- 147 17. Chapter 562, relating to beverage law enforcement.
- 148 18. Section 624.401, relating to transacting insurance
- 149 without a certificate of authority, s. 624.437(4)(c)1., relating
- 150 to operating an unauthorized multiple-employer welfare
- 151 arrangement, or s. 626.902(1)(b), relating to representing or
- 152 aiding an unauthorized insurer.
- 153 19. Section 655.50, relating to reports of currency
- 154 transactions, when such violation is punishable as a felony.
- 155 20. Chapter 687, relating to interest and usurious
- 156 practices.

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157 21. Section 721.08, s. 721.09, or s. 721.13, relating to
158 real estate timeshare plans.

159 22. Section 775.13(5)(b), relating to registration of
160 persons found to have committed any offense for the purpose of
161 benefiting, promoting, or furthering the interests of a criminal
162 gang.

163 23. Section 777.03, relating to commission of crimes by
164 accessories after the fact.

165 24. Chapter 782, relating to homicide.

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

167 26. Chapter 787, relating to kidnapping or human
168 trafficking.

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

170 28. Chapter 794, relating to sexual battery, but only if
171 such crime was committed with the intent to benefit, promote, or
172 further the interests of a criminal gang, or for the purpose of
173 increasing a criminal gang member's own standing or position
174 within a criminal gang.

175 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
176 796.05, or s. 796.07, relating to prostitution.

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

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

179 32. Chapter 812, relating to theft, robbery, and related
180 crimes.

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

182 34. Chapter 817, relating to fraudulent practices, false

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- 183 | pretenses, fraud generally, and credit card crimes.
- 184 | 35. Chapter 825, relating to abuse, neglect, or
- 185 | exploitation of an elderly person or disabled adult.
- 186 | 36. Section 827.071, relating to commercial sexual
- 187 | exploitation of children.
- 188 | 37. Section 828.122, relating to fighting or baiting
- 189 | animals.
- 190 | 38. Chapter 831, relating to forgery and counterfeiting.
- 191 | 39. Chapter 832, relating to issuance of worthless checks
- 192 | and drafts.
- 193 | 40. Section 836.05, relating to extortion.
- 194 | 41. Chapter 837, relating to perjury.
- 195 | 42. Chapter 838, relating to bribery and misuse of public
- 196 | office.
- 197 | 43. Chapter 843, relating to obstruction of justice.
- 198 | 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 199 | s. 847.07, relating to obscene literature and profanity.
- 200 | 45. Chapter 849, relating to gambling, lottery, gambling
- 201 | or gaming devices, slot machines, or any of the provisions
- 202 | within that chapter.
- 203 | 46. Chapter 874, relating to criminal gangs.
- 204 | 47. Chapter 893, relating to drug abuse prevention and
- 205 | control.
- 206 | 48. Chapter 896, relating to offenses related to financial
- 207 | transactions.
- 208 | 49. Sections 914.22 and 914.23, relating to tampering with

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209 or harassing a witness, victim, or informant, and retaliation
 210 against a witness, victim, or informant.

211 50. Sections 918.12 and 918.13, relating to tampering with
 212 jurors and evidence.

213 (b) Any conduct defined as "racketeering activity" under
 214 18 U.S.C. s. 1961(1).

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

218 ~~(10)-(6)~~ "RICO lien notice" means the notice described in
 219 s. 895.05(13) ~~895.05(12)~~ or in s. 895.07.

220 ~~(11)-(10)~~ "Trustee" means any of the following:

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

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

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

228
 229 However, the term "trustee" does not include any person
 230 appointed or acting as a personal representative as defined in
 231 s. 731.201 or appointed or acting as a trustee of any
 232 testamentary trust or as a trustee of any indenture of trust
 233 under which any bonds have been or are to be issued.

234 ~~(12)-(2)~~ "Unlawful debt" means any money or other thing of

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235 value constituting principal or interest of a debt that is
 236 legally unenforceable in this state in whole or in part because
 237 the debt was incurred or contracted:

238 (a) In violation of any one of the following provisions of
 239 law:

240 1. Section 550.235 or s. 550.3551, relating to dogracing
 241 and horseracing.

