

By Senator Bradley

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1                                   A bill to be entitled  
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  
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

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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; amending s. 16.53, F.S., and reenacting  
44 subsection (4) and paragraph (5)(a), relating to the  
45 Legal Affairs Revolving Trust Fund, to incorporate the  
46 amendment made by the act to s. 895.05, F.S., a  
47 reference thereto; conforming a cross-reference;  
48 reenacting ss. 27.345(1) and 92.142(3), F.S., relating  
49 to the State Attorney RICO Trust Fund and witness pay,  
50 respectively, to incorporate the amendment made by the  
51 act to s. 895.05, F.S., in references thereto;  
52 providing an effective date.

53  
54 Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Section 895.02, Florida Statutes, is reordered  
57 and amended to read:

58 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

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59        (8)~~(1)~~ "Racketeering activity" means to commit, to attempt  
60 to commit, to conspire to commit, or to solicit, coerce, or  
61 intimidate another person to commit:

62        (a) Any crime that is chargeable by petition, indictment,  
63 or information under the following provisions of the Florida  
64 Statutes:

65            1. Section 210.18, relating to evasion of payment of  
66 cigarette taxes.

67            2. Section 316.1935, relating to fleeing or attempting to  
68 elude a law enforcement officer and aggravated fleeing or  
69 eluding.

70            3. Section 403.727(3)(b), relating to environmental  
71 control.

72            4. Section 409.920 or s. 409.9201, relating to Medicaid  
73 fraud.

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

75            6. Section 440.105 or s. 440.106, relating to workers'  
76 compensation.

77            7. Section 443.071(4), relating to creation of a fictitious  
78 employer scheme to commit reemployment assistance fraud.

79            8. Section 465.0161, relating to distribution of medicinal  
80 drugs without a permit as an Internet pharmacy.

81            9. Section 499.0051, relating to crimes involving  
82 contraband and adulterated drugs.

83            10. Part IV of chapter 501, relating to telemarketing.

84            11. Chapter 517, relating to sale of securities and  
85 investor protection.

86            12. Section 550.235 or s. 550.3551, relating to dogracing  
87 and horseracing.

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- 88           13. Chapter 550, relating to jai alai frontons.
- 89           14. Section 551.109, relating to slot machine gaming.
- 90           15. Chapter 552, relating to the manufacture, distribution,  
91 and use of explosives.
- 92           16. Chapter 560, relating to money transmitters, if the  
93 violation is punishable as a felony.
- 94           17. Chapter 562, relating to beverage law enforcement.
- 95           18. Section 624.401, relating to transacting insurance  
96 without a certificate of authority, s. 624.437(4)(c)1., relating  
97 to operating an unauthorized multiple-employer welfare  
98 arrangement, or s. 626.902(1)(b), relating to representing or  
99 aiding an unauthorized insurer.
- 100           19. Section 655.50, relating to reports of currency  
101 transactions, when such violation is punishable as a felony.
- 102           20. Chapter 687, relating to interest and usurious  
103 practices.
- 104           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
105 real estate timeshare plans.
- 106           22. Section 775.13(5)(b), relating to registration of  
107 persons found to have committed any offense for the purpose of  
108 benefiting, promoting, or furthering the interests of a criminal  
109 gang.
- 110           23. Section 777.03, relating to commission of crimes by  
111 accessories after the fact.
- 112           24. Chapter 782, relating to homicide.
- 113           25. Chapter 784, relating to assault and battery.
- 114           26. Chapter 787, relating to kidnapping or human  
115 trafficking.
- 116           27. Chapter 790, relating to weapons and firearms.

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117 28. Chapter 794, relating to sexual battery, but only if  
118 such crime was committed with the intent to benefit, promote, or  
119 further the interests of a criminal gang, or for the purpose of  
120 increasing a criminal gang member's own standing or position  
121 within a criminal gang.

122 29. Former s. 796.03, former s. 796.035, s. 796.04, s.  
123 796.05, or s. 796.07, relating to prostitution.

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

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

126 32. Chapter 812, relating to theft, robbery, and related  
127 crimes.

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

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

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

133 36. Section 827.071, relating to commercial sexual  
134 exploitation of children.

135 37. Section 828.122, relating to fighting or baiting  
136 animals.

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

138 39. Chapter 832, relating to issuance of worthless checks  
139 and drafts.

140 40. Section 836.05, relating to extortion.

141 41. Chapter 837, relating to perjury.

