

By Senator Jones

13-00388-12

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1 A bill to be entitled
2 An act relating to patient brokering; amending s.
3 895.02, F.S.; revising the definition of the term
4 "racketeering activity" to include the offense of
5 patient brokering; amending s. 775.15, F.S.; requiring
6 that a prosecution for a felony violation of the
7 offense of patient brokering be commenced within 5
8 years after the patient brokering violation is
9 committed; reenacting ss. 16.56(1)(a) and 905.34,
10 F.S., relating to the powers and responsibilities of
11 the Office of Statewide Prosecution to conduct an
12 audit, review, or examination of certain entities or
13 records and the subject matter jurisdiction of the
14 statewide grand jury, respectively, to incorporate the
15 amendment made to s. 895.02, F.S., in references
16 thereto; providing an effective date.

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

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20 Section 1. Subsection (1) of section 895.02, Florida
21 Statutes, is amended to read:

22 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

23 (1) "Racketeering activity" means to commit, to attempt to
24 commit, to conspire to commit, or to solicit, coerce, or
25 intimidate another person to commit:

26 (a) Any crime that is chargeable by petition, indictment,
27 or information under the following provisions of the Florida
28 Statutes:

29 1. Section 210.18, relating to evasion of payment of

13-00388-12

2012400__

30 cigarette taxes.

31 2. Section 316.1935, relating to fleeing or attempting to
32 elude a law enforcement officer and aggravated fleeing or
33 eluding.

34 3. Section 403.727(3)(b), relating to environmental
35 control.

36 4. Section 409.920 or s. 409.9201, relating to Medicaid
37 fraud.

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

39 6. Section 440.105 or s. 440.106, relating to workers'
40 compensation.

41 7. Section 443.071(4), relating to creation of a fictitious
42 employer scheme to commit unemployment compensation fraud.

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

45 9. Section 499.0051, relating to crimes involving
46 contraband and adulterated drugs.

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

48 11. Chapter 517, relating to sale of securities and
49 investor protection.

50 12. Section 550.235 or s. 550.3551, relating to dogracing
51 and horseracing.

52 13. Chapter 550, relating to jai alai frontons.

53 14. Section 551.109, relating to slot machine gaming.

54 15. Chapter 552, relating to the manufacture, distribution,
55 and use of explosives.

56 16. Chapter 560, relating to money transmitters, if the
57 violation is punishable as a felony.

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

13-00388-12

2012400__

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

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

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

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

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

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

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

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

27. Chapter 790, relating to weapons and firearms.

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

29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex

13-00388-12

2012400__

88 trafficking.

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

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

91 32. Chapter 812, relating to theft, robbery, and related
92 crimes.

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

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

96 35. Section 817.505, relating to patient brokering.

97 ~~36.35.~~ Chapter 825, relating to abuse, neglect, or
98 exploitation of an elderly person or disabled adult.

99 ~~37.36.~~ Section 827.071, relating to commercial sexual
100 exploitation of children.

101 ~~38.37.~~ Chapter 831, relating to forgery and counterfeiting.

102 ~~39.38.~~ Chapter 832, relating to issuance of worthless
103 checks and drafts.

104 ~~40.39.~~ Section 836.05, relating to extortion.

105 ~~41.40.~~ Chapter 837, relating to perjury.

106 ~~42.41.~~ Chapter 838, relating to bribery and misuse of
107 public office.

108 ~~43.42.~~ Chapter 843, relating to obstruction of justice.

109 ~~44.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
110 or s. 847.07, relating to obscene literature and profanity.

111 ~~45.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
112 s. 849.25, relating to gambling.

113 ~~46.45.~~ Chapter 874, relating to criminal gangs.

114 ~~47.46.~~ Chapter 893, relating to drug abuse prevention and
115 control.

116 ~~48.47.~~ Chapter 896, relating to offenses related to

13-00388-12

2012400__

financial transactions.

~~49.48.~~ Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

~~50.49.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

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

Section 2. Subsection (11) of section 775.15, Florida Statutes, is amended to read:

775.15 Time limitations; general time limitations; exceptions.—

(11) A prosecution for a felony violation of ss. 440.105, ~~and 817.234,~~ and 817.505 must be commenced within 5 years after the violation is committed.

Section 3. For the purpose of incorporating the amendment made by this act to section 895.02, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 16.56, Florida Statutes, is reenacted to read:

16.56 Office of Statewide Prosecution.—

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

(a) Investigate and prosecute the offenses of:

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

2. Any crime involving narcotic or other dangerous drugs;

13-00388-12

2012400__

146 3. Any violation of the provisions of the Florida RICO
147 (Racketeer Influenced and Corrupt Organization) Act, including
148 any offense listed in the definition of racketeering activity in
149 s. 895.02(1)(a), providing such listed offense is investigated
150 in connection with a violation of s. 895.03 and is charged in a
151 separate count of an information or indictment containing a
152 count charging a violation of s. 895.03, the prosecution of
153 which listed offense may continue independently if the
154 prosecution of the violation of s. 895.03 is terminated for any
155 reason;

156 4. Any violation of the provisions of the Florida Anti-
157 Fencing Act;

158 5. Any violation of the provisions of the Florida Antitrust
159 Act of 1980, as amended;

160 6. Any crime involving, or resulting in, fraud or deceit
161 upon any person;

162 7. Any violation of s. 847.0135, relating to computer
163 pornography and child exploitation prevention, or any offense
164 related to a violation of s. 847.0135 or any violation of
165 chapter 827 where the crime is facilitated by or connected to
166 the use of the Internet or any device capable of electronic data
167 storage or transmission;

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

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

170 10. Any violation of the provisions of the Florida Motor
171 Fuel Tax Relief Act of 2004;

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

173 12. Any crime involving voter registration, voting, or
174 candidate or issue petition activities;

13-00388-12

2012400__

175 13. Any criminal violation of the Florida Money Laundering
176 Act; or

177 14. Any criminal violation of the Florida Securities and
178 Investor Protection Act;

179
180 or any attempt, solicitation, or conspiracy to commit any of the
181 crimes specifically enumerated above. The office shall have such
182 power only when any such offense is occurring, or has occurred,
183 in two or more judicial circuits as part of a related
184 transaction, or when any such offense is connected with an
185 organized criminal conspiracy affecting two or more judicial
186 circuits. Informations or indictments charging such offenses
187 shall contain general allegations stating the judicial circuits
188 and counties in which crimes are alleged to have occurred or the
189 judicial circuits and counties in which crimes affecting such
190 circuits or counties are alleged to have been connected with an
191 organized criminal conspiracy.

192 Section 4. For the purpose of incorporating the amendment
193 made by this act to section 895.02, Florida Statutes, in a
194 reference thereto, section 905.34, Florida Statutes, is
195 reenacted to read:

196 905.34 Powers and duties; law applicable.—The jurisdiction
197 of a statewide grand jury impaneled under this chapter shall
198 extend throughout the state. The subject matter jurisdiction of
199 the statewide grand jury shall be limited to the offenses of:

200 (1) Bribery, burglary, carjacking, home-invasion robbery,
201 criminal usury, extortion, gambling, kidnapping, larceny,
202 murder, prostitution, perjury, and robbery;

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

13-00388-12

2012400__

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

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

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

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

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

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

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

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

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

(12) Any criminal violation of the Florida Securities and

13-00388-12

2012400__

Investor Protection Act;

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

Section 5. This act shall take effect July 1, 2012.