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

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

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

245 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 246 849.25, relating to gambling.

247 (b) In gambling activity in violation of federal law or in
 248 the business of lending money at a rate usurious under state or
 249 federal law.

250 Section 2. Subsections (9) through (12) of section 895.05,
 251 Florida Statutes, are renumbered as subsections (10) through
 252 (13), respectively, subsection (2) and present subsections (9)
 253 through (12) are amended, and a new subsection (9) is added to
 254 that section, to read:

255 895.05 Civil remedies.—

256 (2)(a) All property, real or personal, including money,
 257 used in the course of, intended for use in the course of,
 258 derived from, or realized through conduct in violation of a
 259 ~~provision of~~ ss. 895.01-895.05 is subject to civil forfeiture to
 260 the state.

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261 (b) An investigative agency may, on behalf of the state,
 262 institute a civil proceeding for forfeiture in the circuit court
 263 for the judicial circuit in which real or personal tangible
 264 property, as described in paragraph (a) is located. An
 265 investigative agency may, on behalf of the state, institute a
 266 civil proceeding for forfeiture in a circuit court in the state
 267 regarding intangible property as described in paragraph (a).

268 (c) Upon the entry of a final judgment of forfeiture in
 269 favor of the state, the title of the state to the forfeited
 270 property shall relate back:

271 1. In the case of real property or a beneficial interest,
 272 to the date of filing of the RICO lien notice in the official
 273 records of the county where the real property or beneficial
 274 trust is located; if no RICO lien notice is filed, then to the
 275 date of the filing of any notice of lis pendens under s.
 276 895.07(5) (a) in the official records of the county where the
 277 real property or beneficial interest is located; and if no RICO
 278 lien notice or notice of lis pendens is filed, then to the date
 279 of recording of the final judgment of forfeiture in the official
 280 records of the county where the real property or beneficial
 281 interest is located.

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

284 (d) If property subject to forfeiture is conveyed,
 285 alienated, disposed of, diminished in value, or otherwise
 286 rendered unavailable for forfeiture ~~after the filing of a RICO~~

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287 ~~lien notice or after the filing of a civil proceeding or~~
288 ~~eriminal proceeding, whichever is earlier,~~ the investigative
289 agency may, on behalf of the state, institute an action in any
290 circuit court against the person named in the RICO lien notice
291 or the defendant in the civil proceeding or criminal proceeding,
292 and the court shall enter final judgment against the person
293 named in the RICO lien notice or the defendant in the civil
294 proceeding or criminal proceeding in an amount equal to the fair
295 market value of the property, together with investigative costs
296 and attorney ~~attorney's~~ fees incurred by the investigative
297 agency in the action. In the alternative, the court may order
298 the forfeiture of any other property of the defendant up to the
299 value of the property subject to forfeiture. If a civil
300 proceeding is pending, such action shall be filed only in the
301 court where the civil proceeding is pending.

302 (e) ~~(e)~~ The state shall dispose of all forfeited property
303 as soon as commercially feasible. If property is not exercisable
304 or transferable for value by the state, it shall expire. All
305 forfeitures or dispositions under this section shall be made
306 with due provision for the rights of innocent persons. The
307 proceeds realized from such forfeiture and disposition shall be
308 promptly distributed in accordance with the provisions of s.
309 895.09.

310 (9) The Department of Legal Affairs may bring an action
311 for a violation of s. 895.03 to obtain injunctive relief, civil
312 penalties as provided in this subsection, attorney fees, and

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313 costs incurred in the investigation and prosecution of any
314 action under this chapter.

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

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

324 (c) In a civil action brought under this subsection by the
325 Department of Legal Affairs, any party to such action may
326 petition the court for entry of a consent decree or for approval
327 of a settlement agreement. The proposed decree or settlement
328 shall specify the alleged violations, the future obligations of
329 the parties, the relief agreed upon, and the reasons for
330 entering into the consent decree or settlement agreement.

