

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 in a
7 circuit court in certain circumstances; adding the
8 diminution in value as a reason that the investigative
9 agency may bring an action under certain
10 circumstances; deleting reasons for which the
11 investigative agency may bring an action under certain
12 circumstances; authorizing a court to order the
13 forfeiture of other property of the defendant up to
14 the value of unavailable property 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; creating civil penalties of a certain amount
19 for a natural person and any other person who violates
20 certain prohibited activities; requiring certain
21 moneys recovered by the department for certain
22 violations be deposited in the Legal Affairs Revolving
23 Trust Fund; authorizing a party to a specific civil
24 action to petition the court for entry of a consent
25 decree or for approval of a settlement agreement,
26 which must state specified information; amending s.

27 | 895.06, F.S.; repealing the definition of
 28 | "investigative agency"; providing that a subpoena must
 29 | be confidential for a certain time; restricting to
 30 | whom the subpoenaed person or entity may disclose the
 31 | existence of the subpoena; requiring certain
 32 | information be included in the subpoena; authorizing
 33 | the investigative agency to apply for an order
 34 | extending the amount of time the subpoena remains
 35 | confidential rather than having it extended by the
 36 | court for a specified period; providing that the
 37 | investigative agency has the authority to stipulate to
 38 | protective orders with respect to documents and
 39 | information submitted in response to a subpoena;
 40 | amending s. 895.09, F.S.; requiring the court to
 41 | direct distribution of funds to victims; defining the
 42 | term "victim"; amending ss. 16.56 and 905.34, F.S.;
 43 | conforming cross-references; reenacting ss. 16.53(4),
 44 | (5) (a), and (6), 27.345(1), and 92.142(3), F.S., to
 45 | incorporate the amendment made to s. 895.05, F.S., in
 46 | references thereto; providing an effective date.

47 |
 48 | Be It Enacted by the Legislature of the State of Florida:

49 |
 50 | Section 1. Section 895.02, Florida Statutes, is reordered
 51 | and amended to read:

52 | 895.02 Definitions.—As used in ss. 895.01-895.08, the

53 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
 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
 73 fictitious employer scheme to commit reemployment assistance
 74 fraud.

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

77 9. Section 499.0051, relating to crimes involving
 78 contraband and adulterated drugs.

- 79 | 10. Part IV of chapter 501, relating to telemarketing.
- 80 | 11. Chapter 517, relating to sale of securities and
- 81 | investor protection.
- 82 | 12. Section 550.235 or s. 550.3551, relating to dogracing
- 83 | and horseracing.
- 84 | 13. Chapter 550, relating to jai alai frontons.
- 85 | 14. Section 551.109, relating to slot machine gaming.
- 86 | 15. Chapter 552, relating to the manufacture,
- 87 | distribution, and use of explosives.
- 88 | 16. Chapter 560, relating to money transmitters, if the
- 89 | violation is punishable as a felony.
- 90 | 17. Chapter 562, relating to beverage law enforcement.
- 91 | 18. Section 624.401, relating to transacting insurance
- 92 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 93 | to operating an unauthorized multiple-employer welfare
- 94 | arrangement, or s. 626.902(1)(b), relating to representing or
- 95 | aiding an unauthorized insurer.
- 96 | 19. Section 655.50, relating to reports of currency
- 97 | transactions, when such violation is punishable as a felony.
- 98 | 20. Chapter 687, relating to interest and usurious
- 99 | practices.
- 100 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 101 | real estate timeshare plans.
- 102 | 22. Section 775.13(5)(b), relating to registration of
- 103 | persons found to have committed any offense for the purpose of
- 104 | benefiting, promoting, or furthering the interests of a criminal

- 105 | gang.
- 106 | 23. Section 777.03, relating to commission of crimes by
- 107 | accessories after the fact.
- 108 | 24. Chapter 782, relating to homicide.
- 109 | 25. Chapter 784, relating to assault and battery.
- 110 | 26. Chapter 787, relating to kidnapping or human
- 111 | trafficking.
- 112 | 27. Chapter 790, relating to weapons and firearms.
- 113 | 28. Chapter 794, relating to sexual battery, but only if
- 114 | such crime was committed with the intent to benefit, promote, or
- 115 | further the interests of a criminal gang, or for the purpose of
- 116 | increasing a criminal gang member's own standing or position
- 117 | within a criminal gang.
- 118 | 29. Former section 796.03, former s. 796.035, s. 796.04,
- 119 | s. 796.05, or s. 796.07, relating to prostitution.
- 120 | 30. Chapter 806, relating to arson and criminal mischief.
- 121 | 31. Chapter 810, relating to burglary and trespass.
- 122 | 32. Chapter 812, relating to theft, robbery, and related
- 123 | crimes.
- 124 | 33. Chapter 815, relating to computer-related crimes.
- 125 | 34. Chapter 817, relating to fraudulent practices, false
- 126 | pretenses, fraud generally, and credit card crimes.
- 127 | 35. Chapter 825, relating to abuse, neglect, or
- 128 | exploitation of an elderly person or disabled adult.
- 129 | 36. Section 827.071, relating to commercial sexual
- 130 | exploitation of children.

