

By Senator Martin

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1                   A bill to be entitled  
2       An act relating to the statewide prosecutor; amending  
3       s. 16.56, F.S.; specifying that certain crimes  
4       facilitated by or connected to the use of the Internet  
5       occur in every judicial circuit within the state;  
6       authorizing the Office of Statewide Prosecution to  
7       investigate and prosecute crimes involving voting in  
8       an election for a federal or state office, voting in  
9       an election on a referendum, an initiative, or an  
10      issue, the petition activities for a federal or state  
11      office, the petition activities for a referendum, an  
12      initiative, or an issue, or voter registration;  
13      providing applicability; requiring certain  
14      informations or indictments to contain specified  
15      general allegations; conforming provisions to changes  
16      made by the act; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20       Section 1. Subsection (1) of section 16.56, Florida  
21 Statutes, is amended to read:

22       16.56 Office of Statewide Prosecution.—

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

27       (a) Investigate and prosecute the offenses of:

28       1. Bribery, burglary, criminal usury, extortion, gambling,  
29 kidnapping, larceny, murder, prostitution, perjury, robbery,

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30 carjacking, home-invasion robbery, and patient brokering;

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

32 3. Any violation of the Florida RICO (Racketeer Influenced  
33 and Corrupt Organization) Act, including any offense listed in  
34 the definition of racketeering activity in s. 895.02(8)(a),  
35 providing such listed offense is investigated in connection with  
36 a violation of s. 895.03 and is charged in a separate count of  
37 an information or indictment containing a count charging a  
38 violation of s. 895.03, the prosecution of which listed offense  
39 may continue independently if the prosecution of the violation  
40 of s. 895.03 is terminated for any reason;

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

42 5. Any violation of the Florida Antitrust Act of 1980, as  
43 amended;

44 6. Any crime involving, or resulting in, fraud or deceit  
45 upon any person;

46 7. Any violation of s. 847.0135, relating to computer  
47 pornography and child exploitation prevention, or any offense  
48 related to a violation of s. 847.0135 or any violation of  
49 chapter 827 where the crime is facilitated by or connected to  
50 the use of the Internet or any device capable of electronic data  
51 storage or transmission;

52 8. Any violation of chapter 815;

53 9. Any violation of chapter 825;

54 10. Any criminal violation of part I of chapter 499;

55 11. Any violation of the Florida Motor Fuel Tax Relief Act  
56 of 2004;

57 12. Any criminal violation of s. 409.920 or s. 409.9201;

58 13. ~~Any crime involving voter registration, voting, or~~

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59 ~~candidate or issue petition activities;~~

60 ~~14.~~ Any criminal violation of the Florida Money Laundering  
61 Act;

62 ~~14.15.~~ Any criminal violation of the Florida Securities and  
63 Investor Protection Act;

64 ~~15.16.~~ Any violation of chapter 787, as well as any and all  
65 offenses related to a violation of chapter 787; or

66 ~~16.17.~~ Any criminal violation of chapter 24, part II of  
67 chapter 285, chapter 546, chapter 550, chapter 551, or chapter  
68 849;

69  
70 or any attempt, solicitation, or conspiracy to commit any of the  
71 crimes specifically enumerated above. The office shall have such  
72 power only when any such offense is occurring, or has occurred,  
73 in two or more judicial circuits as part of a related  
74 transaction, or when any such offense is connected with an  
75 organized criminal conspiracy affecting two or more judicial  
76 circuits. Informations or indictments charging such offenses  
77 shall contain general allegations stating the judicial circuits  
78 and counties in which crimes are alleged to have occurred or the  
79 judicial circuits and counties in which crimes affecting such  
80 circuits or counties are alleged to have been connected with an  
81 organized criminal conspiracy.

82 (b) Investigate and prosecute any crime enumerated in  
83 paragraphs (a) and (c) ~~paragraph (a)~~ facilitated by or connected  
84 to the use of the Internet. Any such crime is a crime occurring  
85 in every judicial circuit within the state.

86 (c) Investigate and prosecute any crime involving:

87 1. Voting in an election in which a candidate for a federal

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88 or state office is on the ballot;

89 2. Voting in an election in which a referendum, an  
90 initiative, or an issue is on the ballot;

91 3. The petition activities of a candidate for a federal or  
92 state office;

93 4. The petition activities for a referendum, an initiative,  
94 or an issue; or

95 5. Voter registration;

96  
97 or any attempt, solicitation, or conspiracy to commit any of the  
98 crimes specifically enumerated above. The office shall have such  
99 power only when any such offense is occurring, or has occurred,  
100 in two or more judicial circuits as part of a related  
101 transaction, or when any such offense is affecting, or has  
102 affected, two or more judicial circuits. Informations or  
103 indictments charging such offenses must contain general  
104 allegations stating the judicial circuits and counties in which  
105 crimes are alleged to have occurred or the judicial circuits and  
106 counties in which crimes are alleged to have affected.

107 (d) Upon request, cooperate with and assist state attorneys  
108 and state and local law enforcement officials in their efforts  
109 against organized crimes.

110 (e) ~~(d)~~ Request and receive from any department, division,  
111 board, bureau, commission, or other agency of the state, or of  
112 any political subdivision thereof, cooperation and assistance in  
113 the performance of its duties.

114 Section 2. This act shall take effect upon becoming a law.