

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---|---------------|----------------|--------------|
| 1 |               | .              |              |
| 2 |               | .              |              |
| 3 |               | .              |              |
| 4 |               | .              |              |

ORIGINAL STAMP BELOW

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Representative(s) Crow, Bitner, Henriquez, Sublette, Roberts, and Wiles offered the following:

**Substitute Amendment for Amendment (554129) (with title amendment)**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 311.12, Florida Statutes, is created to read:

311.12 Seaport security.--

(1) The Office of Drug Control within the Executive Office of the Governor, in consultation with the Florida Seaport Transportation and Economic Development Council, and in conjunction with the Florida Department of Law Enforcement and local law enforcement agencies having primary authority over the affected seaports, shall develop, by January 1, 2001, a statewide security plan based upon the Florida Seaport Security Assessment 2000 conducted by the Office of Drug Control. Such plan shall establish statewide minimum standards for seaport security including the prevention of

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

1 criminal activity including money laundering. The statewide  
2 seaport security plan shall identify the funding needs for  
3 security requirements of all relevant ports and shall  
4 recommend mechanisms to fund those needs including an analysis  
5 of the ability of seaports to provide funding for necessary  
6 improvements. The statewide seaport security plan shall be  
7 submitted to the Speaker of the House of Representatives and  
8 the President of the Senate and the chairs of the fiscal  
9 committees of the House of Representatives and Senate for  
10 review on or before January 1, 2001.

11 (2) All seaports, as identified pursuant to s.  
12 311.09(1), in conjunction with and pending review and approval  
13 by the Office of Drug Control, within the Executive Office of  
14 the Governor, and the Florida Department of Law Enforcement,  
15 and in consultation with the Florida Seaport Transportation  
16 and Economic Development Council, shall no later than January  
17 31, 2001, develop and draft individual seaport security plans  
18 particular to the specific and identifiable needs of their  
19 respective seaports.

20 (a) Each seaport security plan shall adhere to the  
21 statewide minimum standards established pursuant to subsection  
22 (1).

23 (b) All such seaports shall allow unimpeded access to  
24 the affected ports for purposes of inspections by the  
25 Department of Law Enforcement as authorized by this section.

26 (3) A fingerprint-based criminal history check shall  
27 be performed on any applicant for employment or current  
28 employee, as designated by each security plan required by  
29 subsection (2), who will be working within the property of or  
30 have regular access to any seaport listed in s. 311.09(1). The  
31 costs of such checks shall be paid by the seaport or employing

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 entity or any person so checked. The applicant or employee  
2 shall file a complete set of fingerprints taken in a manner  
3 required by the Department of Law Enforcement and the security  
4 plan. These fingerprints shall be submitted to the Department  
5 of Law Enforcement for state processing and to the Federal  
6 Bureau of Investigation for federal processing. The results of  
7 the checks shall be reported to the seaports.

8 (4) The affected seaports shall implement the security  
9 plans developed under this section by April 30, 2002,  
10 contingent upon legislative approval of the statewide security  
11 plan established pursuant to subsection (1). The Department of  
12 Law Enforcement, or any entity selected by the department,  
13 shall conduct no less than once annually an unannounced  
14 inspection of each seaport listed in s. 311.09(1) to determine  
15 whether the seaport is meeting the minimum standards  
16 established under the authority of this section. The  
17 Department of Law Enforcement, in consultation with the Office  
18 of Drug Control within the Executive Office of the Governor,  
19 shall complete a report indicating the results of all such  
20 inspections conducted during the year and any suggestions or  
21 concerns developed by reason of such inspections by no later  
22 than December 31 of each year. A copy of the report shall be  
23 provided to the Governor, the President of the Senate, the  
24 Speaker of the House of Representatives, and the chief  
25 administrator of each seaport inspected. The report shall, to  
26 the extent possible, include responses from the chief  
27 administrator of any seaport about which suggestions have been  
28 made or security concerns raised, indicating what actions, if  
29 any, have been taken or are planned to be taken in response to  
30 the suggestions or concerns noted.

31 (5) Nothing in this section shall be construed as

Bill No. CS for CS for CS for SB 1258, 1st Eng.  
Amendment No. 2 (for drafter's use only)

1 preventing any seaport from implementing security measures  
2 that are more stringent, greater than, or supplemental to, the  
3 minimum standards established by this section.

4 Section 2. Subsection (2) of section 560.103, Florida  
5 Statutes, is amended to read:

6 560.103 Definitions.--As used in the code, unless the  
7 context otherwise requires:

8 (2) "Authorized vendor" means a person designated by a  
9 registrant to engage in the business of a money transmitter on  
10 behalf of the registrant at locations in this state pursuant  
11 to a written contract with the registrant.

12 Section 3. Section 560.1073, Florida Statutes, is  
13 created to read:

14 560.1073 False or misleading statements or supporting  
15 documents; penalty.--Any person who, personally or otherwise,  
16 files with the department, or signs as the duly authorized  
17 representative for filing with the department, any financial  
18 statement or any document in support thereof which is required  
19 by law or rule with intent to deceive and with knowledge that  
20 the statement or document is materially false or materially  
21 misleading commits a felony of the third degree, punishable as  
22 provided in s. 775.082, s. 775.083, or s. 775.084.

23 Section 4. Subsection (1) of section 560.111, Florida  
24 Statutes, is amended to read:

25 560.111 Prohibited acts and practices.--

26 (1) It is unlawful for any money transmitter or money  
27 transmitter-affiliated party to:

28 (a) ~~Knowingly~~ Receive or possess itself of any  
29 property otherwise than in payment of a just demand, and, with  
30 intent to deceive or defraud, to omit to make or cause to be  
31 made a full and true entry thereof in its books and accounts,

1 or to concur in omitting to make any material entry thereof;

2 (b) Embezzle, abstract, or misapply any money,  
3 property, or thing of value of the money transmitter or  
4 authorized vendor with intent to deceive or defraud such money  
5 transmitter or authorized vendor;

6 (c) Make any false entry in any book, report, or  
7 statement of such money transmitter or authorized vendor with  
8 intent to deceive or defraud such money transmitter,  
9 authorized vendor, or another person, or with intent to  
10 deceive the department, any other state or federal ~~appropriate~~  
11 regulatory agency, or any authorized representative appointed  
12 to examine or investigate the affairs of such money  
13 transmitter or authorized vendor;

14 (d) Engage in an act that violates 18 U.S.C. s. 1956,  
15 31 U.S.C. s. 5324, or any other law, rule, or regulation of  
16 another state or of the United States relating to the business  
17 of money transmission or usury which may cause the denial or  
18 revocation of a money transmitter license or registration in  
19 such jurisdiction;

20 (e) Deliver or disclose to the department or any of  
21 its employees any examination report, report of condition,  
22 report of income and dividends, audit, account, statement, or  
23 document known by it to be fraudulent or false as to any  
24 material matter; or

25 (f) ~~Knowingly~~ Place among the assets of such money  
26 transmitter or authorized vendor any note, obligation, or  
27 security that the money transmitter or authorized vendor does  
28 not own or that to the person's knowledge is fraudulent or  
29 otherwise worthless, or for any such person to represent to  
30 the department that any note, obligation, or security carried  
31 as an asset of such money transmitter or authorized vendor is

1 the property of the money transmitter or authorized vendor and  
2 is genuine if it is known to such person that such  
3 representation is false or that such note, obligation, or  
4 security is fraudulent or otherwise worthless.

5 Section 5. Section 560.114, Florida Statutes, is  
6 amended to read:

7 560.114 Disciplinary actions.--

8 (1) The following actions by a money transmitter or  
9 money transmitter-affiliated party are violations of the code  
10 and constitute grounds for the issuance of a cease and desist  
11 order, the issuance of a removal order, the denial of a  
12 registration application or the suspension or revocation of  
13 any registration previously issued pursuant to the code, or  
14 the taking of any other action within the authority of the  
15 department pursuant to the code:

16 (a) ~~Knowing~~ Failure to comply with any provision of  
17 the code, any rule or order adopted pursuant thereto, or any  
18 written agreement entered into with the department.

19 (b) Fraud, misrepresentation, deceit, or gross  
20 negligence in any transaction involving money transmission,  
21 regardless of reliance thereon by, or damage to, a money  
22 transmitter customer.

23 (c) Fraudulent misrepresentation, circumvention, or  
24 concealment of any matter required to be stated or furnished  
25 to a money transmitter customer pursuant to the code,  
26 regardless of reliance thereon by, or damage to, such  
27 customer.

28 (d) False, deceptive, or misleading advertising ~~by a~~  
29 ~~money transmitter or authorized vendor.~~

30 (e) Failure to maintain, preserve, and keep available  
31 for examination all books, accounts, or other documents

1 required by the code, by any rule or order adopted pursuant to  
2 the code, or by any agreement entered into with the  
3 department.

4 ~~(f) Any fact or condition that exists that, if it had~~  
5 ~~existed or had been known to exist at the time the money~~  
6 ~~transmitter applied for registration, would have been grounds~~  
7 ~~for denial of registration.~~

8 ~~(f)(g) A willful~~ Refusal to permit the examination or  
9 inspection of books and records in an investigation or  
10 examination by the department, pursuant to the provisions of  
11 the code, or to comply with a subpoena issued by the  
12 department.

13 ~~(g)(h) Failure of the money transmitter or authorized~~  
14 ~~vendor~~ to pay a judgment recovered in any court in this state  
15 by a claimant in an action arising out of a money transmission  
16 transaction within 30 days after the judgment becomes final.

17 ~~(h)(i) Engaging in an a prohibited~~ act or practice  
18 proscribed by s. 560.111.

19 ~~(i)(j) Insolvency or operating in an unsafe and~~  
20 ~~unsound manner.~~

21 ~~(j)(k) Failure by a money transmitter to remove a~~  
22 ~~money transmitter-affiliated party after the department has~~  
23 ~~issued and served upon the money transmitter a final order~~  
24 ~~setting forth a finding that the money transmitter-affiliated~~  
25 ~~party has knowingly violated any provision of the code.~~

26 ~~(2) In addition to the acts specified in subsection~~  
27 ~~(1), the following acts are grounds for denial of registration~~  
28 ~~or for revocation, suspension, or restriction of registration~~  
29 ~~previously granted:~~

30 ~~(k)(a) Making any A material misstatement or~~  
31 misrepresentation or committing any fraud of fact in an

1 initial or renewal application for registration.

2 ~~(l)(b)~~ Committing any act resulting in Having an  
3 application for registration, or a registration or its  
4 equivalent, to practice any profession or occupation being  
5 denied, suspended, revoked, or otherwise acted against by a  
6 registering authority in any jurisdiction or a finding by an  
7 appropriate regulatory body of engaging in unlicensed activity  
8 as a money transmitter within any jurisdiction for fraud or  
9 dishonest dealing.

10 ~~(m)(c)~~ Committing any act resulting in Having a  
11 registration or its equivalent, or an application for  
12 registration, to practice any profession or occupation being  
13 denied, suspended, or otherwise acted against by a registering  
14 authority in any jurisdiction for a violation of 18 U.S.C. s.  
15 1956, 31 U.S.C. s. 5324, or any other law, rule, or regulation  
16 of another state or of the United States relating to the  
17 business of money transmission or usury which may cause the  
18 denial or revocation of a money transmitter license or  
19 registration in such jurisdiction.

20 ~~(n)(d)~~ Having been convicted of or found guilty of, or  
21 having pleaded guilty or nolo contendere to, any felony or  
22 crime punishable by imprisonment of 1 year or more under the  
23 law of any state or of the United States which involves a  
24 crime involving fraud, moral turpitude, or dishonest dealing,  
25 without regard to whether a judgment of conviction has been  
26 entered by the court.