331 (10)-(9) The Department of Legal Affairs may, upon timely
332 application, intervene in any civil action or proceeding brought
333 under subsection (6) or subsection (7) if it certifies that, in
334 its opinion, the action or proceeding is of general public
335 importance. In such action or proceeding, the state shall be
336 entitled to the same relief as if the Department of Legal
337 Affairs had instituted the action or proceeding.

338 (11)-(10) Notwithstanding any other provision of law, a

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339 criminal or civil action or proceeding under this chapter act
 340 may be commenced at any time within 5 years after the conduct in
 341 violation of ~~a provision of this chapter act~~ terminates or the
 342 cause of action accrues. If a criminal prosecution or civil
 343 action or other proceeding is brought, or intervened in, to
 344 punish, prevent, or restrain any violation of ~~the provisions of~~
 345 this chapter act, the running of the period of limitations
 346 prescribed by this section with respect to any cause of action
 347 arising under subsection (6), ~~or~~ subsection (7), or subsection
 348 (9) which is based in whole or in part upon any matter
 349 complained of in any such prosecution, action, or proceeding
 350 shall be suspended during the pendency of such prosecution,
 351 action, or proceeding and for 2 years following its termination.

352 (12)-(11) The application of one civil remedy under any
 353 provision of this chapter act does not preclude the application
 354 of any other remedy, civil or criminal, under this chapter act
 355 or any other provision of law. Civil remedies under this chapter
 356 act are supplemental, and not mutually exclusive.

357 (13)-(12)(a) In addition to the authority to file a RICO
 358 lien notice set forth in s. 895.07(1), the Department of Legal
 359 Affairs, the Office of Statewide Prosecution, or the office of a
 360 state attorney may apply ex parte to a criminal division of a
 361 circuit court and, upon petition supported by sworn affidavit,
 362 obtain an order authorizing the filing of a RICO lien notice
 363 against real property upon a showing of probable cause to
 364 believe that the property was used in the course of, intended

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365 for use in the course of, derived from, or realized through
366 conduct in violation of ~~a provision of~~ ss. 895.01-895.05. If the
367 lien notice authorization is granted, the department shall,
368 after filing the lien notice, forthwith provide notice to the
369 owner of the property by one of the following methods:

370 1. By serving the notice in the manner provided by law for
371 the service of process.

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

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

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

380 (c) The court shall discharge the lien if it finds that
381 there is no probable cause to believe that the property was used
382 in the course of, intended for use in the course of, derived
383 from, or realized through conduct in violation of ~~a provision of~~
384 ss. 895.01-895.05 or if it finds that the owner of the property
385 neither knew nor reasonably should have known that the property
386 was used in the course of, intended for use in the course of,
387 derived from, or realized through conduct in violation of ~~a~~
388 ~~provision of~~ ss. 895.01-895.05.

389 (d) No testimony presented by the owner of the property at
390 the hearing is admissible against him or her in any criminal

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391 proceeding except in a criminal prosecution for perjury or false
 392 statement, nor shall such testimony constitute a waiver of the
 393 owner's constitutional right against self-incrimination.

394 (e) A lien notice secured under ~~the provisions of~~ this
 395 subsection is valid for a period of 90 days from the date the
 396 court granted authorization, which period may be extended for an
 397 additional 90 days by the court for good cause shown, unless a
 398 civil proceeding is instituted under this section and a lien
 399 notice is filed under s. 895.07, in which event the term of the
 400 lien notice is governed by s. 895.08.

401 (f) The filing of a lien notice, whether or not
 402 subsequently discharged or otherwise lifted, shall constitute
 403 notice to the owner and knowledge by the owner that the property
 404 was used in the course of, intended for use in the course of,
 405 derived from, or realized through conduct in violation of a
 406 ~~provision of~~ ss. 895.01-895.05, such that lack of such notice
 407 and knowledge shall not be a defense in any subsequent civil or
 408 criminal proceeding under this chapter.