142 42. Chapter 838, relating to bribery and misuse of public  
143 office.

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

145 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

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- 146 s. 847.07, relating to obscene literature and profanity.
- 147 45. Chapter 849, relating to gambling, lottery, gambling or
- 148 gaming devices, slot machines, or any of the provisions within
- 149 that chapter.
- 150 46. Chapter 874, relating to criminal gangs.
- 151 47. Chapter 893, relating to drug abuse prevention and
- 152 control.
- 153 48. Chapter 896, relating to offenses related to financial
- 154 transactions.
- 155 49. Sections 914.22 and 914.23, relating to tampering with
- 156 or harassing a witness, victim, or informant, and retaliation
- 157 against a witness, victim, or informant.
- 158 50. Sections 918.12 and 918.13, relating to tampering with
- 159 jurors and evidence.
- 160 (b) Any conduct defined as "racketeering activity" under 18
- 161 U.S.C. s. 1961(1).
- 162 (12)~~(2)~~ "Unlawful debt" means any money or other thing of
- 163 value constituting principal or interest of a debt that is
- 164 legally unenforceable in this state in whole or in part because
- 165 the debt was incurred or contracted:
- 166 (a) In violation of any one of the following provisions of
- 167 law:
- 168 1. Section 550.235 or s. 550.3551, relating to dogracing
- 169 and horseracing.
- 170 2. Chapter 550, relating to jai alai frontons.
- 171 3. Section 551.109, relating to slot machine gaming.
- 172 4. Chapter 687, relating to interest and usury.
- 173 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 174 849.25, relating to gambling.

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175 (b) In gambling activity in violation of federal law or in  
176 the business of lending money at a rate usurious under state or  
177 federal law.

178 (5)~~(3)~~ "Enterprise" means any individual, sole  
179 proprietorship, partnership, corporation, business trust, union  
180 chartered under the laws of this state, or other legal entity,  
181 or any unchartered union, association, or group of individuals  
182 associated in fact although not a legal entity; and it includes  
183 illicit as well as licit enterprises and governmental, as well  
184 as other, entities. A criminal gang, as defined in s. 874.03,  
185 constitutes an enterprise.

186 (7)~~(4)~~ "Pattern of racketeering activity" means engaging in  
187 at least two incidents of racketeering conduct that have the  
188 same or similar intents, results, accomplices, victims, or  
189 methods of commission or that otherwise are interrelated by  
190 distinguishing characteristics and are not isolated incidents,  
191 provided at least one of such incidents occurred after October  
192 1, 1977, ~~the effective date of this act~~ and that the last of  
193 such incidents occurred within 5 years after a prior incident of  
194 racketeering conduct.

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

201 (10)~~(6)~~ "RICO lien notice" means the notice described in s.  
202 895.05(13) ~~s. 895.05(12)~~ or in s. 895.07.

203 (6)~~(7)~~ "Investigative agency" means the Department of Legal

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204 Affairs, the Office of Statewide Prosecution, or the office of a  
205 state attorney.

206 (1)~~(8)~~ "Beneficial interest" means any of the following:

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

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

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

219  
220 The term "beneficial interest" does not include the interest of  
221 a stockholder in a corporation or the interest of a partner in  
222 either a general partnership or a limited partnership. A  
223 beneficial interest shall be deemed to be located where the real  
224 property owned by the trustee is located.

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

228 (11)~~(10)~~ "Trustee" means any of the following:

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

232 (b) Any person who holds legal or record title to real

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233 property in which any other person has a beneficial interest.

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

236  
237 However, the term "trustee" does not include any person  
238 appointed or acting as a personal representative as defined in  
239 s. 731.201 or appointed or acting as a trustee of any  
240 testamentary trust or as a trustee of any indenture of trust  
241 under which any bonds have been or are to be issued.

242 (3)~~(11)~~ "Criminal proceeding" means any criminal proceeding  
243 commenced by an investigative agency under s. 895.03 or any  
244 other provision of the Florida RICO Act.

245 (2)~~(12)~~ "Civil proceeding" means any civil proceeding  
246 commenced by an investigative agency under s. 895.05 or any  
247 other provision of the Florida RICO Act.