27 ~~(o)(e)~~ Having been convicted of or found guilty of, or  
28 having pleaded guilty or nolo contendere to, a crime under 18  
29 U.S.C. s. 1956 or 31 U.S.C. s. 5324, without regard to whether  
30 a judgment of conviction has been entered by the court.

31 (p) Having been convicted of or found guilty of, or



1 having pleaded guilty or nolo contendere to, misappropriation,  
2 conversion, or unlawful withholding of moneys that belong to  
3 others and were received in the conduct of the business of the  
4 money transmitter.

5 (q) Failure to inform the department in writing within  
6 15 days after pleading guilty or nolo contendere to, or being  
7 convicted or found guilty of, any felony or crime punishable  
8 by imprisonment of 1 year or more under the law of any state  
9 or of the United States, or of any crime involving fraud,  
10 moral turpitude, or dishonest dealing, without regard to  
11 whether a judgment of conviction has been entered by the  
12 court.

13 (r) Aiding, assisting, procuring, advising, or  
14 abetting any person in violating a provision of this code or  
15 any order or rule of the department.

16 (s) Failure to timely pay any fee, charge, or fine  
17 under the code.

18 (t) Failure to pay any judgment entered by any court  
19 within 30 days after the judgment becomes final.

20 (u) Engaging or holding oneself out to be engaged in  
21 the business of a money transmitter without the proper  
22 registration.

23 (v)~~(f)~~ Any action that would be grounds for denial of  
24 a registration or for revocation, suspension, or restriction  
25 of a registration previously granted under part III of this  
26 chapter.

27 (2) The department may issue a cease and desist order  
28 or removal order, suspend or revoke any previously issued  
29 registration, or take any other action within the authority of  
30 the department against a money transmitter based on any fact  
31 or condition that exists and that, if it had existed or been

Bill No. CS for CS for CS for SB 1258, 1st Eng.  
Amendment No. 2 (for drafter's use only)

1 known to exist at the time the money transmitter applied for  
2 registration, would have been grounds for denial of  
3 registration.

4 (3) Each money transmitter is responsible for any act  
5 of its authorized vendors if the money transmitter should have  
6 known of the act or if the money transmitter has actual  
7 knowledge that such act is a violation of the code and the  
8 money transmitter willfully allowed such act to continue. Such  
9 responsibility is limited to conduct engaged in by the  
10 authorized vendor pursuant to the authority granted to it by  
11 the money transmitter.

12 (4) If a registration granted under this code expires  
13 or is surrendered by the registrant during the pendency of an  
14 administrative action under this code, the proceeding may  
15 continue as if the registration were still in effect.

16 Section 6. Section 560.117, Florida Statutes, is  
17 amended to read:

18 560.117 Administrative fines; enforcement.--

19 (1) The department may, by complaint, initiate a  
20 proceeding pursuant to chapter 120 to impose an administrative  
21 fine against any person found to have violated any provision  
22 of the code or a cease and desist order of the department or  
23 any written agreement with the department. However, the  
24 department shall give notice, in writing, if it suspects that  
25 the licensee has violated any of the following provisions of  
26 the code and shall give the licensee 15 days after actual  
27 notice is served on the person within which to correct the  
28 violation before bringing disciplinary action under the code:

29 (a) Failure to timely pay any fee, charge, or fine  
30 under the code;

31 (b) Failure to pay any judgment entered by any court

1 within 30 days after the judgment becomes final;

2 (c) Failure to notify the department of a change of  
3 control of a money transmitter as required by s. 560.127; or

4 (d) Failure to notify the department of any change of  
5 address or fictitious name as required by s. 560.205.~~No such~~  
6 ~~proceeding shall be initiated and no fine shall accrue~~  
7 ~~pursuant to this section until after such person has been~~  
8 ~~notified in writing of the nature of the violation and has~~  
9 ~~been afforded a reasonable period of time, as set forth in the~~  
10 ~~notice, to correct the violation and has failed to do so.~~

11  
12 Except as provided in this section, such fine may not exceed  
13 \$100 a day for each violation. The department may excuse any  
14 such fine with a showing of good cause by the person being  
15 fined.

16 (2) If the department finds that one or more grounds  
17 exist for the suspension, revocation, or refusal to renew or  
18 continue a license or registration issued under this chapter,  
19 the department may, in addition to or in lieu of suspension,  
20 revocation, or refusal to renew or continue a license or  
21 registration, impose a fine in an amount up to \$10,000 for  
22 each violation of this chapter.

23 (3)~~(2)~~ Notwithstanding any other provision of this  
24 section, the department may impose a fine not to exceed \$1,000  
25 per day for each day that a person violates the code by  
26 engaging in the business of a money transmitter without being  
27 registered.

28 (4)~~(3)~~ Any administrative fine levied by the  
29 department may be enforced by the department by appropriate  
30 proceedings in the circuit court of the county in which such  
31 person resides or maintains a principal office. In any

1 administrative or judicial proceeding arising under this  
2 section, a party may elect to correct the violation asserted  
3 by the department and, upon the party's doing so, any fine  
4 ceases to accrue; however, an election to correct the  
5 violation does not render moot any administrative or judicial  
6 proceeding.

7 Section 7. Section 560.118, Florida Statutes, is  
8 amended to read:

9 560.118 Examinations, reports, and internal audits;  
10 penalty.--

11 (1)(a) The department may conduct an examination of a  
12 money transmitter or authorized vendor by providing not less  
13 than 15 days' advance notice to the money transmitter or  
14 authorized vendor. However, if the department suspects that  
15 the money transmitter or authorized vendor has violated any  
16 provisions of this code or any criminal laws of this state or  
17 of the United States or is engaging in an unsafe and unsound  
18 practice, the department may, at any time without advance  
19 notice, conduct an examination of all affairs, activities,  
20 transactions, accounts, business records, and assets of any  
21 money transmitter or any money transmitter-affiliated party  
22 for the protection of the public. For the purpose of  
23 examinations, the department may administer oaths and examine  
24 a money transmitter or any of its affiliated parties  
25 concerning their operations and business activities and  
26 affairs. ~~however, whenever the department has reason to~~  
27 ~~believe that a money transmitter or authorized vendor is~~  
28 ~~engaging in an unsafe and unsound practice, or has violated or~~  
29 ~~is violating any provision of the code, the department may~~  
30 ~~make an examination of such money transmitter or authorized~~  
31 ~~vendor without providing advance notice.~~The department may

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 accept an audit or examination from any appropriate regulatory  
2 agency or from an independent third party with respect to the  
3 operations of a money transmitter or an authorized vendor. The  
4 department may also make a joint or concurrent examination  
5 with any state or federal ~~appropriate~~ regulatory agency. The  
6 department may furnish a copy of all examinations made of such  
7 money transmitter or authorized vendor to the money  
8 transmitter and any appropriate regulatory agency provided  
9 that such agency agrees to abide by the confidentiality  
10 provisions as set forth in chapter 119.

11 (b) Persons subject to this chapter who are examined  
12 shall make available to the department or its examiners the  
13 accounts, records, documents, files, information, assets, and  
14 matters which are in their immediate possession or control and  
15 which relate to the subject of the examination. Those  
16 accounts, records, documents, files, information, assets, and  
17 matters not in their immediate possession shall be made  
18 available to the department or the department's examiners  
19 within 10 days after actual notice is served on such persons.

20 ~~(c)~~(b) ~~The department may require an examination or~~  
21 ~~audit of a money transmitter~~ required under this section may  
22 be performed ~~or authorized vendor~~ by an independent third  
23 party that has been approved by the department or by a  
24 certified public accountant authorized to do business in the  
25 United States. The examination of a money transmitter or  
26 authorized vendor required under this section may be performed  
27 by an independent third party that has been approved by the  
28 department or by a certified public accountant authorized to  
29 do business in the United States. The cost of such an  
30 independent examination or audit shall be directly borne by  
31 the money transmitter or authorized vendor.

1           ~~(d)(c)~~ The department may recover the costs of a  
2 regular examination and supervision of a money transmitter or  
3 authorized vendor; however, the department may not recover the  
4 costs of more than one examination in any 12-month period  
5 unless the department has determined that the money  
6 transmitter or authorized vendor is operating in an unsafe or  
7 unsound or unlawful manner.

8           ~~(e)(d)~~ The department may, by rule, set a maximum  
9 per-day examination cost for a regular examination. Such  
10 per-day cost may be less than that required to fully  
11 compensate the department for costs associated with the  
12 examination. For the purposes of this section, "costs" means  
13 the salary and travel expenses directly attributable to the  
14 field staff examining the money transmitter or authorized  
15 vendor, and the travel expenses of any supervisory staff  
16 required as a result of examination findings. Reimbursement  
17 for such costs incurred under this subsection must be  
18 postmarked no later than 30 days after the date of receipt of  
19 a notice stating that such costs are due. The department may  
20 levy a late payment penalty of up to \$100 per day or part  
21 thereof that a payment is overdue, unless the late payment  
22 penalty is excused for good cause. In excusing any such late  
23 payment penalty, the department may consider the prior payment  
24 history of the money transmitter or authorized vendor.

25           (2)(a) Annual financial reports that are required to  
26 be filed under the code or any rules adopted thereunder must  
27 be audited by an independent third party that has been  
28 approved by the department or by a certified public accountant  
29 authorized to do business in the United States. The money  
30 transmitter or authorized vendor shall directly bear the cost  
31 of the audit. This paragraph does not apply to any seller of

1 payment instruments who can prove to the satisfaction of the  
2 department that it has a combined total of fewer than 50  
3 employees and authorized vendors or that its annual payment  
4 instruments issued from its activities as a payment instrument  
5 seller are less than \$200,000.

6 (b)(a) The department may, by rule, require each money  
7 transmitter or authorized vendor to submit quarterly reports  
8 to the department. The department may require that each report  
9 contain a declaration by an officer, or any other responsible  
10 person authorized to make such declaration, that the report is  
11 true and correct to the best of her or his knowledge and  
12 belief. Such report must include such information as the  
13 department by rule requires for that type of money  
14 transmitter.

15 (c)(b) The department may levy an administrative fine  
16 of up to \$100 per day for each day the report is past due,  
17 unless it is excused for good cause. In excusing any such  
18 administrative fine, the department may consider the prior  
19 payment history of the money transmitter or authorized vendor.

20 (3) Any person who willfully violates this section or  
21 fails to comply with any lawful written demand or order of the  
22 department made under this section commits a felony of the  
23 third degree, punishable as provided in s. 775.082, s.  
24 775.083, or s. 775.084.

25 Section 8. Subsection (8) of section 560.123, Florida  
26 Statutes, is amended, and subsection (9) is added to said  
27 section, to read:

28 560.123 Florida control of money laundering in the  
29 Money Transmitters' Code; reports of transactions involving  
30 currency or monetary instruments; when required; purpose;  
31 definitions; penalties.--

1           (8)(a) Except as provided in paragraph (b), a person  
2 who willfully violates any provision of this section ~~or~~  
3 ~~chapter 896~~ commits a misdemeanor of the first degree,  
4 punishable as provided in s. 775.082 or s. 775.083.

5           (b) A person who willfully violates any provision of  
6 this section ~~or chapter 896~~, if the violation involves is:

7           1. Currency or payment instruments ~~Committed in~~  
8 ~~furtherance of the commission of any other violation of any~~  
9 ~~law of this state or committed as part of a pattern of illegal~~  
10 ~~activity involving financial transactions~~ exceeding \$300 but  
11 less than \$20,000 in any 12-month period, commits a felony of  
12 the third degree, punishable as provided in s. 775.082, s.  
13 775.083, or s. 775.084.

14           2. Currency or payment instruments totaling or  
15 ~~Committed as part of a pattern of illegal activity involving~~  
16 ~~financial transactions~~ exceeding \$20,000 but less than  
17 \$100,000 in any 12-month period, commits a felony of the  
18 second degree, punishable as provided in s. 775.082, s.  
19 775.083, or s. 775.084.