- 131 | 37. Section 828.122, relating to fighting or baiting
- 132 | animals.
- 133 | 38. Chapter 831, relating to forgery and counterfeiting.
- 134 | 39. Chapter 832, relating to issuance of worthless checks
- 135 | and drafts.
- 136 | 40. Section 836.05, relating to extortion.
- 137 | 41. Chapter 837, relating to perjury.
- 138 | 42. Chapter 838, relating to bribery and misuse of public
- 139 | office.
- 140 | 43. Chapter 843, relating to obstruction of justice.
- 141 | 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 142 | s. 847.07, relating to obscene literature and profanity.
- 143 | 45. Chapter 849, relating to gambling, lottery, gambling
- 144 | or gaming devices, slot machines, or any of the provisions
- 145 | within that chapter.
- 146 | 46. Chapter 874, relating to criminal gangs.
- 147 | 47. Chapter 893, relating to drug abuse prevention and
- 148 | control.
- 149 | 48. Chapter 896, relating to offenses related to financial
- 150 | transactions.
- 151 | 49. Sections 914.22 and 914.23, relating to tampering with
- 152 | or harassing a witness, victim, or informant, and retaliation
- 153 | against a witness, victim, or informant.
- 154 | 50. Sections 918.12 and 918.13, relating to tampering with
- 155 | jurors and evidence.
- 156 | (b) Any conduct defined as "racketeering activity" under

157 | 18 U.S.C. s. 1961(1).

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

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

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

166 | 2. Chapter 550, relating to jai alai frontons.

167 | 3. Section 551.109, relating to slot machine gaming.

168 | 4. Chapter 687, relating to interest and usury.

169 | 5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 170 | 849.25, relating to gambling.

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

174 | (5)~~(3)~~ "Enterprise" means any individual, sole
 175 | proprietorship, partnership, corporation, business trust, union
 176 | chartered under the laws of this state, or other legal entity,
 177 | or any unchartered union, association, or group of individuals
 178 | associated in fact although not a legal entity; and it includes
 179 | illicit as well as licit enterprises and governmental, as well
 180 | as other, entities. A criminal gang, as defined in s. 874.03,
 181 | constitutes an enterprise.

182 | (7)~~(4)~~ "Pattern of racketeering activity" means engaging

183 | in at least two incidents of racketeering conduct that have the
 184 | same or similar intents, results, accomplices, victims, or
 185 | methods of commission or that otherwise are interrelated by
 186 | distinguishing characteristics and are not isolated incidents,
 187 | provided at least one of such incidents occurred after the
 188 | effective date of this act and that the last of such incidents
 189 | occurred within 5 years after a prior incident of racketeering
 190 | conduct.

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

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

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

202 | (1)~~(8)~~ "Beneficial interest" means any of the following:

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

207 | (b) The interest of a person as a beneficiary under any
 208 | other trust arrangement pursuant to which a trustee holds legal

209 | or record title to real property for the benefit of such person;

210 | or

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

215 |

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

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

224 | (11)~~(10)~~ "Trustee" means any of the following:

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

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

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

232 |

233 | However, the term "trustee" does not include any person
234 | appointed or acting as a personal representative as defined in

235 s. 731.201 or appointed or acting as a trustee of any
 236 testamentary trust or as a trustee of any indenture of trust
 237 under which any bonds have been or are to be issued.

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

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

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

249 895.05 Civil remedies.—

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

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

261 | intangible property described in paragraph (a).

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

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

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

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

287 | named in the RICO lien notice or the defendant in the civil
 288 | proceeding or criminal proceeding in an amount equal to the fair
 289 | market value of the property, together with investigative costs
 290 | and attorney ~~attorney's~~ fees incurred by the investigative
 291 | agency in the action. In the alternative, the court may order
 292 | the forfeiture of any other property of the defendant up to the
 293 | value of the property subject to forfeiture. If a civil
 294 | proceeding is pending, such action shall be filed only in the
 295 | court where the civil proceeding is pending.