248 Section 2. Subsections (2), (5), and (8) through (12) of  
249 section 895.05, Florida Statutes, are amended to read:

250 895.05 Civil remedies.—

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

256 (b) An investigative agency may, on behalf of the state,  
257 institute a civil proceeding for forfeiture in the circuit court  
258 for the judicial circuit in which the real or personal tangible  
259 property, as described in paragraph (a), is located. An  
260 investigative agency may, on behalf of the state, institute a  
261 civil proceeding for forfeiture in a circuit court in the state

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

263 (c) Upon the entry of a final judgment of forfeiture in  
264 favor of the state, the title of the state to the forfeited  
265 property shall relate back:

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

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

279 (d) If property subject to forfeiture is conveyed,  
280 alienated, disposed of, diminished in value, or otherwise  
281 rendered unavailable for forfeiture ~~after the filing of a RICO~~  
282 ~~lien notice or after the filing of a civil proceeding or~~  
283 ~~criminal proceeding, whichever is earlier~~, the investigative  
284 agency may, on behalf of the state, institute an action in any  
285 circuit court against the person named in the RICO lien notice  
286 or the defendant in the civil proceeding or criminal proceeding,  
287 and the court shall enter final judgment against the person  
288 named in the RICO lien notice or the defendant in the civil  
289 proceeding or criminal proceeding in an amount equal to the fair  
290 market value of the property, together with investigative costs

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291 and attorney ~~attorney's~~ fees incurred by the investigative  
292 agency in the action. As an alternative, the court may order the  
293 forfeiture of any other property of a defendant up to the value  
294 of the property subject to forfeiture. If a civil proceeding is  
295 pending, such action shall be filed only in the court where the  
296 civil proceeding is pending.

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

305 (5) The Department of Legal Affairs, any state attorney, or  
306 any state agency having jurisdiction over conduct in violation  
307 of a provision of this chapter ~~act~~ may institute civil  
308 proceedings under this section. In any action brought under this  
309 section, the circuit court shall proceed as soon as practicable  
310 to the hearing and determination. Pending final determination,  
311 the circuit court may at any time enter such injunctions,  
312 prohibitions, or restraining orders, or take such actions,  
313 including the acceptance of satisfactory performance bonds, as  
314 the court may deem proper.

315 (8) A final judgment or decree rendered in favor of the  
316 state in any criminal proceeding under this chapter ~~act~~ or any  
317 other criminal proceeding under state law shall estop the  
318 defendant in any subsequent civil action or proceeding under  
319 this chapter ~~act~~ or under s. 772.104 as to all matters as to

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320 which such judgment or decree would be an estoppel as between  
321 the parties.

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

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

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

336 (c) In a civil action brought under this subsection by the  
337 Department of Legal Affairs, any party to such action may  
338 petition the court for entry of a consent decree or for approval  
339 of a settlement agreement. The proposed decree or settlement  
340 shall specify the alleged violations, the future obligations of  
341 the parties, the relief agreed upon, and the reasons for  
342 entering into the consent decree or settlement agreement.

343 (10)~~(9)~~ The Department of Legal Affairs may, upon timely  
344 application, intervene in any civil action or proceeding brought  
345 under subsection (6) or subsection (7) if it certifies that, in  
346 its opinion, the action or proceeding is of general public  
347 importance. In such action or proceeding, the state shall be  
348 entitled to the same relief as if the Department of Legal

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349 Affairs had instituted the action or proceeding.

350 (11)~~(10)~~ Notwithstanding any other provision of law, a  
351 criminal or civil action or proceeding under this chapter act  
352 may be commenced at any time within 5 years after the conduct in  
353 violation of ~~a provision of this chapter act~~ terminates or the  
354 cause of action accrues. If a criminal prosecution or civil  
355 action or other proceeding is brought, or intervened in, to  
356 punish, prevent, or restrain any violation of ~~the provisions of~~  
357 this chapter act, the running of the period of limitations  
358 prescribed by this section with respect to any cause of action  
359 arising under subsection (6), ~~or~~ subsection (7), or subsection  
360 (9) which is based in whole or in part upon any matter  
361 complained of in any such prosecution, action, or proceeding  
362 shall be suspended during the pendency of such prosecution,  
363 action, or proceeding and for 2 years following its termination.

364 (12)~~(11)~~ The application of one civil remedy under any  
365 provision of this chapter act does not preclude the application  
366 of any other remedy, civil or criminal, under this chapter act  
367 or any other provision of law. Civil remedies under this chapter  
368 act are supplemental, and not mutually exclusive.