20           3. Currency or payment instruments totaling or  
21 ~~Committed as part of a pattern of illegal activity involving~~  
22 ~~financial transactions~~ exceeding \$100,000 in any 12-month  
23 period, commits a felony of the first degree, punishable as  
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25           (c) In addition to the penalties otherwise authorized  
26 by s. 775.082, s. 775.083, or s. 775.084, a person who has  
27 been convicted of or who has pleaded guilty or nolo contendere  
28 to having violated paragraph (b) may be sentenced to pay a  
29 fine not exceeding \$250,000 or twice the value of the currency  
30 or payment instruments ~~financial transaction~~, whichever is  
31 greater, except that on a second or subsequent conviction for



1 or plea of guilty or nolo contendere to a violation of  
2 paragraph (b), the fine may be up to \$500,000 or quintuple the  
3 value of the currency or payment instruments financial  
4 transaction, whichever is greater.

5 (d) A person who ~~willfully~~ violates this section ~~or~~  
6 ~~chapter 896~~ is also liable for a civil penalty of not more  
7 than the greater of the value of the currency or payment  
8 instruments financial transaction involved or \$25,000.  
9 ~~However, such civil penalty shall not exceed \$100,000.~~

10 (9) In any prosecution brought pursuant to this  
11 section, the common law corpus delicti rule does not apply.  
12 The defendant's confession or admission is admissible during  
13 trial without the state having to prove the corpus delicti if  
14 the court finds in a hearing conducted outside the presence of  
15 the jury that the defendant's confession or admission is  
16 trustworthy. Before the court admits the defendant's  
17 confession or admission, the state must prove by a  
18 preponderance of the evidence that there is sufficient  
19 corroborating evidence that tends to establish the  
20 trustworthiness of the statement by the defendant. Hearsay  
21 evidence is admissible during the presentation of evidence at  
22 the hearing. In making its determination, the court may  
23 consider all relevant corroborating evidence, including the  
24 defendant's statements.

25 Section 9. Section 560.125, Florida Statutes, is  
26 amended to read:

27 560.125 Money transmitter business by unauthorized  
28 persons; penalties.--

29 (1) A person other than a registered money transmitter  
30 or authorized vendor may not engage in the business of a money  
31 transmitter in this state unless the person is exempted from

1 the registration requirements of the code.

2 (2) No person shall act as a vendor of a money  
3 transmitter when such money transmitter is subject to  
4 registration under the code but has not registered. Any such  
5 person becomes the principal thereof, and no longer merely  
6 acts as a vendor, and such person is liable to the holder or  
7 remitter as a principal money transmitter.

8 (3) Any person whose substantial interests are  
9 affected by a proceeding brought by the department pursuant to  
10 the code may, pursuant to s. 560.113, petition any court to  
11 enjoin the person or activity that is the subject of the  
12 proceeding from violating any of the provisions of this  
13 section. For the purpose of this subsection, any money  
14 transmitter registered pursuant to the code, any person  
15 residing in this state, and any person whose principal place  
16 of business is in this state are presumed to be substantially  
17 affected. In addition, the interests of a trade organization  
18 or association are deemed substantially affected if the  
19 interests of any of its members are so affected.

20 ~~(4) Any person who violates the provisions of this~~  
21 ~~section commits a felony of the third degree, punishable as~~  
22 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~The  
23 department may issue and serve upon any person who violates  
24 any of the provisions of this section a complaint seeking a  
25 cease and desist order in accordance with the procedures and  
26 in the manner prescribed by s. 560.112. The department may  
27 also impose an administrative fine pursuant to s.  
28 560.117(3)(2) against any person who violates any of the  
29 provisions of this section.

30 (5) A person who violates this section, if the  
31 violation involves:

1           (a) Currency or payment instruments exceeding \$300 but  
2 less than \$20,000 in any 12-month period, commits a felony of  
3 the third degree, punishable as provided in s. 775.082, s.  
4 775.083, or s. 775.084.

5           (b) Currency or payment instruments totaling or  
6 exceeding \$20,000 but less than \$100,000 in any 12-month  
7 period, commits a felony of the second degree, punishable as  
8 provided in s. 775.082, s. 775.083, or s. 775.084.

9           (c) Currency or payment instruments totaling or  
10 exceeding \$100,000 in any 12-month period, commits a felony of  
11 the first degree, punishable as provided in s. 775.082, s.  
12 775.083, or s. 775.084.

13           (6) In addition to the penalties authorized by s.  
14 775.082, s. 775.083, or s. 775.084, a person who has been  
15 found guilty of or who has pleaded guilty or nolo contendere  
16 to having violated this section may be sentenced to pay a fine  
17 not exceeding \$250,000 or twice the value of the currency or  
18 payment instruments, whichever is greater, except that on a  
19 second or subsequent violation of this section, the fine may  
20 be up to \$500,000 or quintuple the value of the currency or  
21 payment instruments, whichever is greater.

22           (7) A person who violates this section is also liable  
23 for a civil penalty of not more than the value of the currency  
24 or payment instruments involved or \$25,000, whichever is  
25 greater.

26           (8) In any prosecution brought pursuant to this  
27 section, the common law corpus delicti rule does not apply.  
28 The defendant's confession or admission is admissible during  
29 trial without the state having to prove the corpus delicti if  
30 the court finds in a hearing conducted outside the presence of  
31 the jury that the defendant's confession or admission is

1 trustworthy. Before the court admits the defendant's  
2 confession or admission, the state must prove by a  
3 preponderance of the evidence that there is sufficient  
4 corroborating evidence that tends to establish the  
5 trustworthiness of the statement by the defendant. Hearsay  
6 evidence is admissible during the presentation of evidence at  
7 the hearing. In making its determination, the court may  
8 consider all relevant corroborating evidence, including the  
9 defendant's statements.

10 Section 10. Section 560.205, Florida Statutes, is  
11 amended to read:

12 560.205 Qualifications of applicant for registration;  
13 contents.--

14 (1) To qualify for registration under this part, an  
15 applicant must demonstrate to the department such character  
16 and general fitness as to command the confidence of the public  
17 and warrant the belief that the registered business will be  
18 operated lawfully and fairly. The department may investigate  
19 each applicant to ascertain whether the qualifications and  
20 requirements prescribed by this part have been met. The  
21 department's investigation may include a criminal background  
22 investigation of all controlling shareholders, principals,  
23 officers, directors, members and responsible persons of a  
24 funds transmitter and a payment instrument seller and all  
25 persons designated by a funds transmitter or payment  
26 instrument seller as an authorized vendor. Each controlling  
27 shareholder, principal, officer, director, member, and  
28 responsible person of a funds transmitter or payment  
29 instrument seller, unless the applicant is a publicly traded  
30 corporation, a subsidiary thereof, or a subsidiary of a bank  
31 or bank holding company, shall file a complete set of

1 fingerprints taken by an authorized law enforcement officer.  
2 Such fingerprints must be submitted to the Department of Law  
3 Enforcement or the Federal Bureau of Investigation for state  
4 and federal processing. The department may waive by rule the  
5 requirement that applicants file a set of fingerprints or the  
6 requirement that such fingerprints be processed by the  
7 Department of Law Enforcement or the Federal Bureau of  
8 Investigation.

9 (2) Each application for registration must be  
10 submitted under oath to the department on such forms as the  
11 department prescribes by rule and must be accompanied by a  
12 nonrefundable investigation fee. Such fee may not exceed \$500  
13 and may be waived by the department for just cause. The  
14 application forms shall set forth such information as the  
15 department reasonably requires, including, but not limited to:

16 (a) The name and address of the applicant, including  
17 any fictitious or trade names used by the applicant in the  
18 conduct of its business.

19 (b) The history of the applicant's material  
20 litigation, criminal convictions, pleas of nolo contendere,  
21 and cases of adjudication withheld.

22 (c) A description of the activities conducted by the  
23 applicant, the applicant's history of operations, and the  
24 business activities in which the applicant seeks to engage in  
25 this state.

26 (d) A list identifying the applicant's proposed  
27 authorized vendors in this state, including the location or  
28 locations in this state at which the applicant and its  
29 authorized vendors propose to conduct registered activities.

30 (e) A sample authorized vendor contract, if  
31 applicable.

1 (f) A sample form of payment instrument, if  
2 applicable.

3 (g) The name and address of the clearing financial  
4 institution or financial institutions through which the  
5 applicant's payment instruments will be drawn or through which  
6 such payment instruments will be payable.

7 (h) Documents revealing that the net worth and bonding  
8 requirements specified in s. 560.209 have been or will be  
9 fulfilled.

10 (3) Each application for registration by an applicant  
11 that is a corporation shall also set forth such information as  
12 the department reasonably requires, including, but not limited  
13 to:

14 (a) The date of the applicant's incorporation and  
15 state of incorporation.

16 (b) A certificate of good standing from the state or  
17 country in which the applicant was incorporated.

18 (c) A description of the corporate structure of the  
19 applicant, including the identity of any parent or subsidiary  
20 of the applicant, and the disclosure of whether any parent or  
21 subsidiary is publicly traded on any stock exchange.

22 (d) The name, business and residence addresses, and  
23 employment history for the past 5 years for each executive  
24 officer, each director, each controlling shareholder, and the  
25 responsible person who will be in charge of all the  
26 applicant's business activities in this state.

27 (e) The history of material litigation and criminal  
28 convictions, pleas of nolo contendere, and cases of  
29 adjudication withheld for each executive officer, each  
30 director, each controlling shareholder, and the responsible  
31 person who will be in charge of the applicant's registered

1 activities.

2 (f) Copies of the applicant's audited financial  
3 statements for the current year and, if available, for the  
4 immediately preceding 2-year period. In cases where the  
5 applicant is a wholly owned subsidiary of another corporation,  
6 the parent's consolidated audited financial statements may be  
7 submitted to satisfy this requirement. An applicant who is not  
8 required to file audited financial statements may satisfy this  
9 requirement by filing unaudited financial statements verified  
10 under penalty of perjury, as provided by the department by  
11 rule.

12 (g) An applicant who is not required to file audited  
13 financial statements may file copies of the applicant's  
14 unconsolidated, unaudited financial statements for the current  
15 year and, if available, for the immediately preceding 2-year  
16 period.

17 (h) If the applicant is a publicly traded company,  
18 copies of all filings made by the applicant with the United  
19 States Securities and Exchange Commission, or with a similar  
20 regulator in a country other than the United States, within  
21 the year preceding the date of filing of the application.

22 (4) Each application for registration submitted to the  
23 department by an applicant that is not a corporation shall  
24 also set forth such information as the department reasonably  
25 requires, including, but not limited to:

26 (a) Evidence that the applicant is registered to do  
27 business in this state.

28 (b) The name, business and residence addresses,  
29 personal financial statement and employment history for the  
30 past 5 years for each individual having a controlling  
31 ownership interest in the applicant, and each responsible

1 person who will be in charge of the applicant's registered  
2 activities.

3 (c) The history of material litigation and criminal  
4 convictions, pleas of nolo contendere, and cases of  
5 adjudication withheld for each individual having a controlling  
6 ownership interest in the applicant and each responsible  
7 person who will be in charge of the applicant's registered  
8 activities.

9 (d) Copies of the applicant's audited financial  
10 statements for the current year, and, if available, for the  
11 preceding 2 years. An ~~The~~ applicant who is not required to  
12 file audited financial statements may satisfy this requirement  
13 by filing unaudited financial statements verified under  
14 penalty of perjury, as provided by the department by rule.

15 (5) Each applicant shall designate and maintain an  
16 agent in this state for service of process.

17 Section 11. Subsection (5) is added to section  
18 560.211, Florida Statutes, to read:

19 560.211 Records.--

20 (5) Any person who willfully fails to comply with this  
21 section commits a felony of the third degree, punishable as  
22 provided in s. 775.082, s. 775.083, or s. 775.084.