409 Section 3. Section 895.06, Florida Statutes, is amended to
 410 read:

411 895.06 Civil investigative subpoenas; public records
 412 exemption.—

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

416 (1)~~(2)~~ If, pursuant to the civil enforcement provisions of

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417 s. 895.05, an investigative agency has reason to believe that a
418 person or other enterprise has engaged in, or is engaging in,
419 activity in violation of this chapter act, the investigative
420 agency may administer oaths or affirmations, subpoena witnesses
421 or material, and collect evidence.

422 (2)(3) A subpoena issued pursuant to this chapter is
423 confidential for 120 days after the date of its issuance. The
424 subpoenaed person or entity may not disclose the existence of
425 the subpoena to any person or entity other than his or her
426 attorney during the 120-day period. The subpoena must include a
427 reference to the confidentiality of the subpoena and a notice to
428 the recipient of the subpoena that disclosure of the existence
429 of the subpoena to any other person or entity except the
430 subpoenaed person's or entity's attorney is prohibited. The
431 investigative agency may apply ex parte to the circuit court for
432 the circuit in which a subpoenaed person or entity resides, is
433 found, or transacts business for an order directing that the
434 subpoenaed person or entity not disclose the existence of the
435 subpoena to any other person or entity except the subpoenaed
436 person's attorney for an additional a period of time 90 days,
437 ~~which time may be extended by the court for good cause shown by~~
438 the investigative agency. The order shall be served on the
439 subpoenaed person or entity with the subpoena, and the subpoena
440 must shall include a reference to the order and a notice to the
441 recipient of the subpoena that disclosure of the existence of
442 the subpoena to any other person or entity in violation of the

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443 order may subject the subpoenaed person or entity to punishment
 444 for contempt of court. Such an order may be granted by the court
 445 only upon a showing:

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

448 (b) That the documents or testimony sought appear
 449 reasonably calculated to lead to the discovery of admissible
 450 evidence; and

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

454 (3)~~(4)~~ If matter that the investigative agency seeks to
 455 obtain by the subpoena is located outside the state, the person
 456 or enterprise subpoenaed may make such matter available to the
 457 investigative agency or its representative for examination at
 458 the place where such matter is located. The investigative agency
 459 may designate representatives, including officials of the
 460 jurisdiction in which the matter is located, to inspect the
 461 matter on its behalf and may respond to similar requests from
 462 officials of other jurisdictions.

463 (4)~~(5)~~ Upon failure of a person or enterprise, without
 464 lawful excuse, to obey a subpoena issued under this section or a
 465 subpoena issued in the course of a civil proceeding instituted
 466 pursuant to s. 895.05, and after reasonable notice to such
 467 person or enterprise, the investigative agency may apply to the
 468 circuit court in which such civil proceeding is pending or, if

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469 no civil proceeding is pending, to the circuit court for the
 470 judicial circuit in which such person or enterprise resides, is
 471 found, or transacts business for an order compelling compliance.
 472 Except in a prosecution for perjury, an individual who complies
 473 with a court order to provide testimony or material after
 474 asserting a privilege against self-incrimination to which the
 475 individual is entitled by law shall not have the testimony or
 476 material so provided, or evidence derived therefrom, received
 477 against him or her in any criminal investigation or proceeding.

478 ~~(5)-(6)~~ A person who fails to obey a court order entered
 479 pursuant to this section may be punished for contempt of court.

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

483 (7) (a) Information held by an investigative agency
 484 pursuant to an investigation of a violation of s. 895.03 is
 485 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 486 of the State Constitution.

487 (b) Information made confidential and exempt under
 488 paragraph (a) may be disclosed by the investigative agency to:

489 1. A government entity in the performance of its official
 490 duties.

491 2. A court or tribunal.

492 (c) Information made confidential and exempt under
 493 paragraph (a) is no longer confidential and exempt once all
 494 investigations to which the information pertains are completed,

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495 unless the information is otherwise protected by law.

496 (d) For purposes of this subsection, an investigation is
 497 considered complete once the investigative agency either files
 498 an action or closes its investigation without filing an action.