369 (13)~~(12)~~(a) In addition to the authority to file a RICO  
370 lien notice set forth in s. 895.07(1), the Department of Legal  
371 Affairs, the Office of Statewide Prosecution, or the office of a  
372 state attorney may apply ex parte to a criminal division of a  
373 circuit court and, upon petition supported by sworn affidavit,  
374 obtain an order authorizing the filing of a RICO lien notice  
375 against real property upon a showing of probable cause to  
376 believe that the property was used in the course of, intended  
377 for use in the course of, derived from, or realized through

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378 conduct in violation of ~~a provision of~~ ss. 895.01-895.05. If the  
379 lien notice authorization is granted, the department shall,  
380 after filing the lien notice, forthwith provide notice to the  
381 owner of the property by one of the following methods:

382 1. By serving the notice in the manner provided by law for  
383 the service of process.

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

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

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

392 (c) The court shall discharge the lien if it finds that  
393 there is no probable cause to believe that the property was used  
394 in the course of, intended for use in the course of, derived  
395 from, or realized through conduct in violation of ~~a provision of~~  
396 ss. 895.01-895.05 or if it finds that the owner of the property  
397 neither knew nor reasonably should have known that the property  
398 was used in the course of, intended for use in the course of,  
399 derived from, or realized through conduct in violation of ~~a~~  
400 ~~provision of~~ ss. 895.01-895.05.

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

406 (e) A lien notice secured under ~~the provisions of~~ this

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407 subsection is valid for a period of 90 days from the date the  
408 court granted authorization, which period may be extended for an  
409 additional 90 days by the court for good cause shown, unless a  
410 civil proceeding is instituted under this section and a lien  
411 notice is filed under s. 895.07, in which event the term of the  
412 lien notice is governed by s. 895.08.

413 (f) The filing of a lien notice, whether or not  
414 subsequently discharged or otherwise lifted, shall constitute  
415 notice to the owner and knowledge by the owner that the property  
416 was used in the course of, intended for use in the course of,  
417 derived from, or realized through conduct in violation of a  
418 ~~provision of~~ ss. 895.01-895.05, such that lack of such notice  
419 and knowledge shall not be a defense in any subsequent civil or  
420 criminal proceeding under this chapter.

421 Section 3. Section 895.06, Florida Statutes, is amended to  
422 read:

423 895.06 Civil investigative subpoenas; public records  
424 exemption.—

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

428 (1)~~(2)~~ If, pursuant to the civil enforcement provisions of  
429 s. 895.05, an investigative agency has reason to believe that a  
430 person or other enterprise has engaged in, or is engaging in,  
431 activity in violation of this chapter act, the investigative  
432 agency may administer oaths or affirmations, subpoena witnesses  
433 or material, and collect evidence.

434 (2)~~(3)~~ A subpoena issued pursuant to this chapter is  
435 confidential for 120 days after the date of its issuance. The

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436 subpoenaed person or entity may not disclose the existence of  
437 the subpoena to any person or entity other than his or her  
438 attorney during the 120-day period. The subpoena must include a  
439 reference to the confidentiality of the subpoena and a notice to  
440 the recipient of the subpoena that disclosure of the existence  
441 of the subpoena to any person or entity other than the  
442 subpoenaed person's or entity's attorney is prohibited. The  
443 investigative agency may apply ex parte to the circuit court for  
444 the circuit in which a subpoenaed person or entity resides, is  
445 found, or transacts business for an order directing that the  
446 subpoenaed person or entity not disclose the existence of the  
447 subpoena to any other person or entity except the subpoenaed  
448 person's attorney for an additional a period of time 90 days,  
449 ~~which time may be extended by the court~~ for good cause shown by  
450 the investigative agency. The order shall be served on the  
451 subpoenaed person or entity with the subpoena, and the subpoena  
452 must ~~shall~~ include a reference to the order and a notice to the  
453 recipient of the subpoena that disclosure of the existence of  
454 the subpoena to any other person or entity in violation of the  
455 order may subject the subpoenaed person or entity to punishment  
456 for contempt of court. Such an order may be granted by the court  
457 only upon a showing:

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

460 (b) That the documents or testimony sought appear  
461 reasonably calculated to lead to the discovery of admissible  
462 evidence; and

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

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465 would result in a flight from prosecution.