23 Section 12. Section 560.306, Florida Statutes, is  
24 amended to read:

25 560.306 Standards.--

26 (1) In order to qualify for registration under this  
27 part, an applicant must demonstrate to the department that he  
28 or she has such character and general fitness as will command  
29 the confidence of the public and warrant the belief that the  
30 registered business will be operated lawfully and fairly. The  
31 department may investigate each applicant to ascertain whether



Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 the qualifications and requirements prescribed by this part  
2 have been met. The department's investigation may include a  
3 criminal background investigation of all controlling  
4 shareholders, principals, officers, directors, members, and  
5 responsible persons of a check casher and a foreign currency  
6 exchanger and all persons designated by a foreign currency  
7 exchanger or check casher as an authorized vendor. Each  
8 controlling shareholder, principal, officer, director,  
9 members, and responsible person of a check casher or foreign  
10 currency exchanger, unless the applicant is a publicly traded  
11 corporation, a subsidiary thereof, or a subsidiary of a bank  
12 or bank holding company, shall file a complete set of  
13 fingerprints taken by an authorized law enforcement officer.  
14 Such fingerprints must be submitted to the Department of Law  
15 Enforcement or the Federal Bureau of Investigation for state  
16 and federal processing. The department may waive by rule the  
17 requirement that applicants file a set of fingerprints or the  
18 requirement that such fingerprints be processed by the  
19 Department of Law Enforcement or the Federal Bureau of  
20 Investigation.

21 (2)(1) The department may deny registration if it  
22 finds that the applicant, or any money transmitter-affiliated  
23 party of the applicant, has been convicted of a crime felony  
24 involving moral turpitude in any jurisdiction or of a crime  
25 which, if committed in this state, would constitute a crime  
26 felony involving moral turpitude under the laws of this state.  
27 For the purposes of this part, a person shall be deemed to  
28 have been convicted of a crime if such person has either  
29 pleaded guilty to or been found guilty of a charge before a  
30 court or federal magistrate, or by the verdict of a jury,  
31 irrespective of the pronouncement of sentence or the

1 suspension thereof. The department may take into consideration  
2 the fact that such plea of guilty, or such decision, judgment,  
3 or verdict, has been set aside, reversed, or otherwise  
4 abrogated by lawful judicial process or that the person  
5 convicted of the crime received a pardon from the jurisdiction  
6 where the conviction was entered or received a certificate  
7 pursuant to any provision of law which removes the disability  
8 under this part because of such conviction.

9 ~~(3)(2)~~ The department may deny an ~~initial~~ application  
10 for registration if the applicant or money  
11 transmitter-affiliated party of the applicant is the subject  
12 of a pending criminal prosecution or governmental enforcement  
13 action, in any jurisdiction, until the conclusion of such  
14 criminal prosecution or enforcement action.

15 ~~(4)(3)~~ Each registration application and renewal  
16 application must specify the location at which the applicant  
17 proposes to establish its principal place of business and any  
18 other location, including authorized vendors operating in this  
19 state. The registrant shall notify the department of any  
20 changes to any such locations. Any registrant may satisfy this  
21 requirement by providing the department with a list of such  
22 locations, including all authorized vendors operating in this  
23 state, not less than annually. A registrant may not transact  
24 business as a check casher or a foreign currency exchanger  
25 except pursuant to the name under which it is registered.

26 ~~(5)(4)~~ Each applicant shall designate and maintain an  
27 agent in this state for service of process.

28 Section 13. Subsection (5) is added to section  
29 560.310, Florida Statutes, to read:

30 560.310 Records of check cashers and foreign currency  
31 exchangers.--

1           (5) Any person who willfully violates this section or  
2 fails to comply with any lawful written demand or order of the  
3 department made pursuant to this section commits a felony of  
4 the third degree, punishable as provided in s. 775.082, s.  
5 775.083, or s. 775.084.

6           Section 14. Subsection (10) of section 655.50, Florida  
7 Statutes, is amended, and subsection (11) is added to said  
8 section, to read:

9           655.50 Florida Control of Money Laundering in  
10 Financial Institutions Act; reports of transactions involving  
11 currency or monetary instruments; when required; purpose;  
12 definitions; penalties.--

13           (10)(a) Except as provided in paragraph (b), a person  
14 who willfully violates any provision of this section, ~~chapter~~  
15 ~~896, or any similar state or federal law~~ is guilty of a  
16 misdemeanor of the first degree, punishable as provided in s.  
17 775.082 or s. 775.083.

18           (b) A person who willfully violates or knowingly  
19 causes another to violate any provision of this section,  
20 ~~chapter 896, or any similar state or federal law~~, when the  
21 violation involves is:

22           1. ~~Committed in furtherance of the commission of any~~  
23 ~~other violation of Florida law; or~~

24           2. ~~Committed as part of a pattern of illegal activity~~  
25 involving Financial transactions totaling or exceeding \$300  
26 but less than \$20,000 in any 12-month period, is guilty of a  
27 felony of the third degree, punishable as provided in s.  
28 775.082 or s. 775.083; or

29           ~~2.3. Committed as part of a pattern of illegal~~  
30 ~~activity involving~~ Financial transactions totaling or  
31 exceeding \$20,000 but less than \$100,000 in any 12-month

1 period is guilty of a felony of the second degree, punishable  
2 as provided in s. 775.082 or s. 775.083; or

3 ~~3.4. Committed as part of a pattern of illegal~~  
4 ~~activity involving~~ Financial transactions totaling or  
5 exceeding \$100,000 in any 12-month period is guilty of a  
6 felony of the first degree, punishable as provided in s.  
7 775.082 or s. 775.083.

8 (c) In addition to the penalties otherwise authorized  
9 by ss. 775.082 and 775.083, a person who has been convicted of  
10 or who has pleaded guilty or nolo contendere to having  
11 violated paragraph (b) may be sentenced to pay a fine not  
12 exceeding \$250,000 or twice the value of the financial  
13 transaction, whichever is greater, except that on a second or  
14 subsequent conviction for or plea of guilty or nolo contendere  
15 to a violation of paragraph (b), the fine may be up to  
16 \$500,000 or quintuple the value of the financial transaction,  
17 whichever is greater.

18 (d) A financial institution as defined in s. 655.005  
19 ~~person~~ who willfully violates this section, ~~chapter 896, or~~  
20 ~~any similar state or federal law~~ is also liable for a civil  
21 penalty of not more than the greater of the value of the  
22 financial transaction involved or \$25,000. However, the civil  
23 penalty may not exceed \$100,000.

24 (e) A person other than a financial institution as  
25 defined in s. 655.005 who violates this section is also liable  
26 for a civil penalty of not more than the greater of the value  
27 of the financial transaction involved or \$25,000.

28 (11) In any prosecution brought pursuant to this  
29 section, the common law corpus delicti rule does not apply.  
30 The defendant's confession or admission is admissible during  
31 trial without the state having to prove the corpus delicti if

1 the court finds in a hearing conducted outside the presence of  
2 the jury that the defendant's confession or admission is  
3 trustworthy. Before the court admits the defendant's  
4 confession or admission, the state must prove by a  
5 preponderance of the evidence that there is sufficient  
6 corroborating evidence that tends to establish the  
7 trustworthiness of the statement by the defendant. Hearsay  
8 evidence is admissible during the presentation of evidence at  
9 the hearing. In making its determination, the court may  
10 consider all relevant corroborating evidence, including the  
11 defendant's statements.

12 Section 15. Section 893.145, Florida Statutes, is  
13 amended to read:

14 893.145 "Drug paraphernalia" defined.--The term "drug  
15 paraphernalia" means all equipment, products, and materials of  
16 any kind which are used, intended for use, or designed for use  
17 in planting, propagating, cultivating, growing, harvesting,  
18 manufacturing, compounding, converting, producing, processing,  
19 preparing, testing, analyzing, packaging, repackaging,  
20 storing, containing, concealing, transporting, injecting,  
21 ingesting, inhaling, or otherwise introducing into the human  
22 body a controlled substance in violation of this chapter.

23 Drug paraphernalia is deemed to be contraband which shall be  
24 subject to civil forfeiture. The term includes, but is not  
25 limited to:

26 (1) Kits used, intended for use, or designed for use  
27 in the planting, propagating, cultivating, growing, or  
28 harvesting of any species of plant which is a controlled  
29 substance or from which a controlled substance can be derived.

30 (2) Kits used, intended for use, or designed for use  
31 in manufacturing, compounding, converting, producing,

1 processing, or preparing controlled substances.

2 (3) Isomerization devices used, intended for use, or  
3 designed for use in increasing the potency of any species of  
4 plant which is a controlled substance.

5 (4) Testing equipment used, intended for use, or  
6 designed for use in identifying, or in analyzing the strength,  
7 effectiveness, or purity of, controlled substances.

8 (5) Scales and balances used, intended for use, or  
9 designed for use in weighing or measuring controlled  
10 substances.

11 (6) Diluents and adulterants, such as quinine  
12 hydrochloride, mannitol, mannite, dextrose, and lactose, used,  
13 intended for use, or designed for use in cutting controlled  
14 substances.

15 (7) Separation gins and sifters used, intended for  
16 use, or designed for use in removing twigs and seeds from, or  
17 in otherwise cleaning or refining, cannabis.

18 (8) Blenders, bowls, containers, spoons, and mixing  
19 devices used, intended for use, or designed for use in  
20 compounding controlled substances.

21 (9) Capsules, balloons, envelopes, and other  
22 containers used, intended for use, or designed for use in  
23 packaging small quantities of controlled substances.

24 (10) Containers and other objects used, intended for  
25 use, or designed for use in storing, or concealing, or  
26 transporting controlled substances.

27 (11) Hypodermic syringes, needles, and other objects  
28 used, intended for use, or designed for use in parenterally  
29 injecting controlled substances into the human body.

30 (12) Objects used, intended for use, or designed for  
31 use in ingesting, inhaling, or otherwise introducing cannabis,

1 cocaine, hashish, or hashish oil into the human body, such as:

2 (a) Metal, wooden, acrylic, glass, stone, plastic, or  
3 ceramic pipes, with or without screens, permanent screens,  
4 hashish heads, or punctured metal bowls.

5 (b) Water pipes.

6 (c) Carburetion tubes and devices.

7 (d) Smoking and carburetion masks.

8 (e) Roach clips: meaning objects used to hold burning  
9 material, such as a cannabis cigarette, that has become too  
10 small or too short to be held in the hand.

11 (f) Miniature cocaine spoons, and cocaine vials.

12 (g) Chamber pipes.

13 (h) Carburetor pipes.

14 (i) Electric pipes.

15 (j) Air-driven pipes.

16 (k) Chillums.

17 (l) Bonges.

18 (m) Ice pipes or chillers.

19 Section 16. Section 893.147, Florida Statutes, is  
20 amended to read:

21 893.147 Use, possession, manufacture, delivery,  
22 transportation, or advertisement of drug paraphernalia.--

23 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.--It is  
24 unlawful for any person to use, or to possess with intent to  
25 use, drug paraphernalia:

26 (a) To plant, propagate, cultivate, grow, harvest,  
27 manufacture, compound, convert, produce, process, prepare,  
28 test, analyze, pack, repack, store, contain, or conceal a  
29 controlled substance in violation of this chapter; or

30 (b) To inject, ingest, inhale, or otherwise introduce  
31 into the human body a controlled substance in violation of

1 this chapter.

2

3 Any person who violates this subsection is guilty of a  
4 misdemeanor of the first degree, punishable as provided in s.  
5 775.082 or s. 775.083.

