

CS/SB 776 – Racketeering

This bill amends s. 895.02, F.S., adding “Chapter 379, relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes” and “any violation of Title 68, Florida Administrative Code, relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes” to the definition of racketeering activity. These activities would now be potential Level 8, 1st degree felonies under s. 895.03, F.S. for using or investing proceeds derived from a pattern of racketeering activity, acquiring or maintaining through racketeering activity any interest in or control of any enterprise or real property, or conducting or participating in any enterprise through a pattern of racketeering activity. Furthermore, they would fall under the act of conspiring to commit these felonies.

Per FDLE, there were 436 misdemeanor arrests in CY 2019, with 114 guilty/convicted and 61 adjudications withheld under Chapter 379, and there were 337 arrests in CY 2020, with 48 guilty/convicted and 40 adjudications withheld. For felony violations, in CY 2019, there were 37 arrests, with 28 guilty/convicted and 14 adjudications withheld. In CY 2020, there were 80 arrests, with 4 guilty/convicted and 8 adjudications withheld. Per DOC, there was one new commitment to prison in FY 18-19 and one new commitment to prison in FY 19-20 for felony violations associated with Chapter 379.

Per DOC, in FY 18-19, there were 82 new commitments to prison under s. 895.03, F.S. In FY 19-20, there were 58 new commitments. Given that under current statute there are a large number of offenses where these racketeering felonies could apply, including offenses that have a high volume of commitments each year, the additions of Chapter 379 and violations of Title 68 are not expected to have a significant impact on prison beds.

EDR PROPOSED ESTIMATE: Positive Insignificant

(Wording is similar to the version originally reviewed by the Conference)