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

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

309 | (a) Any natural person who violates s. 895.03 is subject
 310 | to a civil penalty of up to \$100,000. Any other person who
 311 | violates s. 895.03 is subject to a civil penalty of up to \$1
 312 | million. Moneys recovered for civil penalties under this

313 paragraph shall be deposited into the General Revenue Fund.

314 (b) Moneys recovered by the Department of Legal Affairs
 315 for attorney fees and costs under this subsection shall be
 316 deposited in the Legal Affairs Revolving Trust Fund, which may
 317 be used to investigate and enforce this chapter.

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

325 (10)-(9) The Department of Legal Affairs may, upon timely
 326 application, intervene in any civil action or proceeding brought
 327 under subsection (6) or subsection (7) if it certifies that, in
 328 its opinion, the action or proceeding is of general public
 329 importance. In such action or proceeding, the state shall be
 330 entitled to the same relief as if the Department of Legal
 331 Affairs had instituted the action or proceeding.

332 (11)-(10) Notwithstanding any other provision of law, a
 333 criminal or civil action or proceeding under this act may be
 334 commenced at any time within 5 years after the conduct in
 335 violation of a provision of this act terminates or the cause of
 336 action accrues. If a criminal prosecution or civil action or
 337 other proceeding is brought, or intervened in, to punish,
 338 prevent, or restrain any violation of the provisions of this

339 act, the running of the period of limitations prescribed by this
 340 section with respect to any cause of action arising under
 341 subsection (6), ~~or~~ subsection (7), or subsection (9) which is
 342 based in whole or in part upon any matter complained of in any
 343 such prosecution, action, or proceeding shall be suspended
 344 during the pendency of such prosecution, action, or proceeding
 345 and for 2 years following its termination.

346 (12)~~(11)~~ The application of one civil remedy under any
 347 provision of this act does not preclude the application of any
 348 other remedy, civil or criminal, under this act or any other
 349 provision of law. Civil remedies under this act are
 350 supplemental, and not mutually exclusive.

351 (13)~~(12)~~(a) In addition to the authority to file a RICO
 352 lien notice set forth in s. 895.07(1), the Department of Legal
 353 Affairs, the Office of Statewide Prosecution, or the office of a
 354 state attorney may apply ex parte to a criminal division of a
 355 circuit court and, upon petition supported by sworn affidavit,
 356 obtain an order authorizing the filing of a RICO lien notice
 357 against real property upon a showing of probable cause to
 358 believe that the property was used in the course of, intended
 359 for use in the course of, derived from, or realized through
 360 conduct in violation of a provision of ss. 895.01-895.05. If the
 361 lien notice authorization is granted, the department shall,
 362 after filing the lien notice, forthwith provide notice to the
 363 owner of the property by one of the following methods:

364 1. By serving the notice in the manner provided by law for

365 the service of process.

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

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

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

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

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

388 (e) A lien notice secured under the provisions of this
389 subsection is valid for a period of 90 days from the date the
390 court granted authorization, which period may be extended for an

391 additional 90 days by the court for good cause shown, unless a
 392 civil proceeding is instituted under this section and a lien
 393 notice is filed under s. 895.07, in which event the term of the
 394 lien notice is governed by s. 895.08.

395 (f) The filing of a lien notice, whether or not
 396 subsequently discharged or otherwise lifted, shall constitute
 397 notice to the owner and knowledge by the owner 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, such that lack of such notice
 401 and knowledge shall not be a defense in any subsequent civil or
 402 criminal proceeding under this chapter.

403 Section 3. Section 895.06, Florida Statutes, is amended to
 404 read:

405 895.06 Civil investigative subpoenas.—

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

409 (1)~~(2)~~ If, pursuant to the civil enforcement provisions of
 410 s. 895.05, an investigative agency has reason to believe that a
 411 person or other enterprise has engaged in, or is engaging in,
 412 activity in violation of this act, the investigative agency may
 413 administer oaths or affirmations, subpoena witnesses or
 414 material, and collect evidence.