6 (2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.--It  
7 is unlawful for any person to deliver, possess with intent to  
8 deliver, or manufacture with intent to deliver drug  
9 paraphernalia, knowing, or under circumstances where one  
10 reasonably should know, that it will be used:

11 (a) To plant, propagate, cultivate, grow, harvest,  
12 manufacture, compound, convert, produce, process, prepare,  
13 test, analyze, pack, repack, store, contain, or conceal a  
14 controlled substance in violation of this act; or

15 (b) To inject, ingest, inhale, or otherwise introduce  
16 into the human body a controlled substance in violation of  
17 this act.

18

19 Any person who violates this subsection is guilty of a felony  
20 of the third degree, punishable as provided in s. 775.082, s.  
21 775.083, or s. 775.084.

22 (3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.--

23 (a) Any person 18 years of age or over who violates  
24 subsection (2) by delivering drug paraphernalia to a person  
25 under 18 years of age is guilty of a felony of the second  
26 degree, punishable as provided in s. 775.082, s. 775.083, or  
27 s. 775.084.

28 (b) It is unlawful for any person to sell or otherwise  
29 deliver hypodermic syringes, needles, or other objects which  
30 may be used, are intended for use, or are designed for use in  
31 parenterally injecting substances into the human body to any



1 person under 18 years of age, except that hypodermic syringes,  
2 needles, or other such objects may be lawfully dispensed to a  
3 person under 18 years of age by a licensed practitioner,  
4 parent, or legal guardian or by a pharmacist pursuant to a  
5 valid prescription for same. Any person who violates the  
6 provisions of this paragraph is guilty of a misdemeanor of the  
7 first degree, punishable as provided in s. 775.082 or s.  
8 775.083.

9 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.--It is  
10 unlawful to use, possess with the intent to use, or  
11 manufacture with the intent to use drug paraphernalia, knowing  
12 or under circumstances in which one reasonably should know  
13 that it will be used to transport:

14 (a) A controlled substance in violation of this  
15 chapter; or

16 (b) Contraband as defined in s. 932.701(2)(a)1.

17  
18 Any person who violates this subsection commits a felony of  
19 the third degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.

21 (5)~~(4)~~ ADVERTISEMENT OF DRUG PARAPHERNALIA.--It is  
22 unlawful for any person to place in any newspaper, magazine,  
23 handbill, or other publication any advertisement, knowing, or  
24 under circumstances where one reasonably should know, that the  
25 purpose of the advertisement, in whole or in part, is to  
26 promote the sale of objects designed or intended for use as  
27 drug paraphernalia. Any person who violates this subsection  
28 is guilty of a misdemeanor of the first degree, punishable as  
29 provided in s. 775.082 or s. 775.083.

30 Section 17. Paragraph (a) of subsection (1) of section  
31 895.02, Florida Statutes, is amended to read:

1           895.02 Definitions.--As used in ss. 895.01-895.08, the  
2 term:

3           (1) "Racketeering activity" means to commit, to  
4 attempt to commit, to conspire to commit, or to solicit,  
5 coerce, or intimidate another person to commit:

6           (a) Any crime which is chargeable by indictment or  
7 information under the following provisions of the Florida  
8 Statutes:

9           1. Section 210.18, relating to evasion of payment of  
10 cigarette taxes.

11           2. Section 403.727(3)(b), relating to environmental  
12 control.

13           3. Section 414.39, relating to public assistance  
14 fraud.

15           4. Section 409.920, relating to Medicaid provider  
16 fraud.

17           5. Section 440.105 or s. 440.106, relating to workers'  
18 compensation.

19           6. Part IV of chapter 501, relating to telemarketing.

20           7. Chapter 517, relating to sale of securities and  
21 investor protection.

22           8. Section 550.235, s. 550.3551, or s. 550.3605,  
23 relating to dogracing and horseracing.

24           9. Chapter 550, relating to jai alai frontons.

25           10. Chapter 552, relating to the manufacture,  
26 distribution, and use of explosives.

27           11. Chapter 560, relating to money transmitters, if  
28 the violation is punishable as a felony.

29           ~~12.11.~~ Chapter 562, relating to beverage law  
30 enforcement.

31           ~~13.12.~~ Section 624.401, relating to transacting

1 insurance without a certificate of authority, s.  
2 624.437(4)(c)1., relating to operating an unauthorized  
3 multiple-employer welfare arrangement, or s. 626.902(1)(b),  
4 relating to representing or aiding an unauthorized insurer.  
5 ~~14.13.~~ Section 655.50, relating to reports of currency  
6 transactions, when such violation is punishable as a felony.  
7 ~~15.14.~~ Chapter 687, relating to interest and usurious  
8 practices.  
9 ~~16.15.~~ Section 721.08, s. 721.09, or s. 721.13,  
10 relating to real estate timeshare plans.  
11 ~~17.16.~~ Chapter 782, relating to homicide.  
12 ~~18.17.~~ Chapter 784, relating to assault and battery.  
13 ~~19.18.~~ Chapter 787, relating to kidnapping.  
14 ~~20.19.~~ Chapter 790, relating to weapons and firearms.  
15 ~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s.  
16 796.07, relating to prostitution.  
17 ~~22.21.~~ Chapter 806, relating to arson.  
18 ~~23.22.~~ Section 810.02(2)(c), relating to specified  
19 burglary of a dwelling or structure.  
20 ~~24.23.~~ Chapter 812, relating to theft, robbery, and  
21 related crimes.  
22 ~~25.24.~~ Chapter 815, relating to computer-related  
23 crimes.  
24 ~~26.25.~~ Chapter 817, relating to fraudulent practices,  
25 false pretenses, fraud generally, and credit card crimes.  
26 ~~27.26.~~ Chapter 825, relating to abuse, neglect, or  
27 exploitation of an elderly person or disabled adult.  
28 ~~28.27.~~ Section 827.071, relating to commercial sexual  
29 exploitation of children.  
30 ~~29.28.~~ Chapter 831, relating to forgery and  
31 counterfeiting.

1           ~~30.29~~ Chapter 832, relating to issuance of worthless  
2 checks and drafts.  
3           ~~31.30~~ Section 836.05, relating to extortion.  
4           ~~32.31~~ Chapter 837, relating to perjury.  
5           ~~33.32~~ Chapter 838, relating to bribery and misuse of  
6 public office.  
7           ~~34.33~~ Chapter 843, relating to obstruction of  
8 justice.  
9           ~~35.34~~ Section 847.011, s. 847.012, s. 847.013, s.  
10 847.06, or s. 847.07, relating to obscene literature and  
11 profanity.  
12           ~~36.35~~ Section 849.09, s. 849.14, s. 849.15, s.  
13 849.23, or s. 849.25, relating to gambling.  
14           ~~37.36~~ Chapter 874, relating to criminal street gangs.  
15           ~~38.37~~ Chapter 893, relating to drug abuse prevention  
16 and control.  
17           ~~39.38~~ Chapter 896, relating to offenses related to  
18 financial transactions.  
19           ~~40.39~~ Sections 914.22 and 914.23, relating to  
20 tampering with a witness, victim, or informant, and  
21 retaliation against a witness, victim, or informant.  
22           ~~41.40~~ Sections 918.12 and 918.13, relating to  
23 tampering with jurors and evidence.  
24           Section 18. Section 896.101, Florida Statutes, is  
25 amended to read:  
26           896.101 Florida Money Laundering Act; definitions;  
27 penalties; injunctions; seizure warrants; immunity ~~Offense of~~  
28 ~~conduct of financial transaction involving proceeds of~~  
29 ~~unlawful activity; penalties.--~~  
30           (1) This section may be cited as the "Florida Money  
31 Laundering Act."

1           ~~(2)(1) DEFINITIONS~~---As used in this section, the  
2 term:

3           (a) "Knowing that the property involved in a financial  
4 transaction represents the proceeds of some form of unlawful  
5 activity" means that the person knew the property involved in  
6 the transaction represented proceeds from some form, though  
7 not necessarily which form, of activity that constitutes a  
8 felony under state or federal law, regardless of whether or  
9 not such activity is specified in paragraph (g).

10           (b) "Conducts" includes initiating, concluding, or  
11 participating in initiating or concluding a transaction.

12           (c) "Transaction" means a purchase, sale, loan,  
13 pledge, gift, transfer, delivery, or other disposition, and  
14 with respect to a financial institution includes a deposit,  
15 withdrawal, transfer between accounts, exchange of currency,  
16 loan, extension of credit, purchase or sale of any stock,  
17 bond, certificate of deposit, or other monetary instrument,  
18 use of a safety deposit box, or any other payment, transfer,  
19 or delivery by, through, or to a financial institution, by  
20 whatever means effected.

21           (d) "Financial transaction" means a transaction  
22 involving the movement of funds by wire or other means or  
23 involving one or more monetary instruments, which in any way  
24 or degree affects commerce, or a transaction involving the  
25 transfer of title to any real property, vehicle, vessel, or  
26 aircraft, or a transaction involving the use of a financial  
27 institution which is engaged in, or the activities of which  
28 affect, commerce in any way or degree.

29           (e) "Monetary instruments" means coin or currency of  
30 the United States or of any other country, travelers' checks,  
31 personal checks, bank checks, money orders, investment

1 securities in bearer form or otherwise in such form that title  
2 thereto passes upon delivery, and negotiable instruments in  
3 bearer form or otherwise in such form that title thereto  
4 passes upon delivery.

5 (f) "Financial institution" means a financial  
6 institution as defined in 31 U.S.C. s. 5312 which institution  
7 is located in this state.

8 (g) "Specified unlawful activity" means any  
9 "racketeering activity" as defined in s. 895.02.

10 (h) "Knowing" means that a person knew; or, with  
11 respect to any transaction or transportation involving more  
12 than \$10,000 in U.S. currency or foreign equivalent, should  
13 have known after reasonable inquiry, unless the person has a  
14 duty to file a federal currency transaction report, IRS Form  
15 8300, or a like report under state law and has complied with  
16 that reporting requirement in accordance with law.

17 (i) "Petitioner" means any local, county, state, or  
18 federal law enforcement agency; the Attorney General; any  
19 state attorney; or the statewide prosecutor.

20 ~~(3)(2) It is unlawful a felony of the second degree,~~  
21 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~  
22 ~~775.084, for a person:~~

23 (a) Knowing that the property involved in a financial  
24 transaction represents the proceeds of some form of unlawful  
25 activity, to conduct or attempt to conduct such a financial  
26 transaction which in fact involves the proceeds of specified  
27 unlawful activity:

28 1. With the intent to promote the carrying on of  
29 specified unlawful activity; or

30 2. Knowing that the transaction is designed in whole  
31 or in part:

- 1           a. To conceal or disguise the nature, the location,  
2 the source, the ownership, or the control of the proceeds of  
3 specified unlawful activity; or
- 4           b. To avoid a transaction reporting requirement or  
5 money transmitters' registration requirement under state law.
- 6           (b) To transport or attempt to transport a monetary  
7 instrument or funds:
- 8           1. With the intent to promote the carrying on of  
9 specified unlawful activity; or
- 10           2. Knowing that the monetary instrument or funds  
11 involved in the transportation represent the proceeds of some  
12 form of unlawful activity and knowing that such transportation  
13 is designed in whole or in part:
- 14           a. To conceal or disguise the nature, the location,  
15 the source, the ownership, or the control of the proceeds of  
16 specified unlawful activity; or
- 17           b. To avoid a transaction reporting requirement or  
18 money transmitters' registration requirement under state law.
- 19           (c) To conduct or attempt to conduct a financial  
20 transaction which involves property or proceeds which an  
21 investigative or law enforcement officer, or someone acting  
22 under such officer's direction, represents as being derived  
23 from, or as being used to conduct or facilitate, specified  
24 unlawful activity, when the person's conduct or attempted  
25 conduct is undertaken with the intent:
- 26           1. To promote the carrying on of specified unlawful  
27 activity; or
- 28           2. To conceal or disguise the nature, the location,  
29 the source, the ownership, or the control of the proceeds or  
30 property believed to be the proceeds of specified unlawful  
31 activity; or

1           3. To avoid a transaction reporting requirement under  
2 state law.