466 (3)~~(4)~~ If matter that the investigative agency seeks to  
467 obtain by the subpoena is located outside the state, the person  
468 or enterprise subpoenaed may make such matter available to the  
469 investigative agency or its representative for examination at  
470 the place where such matter is located. The investigative agency  
471 may designate representatives, including officials of the  
472 jurisdiction in which the matter is located, to inspect the  
473 matter on its behalf and may respond to similar requests from  
474 officials of other jurisdictions.

475 (4)~~(5)~~ Upon failure of a person or enterprise, without  
476 lawful excuse, to obey a subpoena issued under this section or a  
477 subpoena issued in the course of a civil proceeding instituted  
478 pursuant to s. 895.05, and after reasonable notice to such  
479 person or enterprise, the investigative agency may apply to the  
480 circuit court in which such civil proceeding is pending or, if  
481 no civil proceeding is pending, to the circuit court for the  
482 judicial circuit in which such person or enterprise resides, is  
483 found, or transacts business for an order compelling compliance.  
484 Except in a prosecution for perjury, an individual who complies  
485 with a court order to provide testimony or material after  
486 asserting a privilege against self-incrimination to which the  
487 individual is entitled by law shall not have the testimony or  
488 material so provided, or evidence derived therefrom, received  
489 against him or her in any criminal investigation or proceeding.

490 (5)~~(6)~~ A person who fails to obey a court order entered  
491 pursuant to this section may be punished for contempt of court.

492 (6) The investigative agency may stipulate to protective  
493 orders with respect to documents and information submitted in

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494 response to a subpoena issued under this section.

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

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

501 1. A government entity in the performance of its official  
502 duties.

503 2. A court or tribunal.

504 (c) Information made confidential and exempt under  
505 paragraph (a) is no longer confidential and exempt once all  
506 investigations to which the information pertains are completed,  
507 unless the information is otherwise protected by law.

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

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

515 Section 4. Paragraph (b) of subsection (1) of section  
516 895.09, Florida Statutes, is amended, and paragraph (d) is added  
517 to that subsection, to read:

518 895.09 Disposition of funds obtained through forfeiture  
519 proceedings.—

520 (1) A court entering a judgment of forfeiture in a  
521 proceeding brought pursuant to s. 895.05 shall retain  
522 jurisdiction to direct the distribution of any cash or of any

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523 cash proceeds realized from the forfeiture and disposition of  
524 the property. The court shall direct the distribution of the  
525 funds in the following order of priority:

526 (b) Any claims against the property by persons who have  
527 previously been judicially determined to be innocent persons,  
528 pursuant to s. 895.05(2) (e) ~~the provisions of s. 895.05(2) (e)~~,  
529 and whose interests are preserved from forfeiture by the court  
530 and not otherwise satisfied. Such claims may include any claim  
531 by a person appointed by the court as receiver pending  
532 litigation.

533 (d) Any claims for restitution by victims of racketeering  
534 activity. If the forfeiture action was brought by the Department  
535 of Legal Affairs, the restitution shall be distributed through  
536 the Legal Affairs Revolving Trust Fund; otherwise, the  
537 restitution shall be distributed by the clerk of the court.

538 Section 5. Paragraph (a) of subsection (1) of section  
539 16.56, Florida Statutes, is amended to read:

540 16.56 Office of Statewide Prosecution.—

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

545 (a) Investigate and prosecute the offenses of:

546 1. Bribery, burglary, criminal usury, extortion, gambling,  
547 kidnapping, larceny, murder, prostitution, perjury, robbery,  
548 carjacking, and home-invasion robbery;

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

550 3. Any violation of the Florida RICO (Racketeer Influenced  
551 and Corrupt Organization) Act, including any offense listed in

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552 the definition of racketeering activity in s. 895.02(8)(a)  
553 ~~895.02(1)(a)~~, providing such listed offense is investigated in  
554 connection with a violation of s. 895.03 and is charged in a  
555 separate count of an information or indictment containing a  
556 count charging a violation of s. 895.03, the prosecution of  
557 which listed offense may continue independently if the  
558 prosecution of the violation of s. 895.03 is terminated for any  
559 reason;

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

561 5. Any violation of the Florida Antitrust Act of 1980, as  
562 amended;

563 6. Any crime involving, or resulting in, fraud or deceit  
564 upon any person;

565 7. Any violation of s. 847.0135, relating to computer  
566 pornography and child exploitation prevention, or any offense  
567 related to a violation of s. 847.0135 or any violation of  
568 chapter 827 where the crime is facilitated by or connected to  
569 the use of the Internet or any device capable of electronic data  
570 storage or transmission;