415 (2)~~(3)~~ A subpoena issued pursuant to this chapter is
 416 confidential for 120 days after the date of its issuance. The

417 subpoenaed person or entity may not disclose the existence of
 418 the subpoena to any person or entity other than his or her
 419 attorney during the 120-day period. The subpoena must include a
 420 reference to the confidentiality of the subpoena and a notice to
 421 the recipient of the subpoena that disclosure of the existence
 422 of the subpoena to any other person or entity except the
 423 subpoenaed person's or entity's attorney is prohibited. The
 424 investigative agency may apply ex parte to the circuit court for
 425 the circuit in which a subpoenaed person or entity resides, is
 426 found, or transacts business for an order directing that the
 427 subpoenaed person or entity not disclose the existence of the
 428 subpoena to any other person or entity except the subpoenaed
 429 person's attorney for an additional a period of time 90 days,
 430 ~~which time may be extended by the court~~ for good cause shown by
 431 the investigative agency. The order shall be served on the
 432 subpoenaed person or entity with the subpoena, and the subpoena
 433 must ~~shall~~ include a reference to the order and a notice to the
 434 recipient of the subpoena that disclosure of the existence of
 435 the subpoena to any other person or entity in violation of the
 436 order may subject the subpoenaed person or entity to punishment
 437 for contempt of court. Such an order may be granted by the court
 438 only upon a showing:
 439 (a) Of sufficient factual grounds to reasonably indicate a
 440 violation of ss. 895.01-895.06;
 441 (b) That the documents or testimony sought appear
 442 reasonably calculated to lead to the discovery of admissible

443 evidence; and

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

447 (3)~~(4)~~ If matter that the investigative agency seeks to
 448 obtain by the subpoena is located outside the state, the person
 449 or enterprise subpoenaed may make such matter available to the
 450 investigative agency or its representative for examination at
 451 the place where such matter is located. The investigative agency
 452 may designate representatives, including officials of the
 453 jurisdiction in which the matter is located, to inspect the
 454 matter on its behalf and may respond to similar requests from
 455 officials of other jurisdictions.

456 (4)~~(5)~~ Upon failure of a person or enterprise, without
 457 lawful excuse, to obey a subpoena issued under this section or a
 458 subpoena issued in the course of a civil proceeding instituted
 459 pursuant to s. 895.05, and after reasonable notice to such
 460 person or enterprise, the investigative agency may apply to the
 461 circuit court in which such civil proceeding is pending or, if
 462 no civil proceeding is pending, to the circuit court for the
 463 judicial circuit in which such person or enterprise resides, is
 464 found, or transacts business for an order compelling compliance.
 465 Except in a prosecution for perjury, an individual who complies
 466 with a court order to provide testimony or material after
 467 asserting a privilege against self-incrimination to which the
 468 individual is entitled by law shall not have the testimony or

469 material so provided, or evidence derived therefrom, received
 470 against him or her in any criminal investigation or proceeding.

471 ~~(5)(6)~~ A person who fails to obey a court order entered
 472 pursuant to this section may be punished for contempt of court.

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

476 Section 4. Paragraph (b) of subsection (1) of section
 477 895.09, Florida Statutes, is amended, and paragraph (d) is added
 478 to that section, to read:

479 895.09 Disposition of funds obtained through forfeiture
 480 proceedings.—

481 (1) A court entering a judgment of forfeiture in a
 482 proceeding brought pursuant to s. 895.05 shall retain
 483 jurisdiction to direct the distribution of any cash or of any
 484 cash proceeds realized from the forfeiture and disposition of
 485 the property. The court shall direct the distribution of the
 486 funds in the following order of priority:

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

493 (d) Any claims for restitution by victims of the
 494 racketeering activity. Where the forfeiture action was brought

495 by the Department of Legal Affairs, the restitution shall be
 496 distributed through the Legal Affairs Revolving Trust Fund;
 497 otherwise, the restitution shall be distributed by the clerk of
 498 the court.