3           ~~(d) A person who violates this subsection is also~~  
4 ~~liable for a civil penalty of not more than the greater of the~~  
5 ~~value of the property, funds, or monetary instruments involved~~  
6 ~~in the transaction or \$10,000.~~

7           (d)(e) For the purposes of this subsection,  
8 "investigative or law enforcement officer" means any officer  
9 of the State of Florida or political subdivision thereof, of  
10 the United States, or of any other state or political  
11 subdivision thereof, who is empowered by law to conduct, on  
12 behalf of the government, investigations of, or to make  
13 arrests for, offenses enumerated in this subsection or similar  
14 federal offenses.

15           (4) It does not constitute a defense to a prosecution  
16 for any violation of this chapter that:

17           (a) Any stratagem or deception, including the use of  
18 an undercover operative or law enforcement officer, was  
19 employed.

20           (b) A facility or an opportunity to engage in conduct  
21 in violation of this act was provided.

22           (c) A law enforcement officer, or person acting under  
23 direction of a law enforcement officer, solicited a person  
24 predisposed to engage in conduct in violation of any provision  
25 of this chapter to commit a violation of this chapter in order  
26 to gain evidence against that person, provided such  
27 solicitation would not induce an ordinary law-abiding person  
28 to violate this chapter.

29  
30 This subsection does not preclude the defense of entrapment.

31           (5) A person who violates this section, if the



Bill No. CS for CS for CS for SB 1258, 1st Eng.  
Amendment No. 2 (for drafter's use only)

1 violation involves:

2 (a) Financial transactions exceeding \$300 but less  
3 than \$20,000 in any 12-month period, commits a felony of the  
4 third degree, punishable as provided in s. 775.082, s.  
5 775.083, or s. 775.084.

6 (b) Financial transactions totaling or exceeding  
7 \$20,000 but less than \$100,000 in any 12-month period, commits  
8 a felony of the second degree, punishable as provided in s.  
9 775.082, s. 775.083, or s. 775.084.

10 (c) Financial transactions totaling or exceeding  
11 \$100,000 in any 12-month period, commits a felony of the first  
12 degree, punishable a provided in s. 775.082, s. 775.083, or s.  
13 775.084.

14 (6) In addition to the penalties authorized by s.  
15 775.082, s. 775.083, or s. 775.084, a person who has been  
16 found guilty of or who has pleaded guilty or nolo contendere  
17 to having violated this section may be sentenced to pay a fine  
18 not exceeding \$250,000 or twice the value of the financial  
19 transactions, whichever is greater, except that for a second  
20 or subsequent violation of this section, the fine may be up to  
21 \$500,000 or quintuple the value of the financial transactions,  
22 whichever is greater.

23 (7) A person who violates this section is also liable  
24 for a civil penalty of not more than the value of the  
25 financial transactions involved or \$25,000, whichever is  
26 greater.

27 (8)(a) If a person is alienating or disposing of  
28 monetary instruments or funds, or appears likely to or  
29 demonstrates an intent to alienate or dispose of monetary  
30 instruments or funds, used in violation of this section,  
31 chapter 560, s. 655.50, or any crime listed as specified

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 unlawful activity under this section, or monetary instruments  
2 or funds that are traceable to any such violation, the  
3 petitioner may commence a civil action in any circuit court  
4 having jurisdiction where such monetary instruments or funds  
5 are located or have been deposited for a temporary injunction  
6 to prohibit any person from withdrawing, transferring,  
7 removing, dissipating, or disposing of any such monetary  
8 instruments or funds of equivalent value. The temporary  
9 injunction will be obtained pursuant to Florida Civil Rule of  
10 Procedure 1.610. This section governs all temporary  
11 injunctions obtained pursuant to this section and supercedes  
12 all other provisions of the rule that may be inconsistent with  
13 this section. The court shall take into account any  
14 anticipated impact the temporary injunction will have on  
15 innocent third parties or businesses, balanced against the  
16 petitioner's need to preserve the monetary instruments or  
17 funds.

18 (b) A temporary injunction must be granted without  
19 bond to the petitioner. However, the court may authorize a  
20 respondent to post a bond equal to the amount to be enjoined  
21 and to have the injunction dissolved.

22 (c) A temporary injunction is to be entered upon  
23 application of the petitioner, ex parte and without notice or  
24 opportunity for a hearing with respect to the monetary  
25 instruments or funds.

26 (d) Such a temporary order expires not more than 10  
27 days after the date on which the order is served, unless  
28 extended for good cause shown or unless the party against whom  
29 it is entered consents to an extension for a longer period.

30 (e) If at any time the petitioner discovers that the  
31 funds sought to be enjoined total less than \$10,000, the

1 petitioner shall immediately inform the court and the court  
2 shall immediately dissolve the temporary injunction.

3 (f) At the termination of the temporary injunction or  
4 at any time before the termination of the temporary  
5 injunction, the petitioner may:

6 1. Obtain a warrant or other court order and seize the  
7 monetary instruments or funds and initiate a civil forfeiture  
8 action;

9 2. Obtain a warrant or other court order and seize the  
10 monetary instruments or funds for any subsequent criminal  
11 prosecution; or

12 3. Petition the court to extend the order for a period  
13 not longer than 10 days from the original order's termination  
14 date. At the end of the termination of the 10-day extension,  
15 the petitioner may take either of the steps outlined in  
16 subparagraph 1. or subparagraph 2. However, the petitioner may  
17 not be granted any additional extensions.

18 (g)1. Upon service of the temporary order served  
19 pursuant to this section, the petitioner shall immediately  
20 notify by certified mail, return receipt requested or by  
21 personal service, both the person or entity in possession of  
22 the monetary instruments or funds and the owner of the  
23 monetary instruments or funds if known, of the order entered  
24 pursuant to this section and that the lawful owner of the  
25 monetary instruments or funds being enjoined may request a  
26 hearing to contest and modify the order entered pursuant to  
27 this section by petitioning the court that issued the order,  
28 so that such notice is received within 72 hours.

29 2. The notice shall advise that the hearing shall be  
30 held within 3 days of the request and the notice must state  
31 that the hearing will be set and noticed by the person against

1 whom the order is served.

2 3. The notice shall specifically state that the lawful  
3 owner has the right to produce evidence of legitimate business  
4 expenses, obligations and liabilities, including but not  
5 limited to, employee payroll expenses verified by current  
6 Department of Labor unemployment compensation rolls, employee  
7 workers' compensation insurance, employee health insurance,  
8 state and federal taxes, and regulatory or licensing fees only  
9 as may become due before the expiration of the temporary  
10 order.

11 4. Upon determination by the court that the such  
12 expenses are valid, payment of such expenses may be effected  
13 by the owner of the enjoined monetary instruments or funds  
14 only to the court ordered payees through court reviewed  
15 checks, issued by the owner of and the person or entity in  
16 possession of the enjoined monetary instruments or funds.  
17 Upon presentment, the person or entity in possession of the  
18 enjoined funds or monetary instruments shall only honor the  
19 payment of the check to the court ordered payee.

20 (h) Only the lawful owner or the account holder of the  
21 monetary instruments or funds being enjoined may request a  
22 hearing to contest the order entered pursuant to this section  
23 by petitioning the court that issued the order. A hearing must  
24 be held within 3 days after the request or as soon as  
25 practicable thereafter and before the expiration of the  
26 temporary order. The hearing must be set and noticed by the  
27 lawful owner of the monetary instruments or funds or his or  
28 her attorney. Notice of the hearing must be provided to the  
29 petitioner who procured the temporary injunction pursuant to  
30 the Florida Rules of Civil Procedure but not less than 24  
31 hours before the scheduled hearing. The court may receive and

1 consider at a hearing held pursuant to this subsection,  
2 evidence and information that would be inadmissible under the  
3 Florida Rules of Evidence. A proceeding under this subsection  
4 is governed by the Florida Rules of Civil Procedure.

5 (9)(a) The petitioner may request issuance of a  
6 warrant authorizing the seizure of property, monetary  
7 instruments, or funds subject to civil forfeiture in the same  
8 manner as provided for search warrants in chapter 933.

9 (b) Any financial institution that receives a seizure  
10 warrant pursuant to paragraph (a), temporary injunction, or  
11 other court order, may deduct from the account the funds  
12 necessary to pay any electronic transaction or check presented  
13 for payment where the electronic transaction was initiated or  
14 the check deposited prior to the time the seizure order was  
15 served on the financial institution.

16 (10) Any financial institution, licensed money  
17 transmitter, or other person served with and complying with  
18 the terms of a warrant, temporary injunction, or other court  
19 order, including any subpoena issued under the authority  
20 granted by s. 16.56 or s. 27.04, obtained in furtherance of an  
21 investigation of any crime in this section, including any  
22 crime listed as specified unlawful activity under this section  
23 or any felony violation of chapter 560, has immunity from  
24 criminal liability and shall not be liable to any person for  
25 any lawful action taken in complying with the warrant,  
26 temporary injunction, or other court order, including any  
27 subpoena issued under the authority granted by s. 16.56 or s.  
28 27.04. If any subpoena issued under the authority granted by  
29 s. 16.56 or s. 27.04 contains a nondisclosure provision, any  
30 financial institution, licensed money transmitter, employee or  
31 officer of a financial institution or licensed money

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 transmitter, or any other person may not notify, directly or  
2 indirectly, any customer of that financial institution or  
3 licensed money transmitter whose records are being sought by  
4 the subpoena, or any other person named in the subpoena, about  
5 the existence or the contents of that subpoena or about  
6 information that has been furnished to the state attorney or  
7 statewide prosecutor who issued the subpoena or other law  
8 enforcement officer named in the subpoena in response to the  
9 subpoena.

10 (11) In any prosecution brought pursuant to chapter  
11 896, the common law corpus delicti rule does not apply. The  
12 defendant's confession or admission is admissible during trial  
13 without the state having to prove the corpus delicti if the  
14 court finds in a hearing conducted outside the presence of the  
15 jury that the defendant's confession or admission is  
16 trustworthy. Before the court admits the defendant's  
17 confession or admission, the state must prove by a  
18 preponderance of the evidence that there is sufficient  
19 corroborating evidence that tends to establish the  
20 trustworthiness of the statement by the defendant. Hearsay  
21 evidence is admissible during the presentation of evidence at  
22 the hearing. In making its determination, the court may  
23 consider all relevant corroborating evidence, including the  
24 defendant's statements.

25 Section 19. Section 896.103, Florida Statutes, is  
26 amended to read:

27 896.103 Transaction which constitutes separate  
28 offense.--Notwithstanding any other provision of law, for  
29 purposes of this section and ss. 896.101 and 896.102, each  
30 individual currency transaction exceeding \$10,000 which is  
31 made in violation of the provisions of s. 896.102(1) or each

1 financial transaction in violation of the provisions of s.  
2 896.101(3)(2) which involves the movement of funds in excess  
3 of \$10,000 shall constitute a separate, punishable offense.

4 Section 20. Section 896.104, Florida Statutes, is  
5 created to read:

6 896.104 Structuring transactions to evade reporting or  
7 registration requirements prohibited.--

8 (1) DEFINITIONS.--For purposes of this section, the  
9 terms "structure" or "structuring" mean that a person, acting  
10 alone, or in conjunction with, or on behalf of, other persons,  
11 conducts or attempts to conduct one or more transactions in  
12 currency, in any amount, at one or more financial  
13 institutions, on one or more days, in any manner, for the  
14 purpose of evading currency transaction reporting requirements  
15 provided by state or federal law. "In any manner" includes,  
16 but is not limited to, the breaking down of a single sum of  
17 currency exceeding \$10,000 into smaller sums, including sums  
18 at or below \$10,000, or the conduct of a transaction, or  
19 series of currency transactions, at or below \$10,000. The  
20 transaction or transactions need not exceed the \$10,000  
21 reporting threshold at any single financial institution on any  
22 single day in order to meet the definition of "structure" or  
23 "structuring" provided in this subsection.