571 8. Any violation of chapter 815;

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

573 10. Any violation of the Florida Motor Fuel Tax Relief Act  
574 of 2004;

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

576 12. Any crime involving voter registration, voting, or  
577 candidate or issue petition activities;

578 13. Any criminal violation of the Florida Money Laundering  
579 Act;

580 14. Any criminal violation of the Florida Securities and

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581 Investor Protection Act; or

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

584  
585 or any attempt, solicitation, or conspiracy to commit any of the  
586 crimes specifically enumerated above. The office shall have such  
587 power only when any such offense is occurring, or has occurred,  
588 in two or more judicial circuits as part of a related  
589 transaction, or when any such offense is connected with an  
590 organized criminal conspiracy affecting two or more judicial  
591 circuits. Informations or indictments charging such offenses  
592 shall contain general allegations stating the judicial circuits  
593 and counties in which crimes are alleged to have occurred or the  
594 judicial circuits and counties in which crimes affecting such  
595 circuits or counties are alleged to have been connected with an  
596 organized criminal conspiracy.

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

599 905.34 Powers and duties; law applicable.—The jurisdiction  
600 of a statewide grand jury impaneled under this chapter shall  
601 extend throughout the state. The subject matter jurisdiction of  
602 the statewide grand jury shall be limited to the offenses of:

603 (3) Any violation of the provisions of the Florida RICO  
604 (Racketeer Influenced and Corrupt Organization) Act, including  
605 any offense listed in the definition of racketeering activity in  
606 s. 895.02(8)(a) ~~895.02(1)(a)~~, providing such listed offense is  
607 investigated in connection with a violation of s. 895.03 and is  
608 charged in a separate count of an information or indictment  
609 containing a count charging a violation of s. 895.03, the

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610 prosecution of which listed offense may continue independently  
611 if the prosecution of the violation of s. 895.03 is terminated  
612 for any reason;

613  
614 or any attempt, solicitation, or conspiracy to commit any  
615 violation of the crimes specifically enumerated above, when any  
616 such offense is occurring, or has occurred, in two or more  
617 judicial circuits as part of a related transaction or when any  
618 such offense is connected with an organized criminal conspiracy  
619 affecting two or more judicial circuits. The statewide grand  
620 jury may return indictments and presentments irrespective of the  
621 county or judicial circuit where the offense is committed or  
622 triable. If an indictment is returned, it shall be certified and  
623 transferred for trial to the county where the offense was  
624 committed. The powers and duties of, and law applicable to,  
625 county grand juries shall apply to a statewide grand jury except  
626 when such powers, duties, and law are inconsistent with the  
627 provisions of ss. 905.31-905.40.

628 Section 7. For the purpose of incorporating the amendment  
629 made by this act to section 895.05, Florida Statutes, in a  
630 reference thereto, subsection (4) and paragraph (a) of  
631 subsection (5) of section 16.53, Florida Statutes, are  
632 reenacted, and subsection (6) of that section is amended, to  
633 read:

634 16.53 Legal Affairs Revolving Trust Fund.—

635 (4) Subject to the provisions of s. 895.09, when the  
636 Attorney General files an action pursuant to s. 895.05, funds  
637 provided to the Department of Legal Affairs pursuant to s.  
638 895.09(2)(a) or, alternatively, attorneys' fees and costs,

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639 whichever is greater, shall be deposited in the fund.

640 (5) (a) In the case of a forfeiture action pursuant to s.  
641 895.05, the remainder of the moneys recovered shall be  
642 distributed as set forth in s. 895.09.

643 (6) "Moneys recovered" means damages or penalties or any  
644 other monetary payment, including monetary proceeds from  
645 property forfeited to the state pursuant to s. 895.05 remaining  
646 after satisfaction of any valid claims made pursuant to s.  
647 895.09(1)(a)-(d) ~~895.09(1)(a)-(e)~~, which damages, penalties, or  
648 other monetary payment is made by any defendant by reason of any  
649 decree or settlement in any Racketeer Influenced and Corrupt  
650 Organization Act or state or federal antitrust action prosecuted  
651 by the Attorney General, but excludes attorney ~~attorneys'~~ fees  
652 and costs.

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

657 27.345 State Attorney RICO Trust Fund; authorized use of  
658 funds; reporting.—

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

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

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668 92.142 Witnesses; pay.-

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

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