499 (e) This subsection is subject to the Open Government
 500 Sunset Review Act in accordance with s. 119.15 and shall stand
 501 repealed on October 2, 2020, unless reviewed and saved from
 502 repeal through reenactment by the Legislature.

503 Section 4. Paragraph (b) of subsection (1) of section
 504 895.09, Florida Statutes, is amended, and paragraph (d) is added
 505 to that subsection, to read:

506 895.09 Disposition of funds obtained through forfeiture
 507 proceedings.—

508 (1) A court entering a judgment of forfeiture in a
 509 proceeding brought pursuant to s. 895.05 shall retain
 510 jurisdiction to direct the distribution of any cash or of any
 511 cash proceeds realized from the forfeiture and disposition of
 512 the property. The court shall direct the distribution of the
 513 funds in the following order of priority:

514 (b) Any claims against the property by persons who have
 515 previously been judicially determined to be innocent persons,
 516 pursuant to s. 895.05(2)(e) ~~the provisions of s. 895.05(2)(c)~~,
 517 and whose interests are preserved from forfeiture by the court
 518 and not otherwise satisfied. Such claims may include any claim
 519 by a person appointed by the court as receiver pending
 520 litigation.

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521 (d) Any claims for restitution by victims of the
 522 racketeering activity. Where the forfeiture action was brought
 523 by the Department of Legal Affairs, the restitution shall be
 524 distributed though the Legal Affairs Revolving Trust Fund;
 525 otherwise, the restitution shall be distributed by the clerk of
 526 the court.

527 Section 5. Paragraph (a) of subsection (1) of section
 528 16.56, Florida Statutes, is amended to read:

529 16.56 Office of Statewide Prosecution.—

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

534 (a) Investigate and prosecute the offenses of:

535 1. Bribery, burglary, criminal usury, extortion, gambling,
 536 kidnapping, larceny, murder, prostitution, perjury, robbery,
 537 carjacking, and home-invasion robbery;

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

539 3. Any violation of the Florida RICO (Racketeer Influenced
 540 and Corrupt Organization) Act, including any offense listed in
 541 the definition of racketeering activity in s. 895.02(8)(a)
 542 ~~895.02(1)(a)~~, providing such listed offense is investigated in
 543 connection with a violation of s. 895.03 and is charged in a
 544 separate count of an information or indictment containing a
 545 count charging a violation of s. 895.03, the prosecution of
 546 which listed offense may continue independently if the

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547 prosecution of the violation of s. 895.03 is terminated for any
 548 reason;

549 4. Any violation of the Florida Anti-Fencing Act;

550 5. Any violation of the Florida Antitrust Act of 1980, as
 551 amended;

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

554 7. Any violation of s. 847.0135, relating to computer
 555 pornography and child exploitation prevention, or any offense
 556 related to a violation of s. 847.0135 or any violation of
 557 chapter 827 where the crime is facilitated by or connected to
 558 the use of the Internet or any device capable of electronic data
 559 storage or transmission;

560 8. Any violation of chapter 815;

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

562 10. Any violation of the Florida Motor Fuel Tax Relief Act
 563 of 2004;

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

565 12. Any crime involving voter registration, voting, or
 566 candidate or issue petition activities;

567 13. Any criminal violation of the Florida Money Laundering
 568 Act;

569 14. Any criminal violation of the Florida Securities and
 570 Investor Protection Act; or

571 15. Any violation of chapter 787, as well as any and all
 572 offenses related to a violation of chapter 787;

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573
 574 or any attempt, solicitation, or conspiracy to commit any of the
 575 crimes specifically enumerated above. The office shall have such
 576 power only when any such offense is occurring, or has occurred,
 577 in two or more judicial circuits as part of a related
 578 transaction, or when any such offense is connected with an
 579 organized criminal conspiracy affecting two or more judicial
 580 circuits. Informations or indictments charging such offenses
 581 shall contain general allegations stating the judicial circuits
 582 and counties in which crimes are alleged to have occurred or the
 583 judicial circuits and counties in which crimes affecting such
 584 circuits or counties are alleged to have been connected with an
 585 organized criminal conspiracy.