24 (2) DOMESTIC COIN AND CURRENCY TRANSACTIONS.--A person  
25 may not, for the purpose of evading the reporting and  
26 registration requirements of chapter 896, chapter 655, or  
27 chapter 560, or s. 5313(a) or s. 5325 of Title 31, United  
28 States Code, or any rules or regulations adopted under those  
29 chapters and sections, when some portion of the activity by  
30 that person occurs in this state:

31 (a) Cause or attempt to cause a person or financial

1 institution in this state to fail to file an applicable report  
2 or registration required under those chapters and sections or  
3 any rule or regulation adopted under any of those chapters and  
4 sections;

5 (b) Cause or attempt to cause a person or financial  
6 institution in this state to file an applicable report  
7 required under those chapters and sections or any rule or  
8 regulation adopted under those chapters and sections which  
9 contains a material omission or misstatement of fact; or

10 (c) Structure or assist in structuring, or attempt to  
11 structure or assist in structuring, any financial transaction  
12 with or involving one or more financial institutions in this  
13 state.

14 (3) INTERNATIONAL MONETARY INSTRUMENT TRANSACTIONS.--A  
15 person may not, for the purpose of evading the reporting or  
16 registration requirements of chapter 896, chapter 655, or  
17 chapter 560, or s. 5316 of Title 31, United States Code, when  
18 some portion of the activity by that person occurs in this  
19 state:

20 (a) Fail to file an applicable registration or report  
21 required by those chapters and sections, or cause or attempt  
22 to cause a person to fail to file such a report;

23 (b) File or cause or attempt to cause a person to file  
24 an applicable registration or report required under those  
25 chapters and sections which contains a material omission or  
26 misstatement of fact; or

27 (c) Structure or assist in structuring, or attempt to  
28 structure or assist in structuring, any importation or  
29 exportation of currency or monetary instruments or funds to,  
30 from, or through financial institutions in this state.

31 (4) CRIMINAL PENALTIES.--



1           (a) A person who violates this section, if the  
2 violation involves:

3           1. Financial transactions exceeding \$300 but less than  
4 \$20,000 in any 12-month period, commits a felony of the third  
5 degree, punishable as provided in s. 775.082, s. 775.083, or  
6 s. 775.084.

7           2. Financial transactions totaling or exceeding  
8 \$20,000 but less than \$100,000 in any 12-month period, commits  
9 a felony of the second degree, punishable as provided in s.  
10 775.082, s. 775.083, or s. 775.084.

11           3. Financial transactions totaling or exceeding  
12 \$100,000 in any 12-month period, commits a felony of the first  
13 degree, punishable as provided in s. 775.082, s. 775.083, or  
14 s. 775.084.

15           (b) In addition to the penalties authorized by s.  
16 775.082, s. 775.083, or s. 775.084, a person who has been  
17 found guilty of or who has pleaded guilty or nolo contendere  
18 to having violated this section may be sentenced to pay a fine  
19 not exceeding \$250,000 or twice the value of the financial  
20 transactions, whichever is greater, except that for a second  
21 or subsequent violation of this section, the fine may be up to  
22 \$500,000 or quintuple the value of the financial transactions,  
23 whichever is greater.

24           (c) A person who violates this section is also liable  
25 for a civil penalty of not more than the value of the  
26 financial transactions involved or \$25,000, whichever is  
27 greater.

28           (5) INFERENCE.--Proof that a person engaged for  
29 monetary consideration in the business of a funds transmitter  
30 as defined in s. 560.103(9) and who is transporting more than  
31 \$10,000 in currency, or foreign equivalent, without being

Bill No. CS for CS for CS for SB 1258, 1st Eng.  
Amendment No. 2 (for drafter's use only)

1 registered as a money transmitter or designated as an  
2 authorized vendor under the provisions of chapter 560, gives  
3 rise to an inference that the transportation was done with  
4 knowledge of the registration requirements of chapter 560 and  
5 the reporting requirements of this chapter.

6 (6) CONSTRUCTION.--This section may not be construed  
7 to require any new or additional reporting requirements on any  
8 entity obligated to file reports under state or federal law.

9 Section 21. Section 896.105, Florida Statutes, is  
10 created to read:

11 896.105 Penalty provisions not applicable to law  
12 enforcement.--The penalty provisions of this chapter,  
13 including those directed at reporting violations or the  
14 conduct or attempted conduct of unlawful financial  
15 transactions, the unlawful transportation or attempted  
16 transportation of monetary instruments, and the concealment of  
17 unlawful proceeds or their ownership are not applicable to law  
18 enforcement officers who engage in aspects of such activity  
19 for bona fide authorized undercover law enforcement purposes  
20 in the course of or in relation to an active criminal  
21 investigation, active criminal intelligence gathering, or  
22 active prosecution.

23 Section 22. Section 896.106, Florida Statutes, is  
24 created to read:

25 896.106 Fugitive disentitlement.--A person may not use  
26 the resources of the courts of this state in furtherance of a  
27 claim in any related civil forfeiture action or a claim in  
28 third-party proceeding in any related forfeiture action if  
29 that person purposely leaves the jurisdiction of this state or  
30 the United States; declines to enter or reenter this state to  
31 submit to its jurisdiction; or otherwise evades the

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

1 jurisdiction of the court in which a criminal case is pending  
2 against the person.

3 Section 23. Section 896.107, Florida Statutes, is  
4 created to read:

5 896.107 Rewards for informants.--

6 (1) A law enforcement agency conducting any  
7 investigation of a violation of this chapter may pay a reward  
8 to an individual who provides original information that leads  
9 to a recovery of a criminal fine, civil penalty, or  
10 forfeiture.

11 (2) The law enforcement agency shall determine the  
12 amount of a reward under this section. The law enforcement  
13 agency may not pay more than the amount of reward authorized  
14 for similar activity by any federal law or guideline in effect  
15 at the time the information described in subsection (1) was  
16 provided.

17 (3) An officer or employee of the United States, a  
18 state or local government, or a foreign government who in the  
19 performance of official duties provides information described  
20 in subsection (1) is not eligible for a reward under this  
21 section.

22 (4) Payment of a reward does not affect the  
23 admissibility of testimony in any court proceeding.

24 Section 24. Paragraphs (g), (h), and (i) of subsection  
25 (3) of section 921.0022, Florida Statutes, are amended to  
26 read:

27 921.0022 Criminal Punishment Code; offense severity  
28 ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART  
30  
31

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

| 1  | Florida                | Felony     |   |
|----|------------------------|------------|---|
| 2  | Statute                | Degree     | Description                             |
| 3  |                        |            |   |
| 4  |                        |            |   |
| 5  |                        |            | (g) LEVEL 7                             |
| 6  | 316.193(3)(c)2.        | 3rd        | DUI resulting in serious bodily         |
| 7  |                        |            | injury.                                 |
| 8  | 327.35(3)(c)2.         | 3rd        | Vessel BUI resulting in serious         |
| 9  |                        |            | bodily injury.                          |
| 10 | 402.319(2)             | 2nd        | Misrepresentation and negligence        |
| 11 |                        |            | or intentional act resulting in         |
| 12 |                        |            | great bodily harm, permanent            |
| 13 |                        |            | disfiguration, permanent                |
| 14 |                        |            | disability, or death.                   |
| 15 | 409.920(2)             | 3rd        | Medicaid provider fraud.                |
| 16 | 494.0018(2)            | 1st        | Conviction of any violation of          |
| 17 |                        |            | ss. 494.001-494.0077 in which the       |
| 18 |                        |            | total money and property                |
| 19 |                        |            | unlawfully obtained exceeded            |
| 20 |                        |            | \$50,000 and there were five or         |
| 21 |                        |            | more victims.                           |
| 22 | <u>560.123(8)(b)1.</u> | <u>3rd</u> | <u>Failure to report currency or</u>    |
| 23 |                        |            | <u>payment instruments exceeding</u>    |
| 24 |                        |            | <u>\$300 but less than \$20,000 by</u>  |
| 25 |                        |            | <u>money transmitter.</u>               |
| 26 | <u>560.125(5)(a)</u>   | <u>3rd</u> | <u>Money transmitter business by</u>    |
| 27 |                        |            | <u>unauthorized person, currency or</u> |
| 28 |                        |            | <u>payment instruments exceeding</u>    |
| 29 |                        |            | <u>\$300 but less than \$20,000.</u>    |
| 30 | <u>655.50(10)(b)1.</u> | <u>3rd</u> | <u>Failure to report financial</u>      |
| 31 |                        |            | <u>transactions exceeding \$300 but</u> |

|    |                 |     |  |
|----|-----------------|-----|--|
| 1  |                 |     | <u>less than \$20,000 by financial</u> |
| 2  |                 |     | <u>institution.</u>                    |
| 3  | 782.051(3)      | 2nd | Attempted felony murder of a           |
| 4  |                 |     | person by a person other than the      |
| 5  |                 |     | perpetrator or the perpetrator of      |
| 6  |                 |     | an attempted felony.                   |
| 7  | 782.07(1)       | 2nd | Killing of a human being by the        |
| 8  |                 |     | act, procurement, or culpable          |
| 9  |                 |     | negligence of another                  |
| 10 |                 |     | (manslaughter).                        |
| 11 | 782.071         | 2nd | Killing of human being or viable       |
| 12 |                 |     | fetus by the operation of a motor      |
| 13 |                 |     | vehicle in a reckless manner           |
| 14 |                 |     | (vehicular homicide).                  |
| 15 | 782.072         | 2nd | Killing of a human being by the        |
| 16 |                 |     | operation of a vessel in a             |
| 17 |                 |     | reckless manner (vessel                |
| 18 |                 |     | homicide).                             |
| 19 | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally      |
| 20 |                 |     | causing great bodily harm or           |
| 21 |                 |     | disfigurement.                         |
| 22 | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly       |
| 23 |                 |     | weapon.                                |
| 24 | 784.045(1)(b)   | 2nd | Aggravated battery; perpetrator        |
| 25 |                 |     | aware victim pregnant.                 |
| 26 | 784.048(4)      | 3rd | Aggravated stalking; violation of      |
| 27 |                 |     | injunction or court order.             |
| 28 | 784.07(2)(d)    | 1st | Aggravated battery on law              |
| 29 |                 |     | enforcement officer.                   |
| 30 | 784.08(2)(a)    | 1st | Aggravated battery on a person 65      |
| 31 |                 |     | years of age or older.                 |