499 Section 5. Paragraph (a) of subsection (1) of section
 500 16.56, Florida Statutes, is amended to read:

501 16.56 Office of Statewide Prosecution.—

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

506 (a) Investigate and prosecute the offenses of:

507 1. Bribery, burglary, criminal usury, extortion, gambling,
 508 kidnapping, larceny, murder, prostitution, perjury, robbery,
 509 carjacking, and home-invasion robbery;

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

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

- 521 | 4. Any violation of the provisions of the Florida Anti-
 522 | Fencing Act;
- 523 | 5. Any violation of the provisions of the Florida
 524 | Antitrust Act of 1980, as amended;
- 525 | 6. Any crime involving, or resulting in, fraud or deceit
 526 | upon any person;
- 527 | 7. Any violation of s. 847.0135, relating to computer
 528 | pornography and child exploitation prevention, or any offense
 529 | related to a violation of s. 847.0135 or any violation of
 530 | chapter 827 where the crime is facilitated by or connected to
 531 | the use of the Internet or any device capable of electronic data
 532 | storage or transmission;
- 533 | 8. Any violation of the provisions of chapter 815;
- 534 | 9. Any criminal violation of part I of chapter 499;
- 535 | 10. Any violation of the provisions of the Florida Motor
 536 | Fuel Tax Relief Act of 2004;
- 537 | 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 538 | 12. Any crime involving voter registration, voting, or
 539 | candidate or issue petition activities;
- 540 | 13. Any criminal violation of the Florida Money Laundering
 541 | Act;
- 542 | 14. Any criminal violation of the Florida Securities and
 543 | Investor Protection Act; or
- 544 | 15. Any violation of the provisions of chapter 787, as
 545 | well as any and all offenses related to a violation of the
 546 | provisions of chapter 787;

547
 548 or any attempt, solicitation, or conspiracy to commit any of the
 549 crimes specifically enumerated above. The office shall have such
 550 power only when any such offense is occurring, or has occurred,
 551 in two or more judicial circuits as part of a related
 552 transaction, or when any such offense is connected with an
 553 organized criminal conspiracy affecting two or more judicial
 554 circuits. Informations or indictments charging such offenses
 555 shall contain general allegations stating the judicial circuits
 556 and counties in which crimes are alleged to have occurred or the
 557 judicial circuits and counties in which crimes affecting such
 558 circuits or counties are alleged to have been connected with an
 559 organized criminal conspiracy.

560 Section 6. Section 905.34, Florida Statutes, is amended to
 561 read:

562 905.34 Powers and duties; law applicable.—The jurisdiction
 563 of a statewide grand jury impaneled under this chapter shall
 564 extend throughout the state. The subject matter jurisdiction of
 565 the statewide grand jury shall be limited to the offenses of:

- 566 (1) Bribery, burglary, carjacking, home-invasion robbery,
 567 criminal usury, extortion, gambling, kidnapping, larceny,
 568 murder, prostitution, perjury, and robbery;
- 569 (2) Crimes involving narcotic or other dangerous drugs;
- 570 (3) Any violation of the provisions of the Florida RICO
 571 (Racketeer Influenced and Corrupt Organization) Act, including
 572 any offense listed in the definition of racketeering activity in

573 | s. 895.02(8)(a) ~~s. 895.02(1)(a)~~, providing such listed offense
 574 | is investigated in connection with a violation of s. 895.03 and
 575 | is charged in a separate count of an information or indictment
 576 | containing a count charging a violation of s. 895.03, the
 577 | prosecution of which listed offense may continue independently
 578 | if the prosecution of the violation of s. 895.03 is terminated
 579 | for any reason;

580 | (4) Any violation of the provisions of the Florida Anti-
 581 | Fencing Act;

582 | (5) Any violation of the provisions of the Florida
 583 | Antitrust Act of 1980, as amended;

584 | (6) Any violation of the provisions of chapter 815;

585 | (7) Any crime involving, or resulting in, fraud or deceit
 586 | upon any person;

587 | (8) Any violation of s. 847.0135, s. 847.0137, or s.
 588 | 847.0138 relating to computer pornography and child exploitation
 589 | prevention, or any offense related to a violation of s.
 590 | 847.0135, s. 847.0137, or s. 847.0138 or any violation of
 591 | chapter 827 where the crime is facilitated by or connected to
 592 | the use of the Internet or any device capable of electronic data
 593 | storage or transmission;

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

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

596 | (11) Any criminal violation of the Florida Money
 597 | Laundering Act;

598 | (12) Any criminal violation of the Florida Securities and

599 Investor Protection Act; or
 600 (13) Any violation of chapter 787, as well as any and all
 601 offenses related to a violation of chapter 787;
 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) is amended, to read:
 622 16.53 Legal Affairs Revolving Trust Fund.—
 623 (4) Subject to the provisions of s. 895.09, when the
 624 Attorney General files an action pursuant to s. 895.05, funds

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

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

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

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

644 27.345 State Attorney RICO Trust Fund; authorized use of
 645 funds; reporting.—

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

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

655 92.142 Witnesses; pay.—

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

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