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

588 905.34 Powers and duties; law applicable.—The jurisdiction
 589 of a statewide grand jury impaneled under this chapter shall
 590 extend throughout the state. The subject matter jurisdiction of
 591 the statewide grand jury shall be limited to the offenses of:

592 (3) Any violation of the provisions of the Florida RICO
 593 (Racketeer Influenced and Corrupt Organization) Act, including
 594 any offense listed in the definition of racketeering activity in
 595 s. 895.02(8)(a) ~~895.02(1)(a)~~, providing such listed offense is
 596 investigated in connection with a violation of s. 895.03 and is
 597 charged in a separate count of an information or indictment
 598 containing a count charging a violation of s. 895.03, the

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599 prosecution of which listed offense may continue independently
 600 if the prosecution of the violation of s. 895.03 is terminated
 601 for any reason;

602
 603 or any attempt, solicitation, or conspiracy to commit any
 604 violation of the crimes specifically enumerated above, when any
 605 such offense is occurring, or has occurred, in two or more
 606 judicial circuits as part of a related transaction or when any
 607 such offense is connected with an organized criminal conspiracy
 608 affecting two or more judicial circuits. The statewide grand
 609 jury may return indictments and presentments irrespective of the
 610 county or judicial circuit where the offense is committed or
 611 triable. If an indictment is returned, it shall be certified and
 612 transferred for trial to the county where the offense was
 613 committed. The powers and duties of, and law applicable to,
 614 county grand juries shall apply to a statewide grand jury except
 615 when such powers, duties, and law are inconsistent with the
 616 provisions of ss. 905.31-905.40.

617 Section 7. For the purpose of incorporating the amendment
 618 made by this act to section 895.05, Florida Statutes, in a
 619 reference thereto, subsection (4) and paragraph (a) of
 620 subsection (5) of section 16.53, Florida Statutes, are
 621 reenacted, and subsection (6) of that section is amended, to
 622 read:

623 16.53 Legal Affairs Revolving Trust Fund.—

624 (4) Subject to the provisions of s. 895.09, when the

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625 Attorney General files an action pursuant to s. 895.05, funds
 626 provided to the Department of Legal Affairs pursuant to s.
 627 895.09(2) (a) or, alternatively, attorneys' fees and costs,
 628 whichever is greater, shall be deposited in the fund.

629 (5) (a) In the case of a forfeiture action pursuant to s.
 630 895.05, the remainder of the moneys recovered shall be
 631 distributed as set forth in s. 895.09.

632 (6) "Moneys recovered" means damages or penalties or any
 633 other monetary payment, including monetary proceeds from
 634 property forfeited to the state pursuant to s. 895.05 remaining
 635 after satisfaction of any valid claims made pursuant to s.
 636 895.09(1) (a) - (d) ~~895.09(1) (a) - (c)~~, which damages, penalties, or
 637 other monetary payment is made by any defendant by reason of any
 638 decree or settlement in any Racketeer Influenced and Corrupt
 639 Organization Act or state or federal antitrust action prosecuted
 640 by the Attorney General, but excludes attorney ~~attorneys'~~ fees
 641 and costs.

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

646 27.345 State Attorney RICO Trust Fund; authorized use of
 647 funds; reporting.—

648 (1) Subject to the provisions of s. 895.09, when a state
 649 attorney files an action pursuant to s. 895.05, funds provided
 650 to the state attorney pursuant to s. 895.09(2) (a) or,

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651 | alternatively, attorneys' fees and costs, whichever is greater,
652 | shall be deposited in the State Attorney RICO Trust Fund.

653 | Section 9. For the purpose of incorporating the amendment
654 | made by this act to section 895.05, Florida Statutes, in a
655 | reference thereto, subsection (3) of section 92.142, Florida
656 | Statutes, is reenacted to read:

657 | 92.142 Witnesses; pay.—

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

665 | Section 10. This act shall take effect July 1, 2016.