HOUSE AMENDMENT

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

|    |                |     |                                    |
|----|----------------|-----|------------------------------------|
| 1  | 784.081(1)     | 1st | Aggravated battery on specified    |
| 2  |                |     | official or employee.              |
| 3  | 784.082(1)     | 1st | Aggravated battery by detained     |
| 4  |                |     | person on visitor or other         |
| 5  |                |     | detainee.                          |
| 6  | 784.083(1)     | 1st | Aggravated battery on code         |
| 7  |                |     | inspector.                         |
| 8  | 790.07(4)      | 1st | Specified weapons violation        |
| 9  |                |     | subsequent to previous conviction  |
| 10 |                |     | of s. 790.07(1) or (2).            |
| 11 | 790.16(1)      | 1st | Discharge of a machine gun under   |
| 12 |                |     | specified circumstances.           |
| 13 | 796.03         | 2nd | Procuring any person under 16      |
| 14 |                |     | years for prostitution.            |
| 15 | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation;    |
| 16 |                |     | victim less than 12 years of age;  |
| 17 |                |     | offender less than 18 years.       |
| 18 | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation;    |
| 19 |                |     | victim 12 years of age or older    |
| 20 |                |     | but less than 16 years; offender   |
| 21 |                |     | 18 years or older.                 |
| 22 | 806.01(2)      | 2nd | Maliciously damage structure by    |
| 23 |                |     | fire or explosive.                 |
| 24 | 810.02(3)(a)   | 2nd | Burglary of occupied dwelling;     |
| 25 |                |     | unarmed; no assault or battery.    |
| 26 | 810.02(3)(b)   | 2nd | Burglary of unoccupied dwelling;   |
| 27 |                |     | unarmed; no assault or battery.    |
| 28 | 810.02(3)(d)   | 2nd | Burglary of occupied conveyance;   |
| 29 |                |     | unarmed; no assault or battery.    |
| 30 | 812.014(2)(a)  | 1st | Property stolen, valued at         |
| 31 |                |     | \$100,000 or more; property stolen |

|    |               |     |                                   |
|----|---------------|-----|-----------------------------------|
| 1  |               |     | while causing other property      |
| 2  |               |     | damage; 1st degree grand theft.   |
| 3  | 812.019(2)    | 1st | Stolen property; initiates,       |
| 4  |               |     | organizes, plans, etc., the theft |
| 5  |               |     | of property and traffics in       |
| 6  |               |     | stolen property.                  |
| 7  | 812.131(2)(a) | 2nd | Robbery by sudden snatching.      |
| 8  | 812.133(2)(b) | 1st | Carjacking; no firearm, deadly    |
| 9  |               |     | weapon, or other weapon.          |
| 10 | 825.102(3)(b) | 2nd | Neglecting an elderly person or   |
| 11 |               |     | disabled adult causing great      |
| 12 |               |     | bodily harm, disability, or       |
| 13 |               |     | disfigurement.                    |
| 14 | 825.1025(2)   | 2nd | Lewd or lascivious battery upon   |
| 15 |               |     | an elderly person or disabled     |
| 16 |               |     | adult.                            |
| 17 | 825.103(2)(b) | 2nd | Exploiting an elderly person or   |
| 18 |               |     | disabled adult and property is    |
| 19 |               |     | valued at \$20,000 or more, but   |
| 20 |               |     | less than \$100,000.              |
| 21 | 827.03(3)(b)  | 2nd | Neglect of a child causing great  |
| 22 |               |     | bodily harm, disability, or       |
| 23 |               |     | disfigurement.                    |
| 24 | 827.04(3)     | 3rd | Impregnation of a child under 16  |
| 25 |               |     | years of age by person 21 years   |
| 26 |               |     | of age or older.                  |
| 27 | 837.05(2)     | 3rd | Giving false information about    |
| 28 |               |     | alleged capital felony to a law   |
| 29 |               |     | enforcement officer.              |
| 30 | 872.06        | 2nd | Abuse of a dead human body.       |
| 31 |               |     |                                   |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 893.13(1)(c)1.  | 1st | Sell, manufacture, or deliver     |
| 2  |                 |     | cocaine (or other drug prohibited |
| 3  |                 |     | under s. 893.03(1)(a), (1)(b),    |
| 4  |                 |     | (1)(d), (2)(a), or (2)(b)) within |
| 5  |                 |     | 1,000 feet of a child care        |
| 6  |                 |     | facility or school.               |
| 7  | 893.13(1)(e)    | 1st | Sell, manufacture, or deliver     |
| 8  |                 |     | cocaine or other drug prohibited  |
| 9  |                 |     | under s. 893.03(1)(a), (1)(b),    |
| 10 |                 |     | (1)(d), (2)(a), or (2)(b), within |
| 11 |                 |     | 1,000 feet of property used for   |
| 12 |                 |     | religious services or a specified |
| 13 |                 |     | business site.                    |
| 14 | 893.13(4)(a)    | 1st | Deliver to minor cocaine (or      |
| 15 |                 |     | other s. 893.03(1)(a), (1)(b),    |
| 16 |                 |     | (1)(d), (2)(a), or (2)(b) drugs). |
| 17 | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more     |
| 18 |                 |     | than 50 lbs., less than 2,000     |
| 19 |                 |     | lbs.                              |
| 20 | 893.135         |     |                                   |
| 21 | (1)(b)1.a.      | 1st | Trafficking in cocaine, more than |
| 22 |                 |     | 28 grams, less than 200 grams.    |
| 23 | 893.135         |     |                                   |
| 24 | (1)(c)1.a.      | 1st | Trafficking in illegal drugs,     |
| 25 |                 |     | more than 4 grams, less than 14   |
| 26 |                 |     | grams.                            |
| 27 | 893.135         |     |                                   |
| 28 | (1)(d)1.        | 1st | Trafficking in phencyclidine,     |
| 29 |                 |     | more than 28 grams, less than 200 |
| 30 |                 |     | grams.                            |
| 31 |                 |     |                                   |



|    |                        |            |  |
|----|------------------------|------------|--|
| 1  | 893.135(1)(e)1.        | 1st        | Trafficking in methaqualone, more        |
| 2  |                        |            | than 200 grams, less than 5              |
| 3  |                        |            | kilograms.                               |
| 4  | 893.135(1)(f)1.        | 1st        | Trafficking in amphetamine, more         |
| 5  |                        |            | than 14 grams, less than 28              |
| 6  |                        |            | grams.                                   |
| 7  | 893.135                |            |  |
| 8  | (1)(g)1.a.             | 1st        | Trafficking in flunitrazepam, 4          |
| 9  |                        |            | grams or more, less than 14              |
| 10 |                        |            | grams.                                   |
| 11 | <u>896.101(5)(a)</u>   | <u>3rd</u> | <u>Money laundering, financial</u>       |
| 12 |                        |            | <u>transactions exceeding \$300 but</u>  |
| 13 |                        |            | <u>less than \$20,000.</u>               |
| 14 | <u>896.104(4)(a)1.</u> | <u>3rd</u> | <u>Structuring transactions to evade</u> |
| 15 |                        |            | <u>reporting or registration</u>         |
| 16 |                        |            | <u>requirements, financial</u>           |
| 17 |                        |            | <u>transactions exceeding \$300 but</u>  |
| 18 |                        |            | <u>less than \$20,000.</u>               |
| 19 |                        |            | (h) LEVEL 8                              |
| 20 | 316.193                |            |  |
| 21 | (3)(c)3.a.             | 2nd        | DUI manslaughter.                        |
| 22 | 327.35(3)(c)3.         | 2nd        | Vessel BUI manslaughter.                 |
| 23 | <u>560.123(8)(b)2.</u> | <u>2nd</u> | <u>Failure to report currency or</u>     |
| 24 |                        |            | <u>payment instruments totaling or</u>   |
| 25 |                        |            | <u>exceeding \$20,000, but less than</u> |
| 26 |                        |            | <u>\$100,000 by money transmitter.</u>   |
| 27 | <u>560.125(5)(b)</u>   | <u>2nd</u> | <u>Money transmitter business by</u>     |
| 28 |                        |            | <u>unauthorized person, currency or</u>  |
| 29 |                        |            | <u>payment instruments totaling or</u>   |
| 30 |                        |            | <u>exceeding \$20,000, but less than</u> |
| 31 |                        |            | <u>\$100,000.</u>                        |

|    |                        |            |  |
|----|------------------------|------------|--|
| 1  | <u>655.50(10)(b)2.</u> | <u>2nd</u> | <u>Failure to report financial</u>       |
| 2  |                        |            | <u>transactions totaling or</u>          |
| 3  |                        |            | <u>exceeding \$20,000, but less than</u> |
| 4  |                        |            | <u>\$100,000 by financial</u>            |
| 5  |                        |            | <u>institutions.</u>                     |
| 6  | 777.03(2)(a)           | 1st        | Accessory after the fact, capital        |
| 7  |                        |            | felony.                                  |
| 8  | 782.04(4)              | 2nd        | Killing of human without design          |
| 9  |                        |            | when engaged in act or attempt of        |
| 10 |                        |            | any felony other than arson,             |
| 11 |                        |            | sexual battery, robbery,                 |
| 12 |                        |            | burglary, kidnapping, aircraft           |
| 13 |                        |            | piracy, or unlawfully discharging        |
| 14 |                        |            | bomb.                                    |
| 15 | 782.051(2)             | 1st        | Attempted felony murder while            |
| 16 |                        |            | perpetrating or attempting to            |
| 17 |                        |            | perpetrate a felony not                  |
| 18 |                        |            | enumerated in s. 782.04(3).              |
| 19 | 782.071(2)             | 1st        | Committing vehicular homicide and        |
| 20 |                        |            | failing to render aid or give            |
| 21 |                        |            | information.                             |
| 22 | 782.072(2)             | 1st        | Committing vessel homicide and           |
| 23 |                        |            | failing to render aid or give            |
| 24 |                        |            | information.                             |
| 25 | 790.161(3)             | 1st        | Discharging a destructive device         |
| 26 |                        |            | which results in bodily harm or          |
| 27 |                        |            | property damage.                         |
| 28 | 794.011(5)             | 2nd        | Sexual battery, victim 12 years          |
| 29 |                        |            | or over, offender does not use           |
| 30 |                        |            | physical force likely to cause           |
| 31 |                        |            | serious injury.                          |

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

|    |               |         |                                    |
|----|---------------|---------|------------------------------------|
| 1  | 800.04(4)     | 2nd     | Lewd or lascivious battery.        |
| 2  | 806.01(1)     | 1st     | Maliciously damage dwelling or     |
| 3  |               |         | structure by fire or explosive,    |
| 4  |               |         | believing person in structure.     |
| 5  | 810.02(2)(a)  | 1st,PBL | Burglary with assault or battery.  |
| 6  | 810.02(2)(b)  | 1st,PBL | Burglary; armed with explosives    |
| 7  |               |         | or dangerous weapon.               |
| 8  | 810.02(2)(c)  | 1st     | Burglary of a dwelling or          |
| 9  |               |         | structure causing structural       |
| 10 |               |         | damage or \$1,000 or more property |
| 11 |               |         | damage.                            |
| 12 | 812.13(2)(b)  | 1st     | Robbery with a weapon.             |
| 13 | 812.135(2)    | 1st     | Home-invasion robbery.             |
| 14 | 825.102(2)    | 2nd     | Aggravated abuse of an elderly     |
| 15 |               |         | person or disabled adult.          |
| 16 | 825.103(2)(a) | 1st     | Exploiting an elderly person or    |
| 17 |               |         | disabled adult and property is     |
| 18 |               |         | valued at \$100,000 or more.       |
| 19 | 837.02(2)     | 2nd     | Perjury in official proceedings    |
| 20 |               |         | relating to prosecution of a       |
| 21 |               |         | capital felony.                    |
| 22 | 837.021(2)    | 2nd     | Making contradictory statements    |
| 23 |               |         | in official proceedings relating   |
| 24 |               |         | to prosecution of a capital        |
| 25 |               |         | felony.                            |
| 26 | 860.121(2)(c) | 1st     | Shooting at or throwing any        |
| 27 |               |         | object in path of railroad         |
| 28 |               |         | vehicle resulting in great bodily  |
| 29 |               |         | harm.                              |
| 30 | 860.16        | 1st     | Aircraft piracy.                   |
| 31 |               |         |                                    |

|    |                 |     |                                   |
|----|-----------------|-----|-----------------------------------|
| 1  | 893.13(1)(b)    | 1st | Sell or deliver in excess of 10   |
| 2  |                 |     | grams of any substance specified  |
| 3  |                 |     | in s. 893.03(1)(a) or (b).        |
| 4  | 893.13(2)(b)    | 1st | Purchase in excess of 10 grams of |
| 5  |                 |     | any substance specified in s.     |
| 6  |                 |     | 893.03(1)(a) or (b).              |
| 7  | 893.13(6)(c)    | 1st | Possess in excess of 10 grams of  |
| 8  |                 |     | any substance specified in s.     |
| 9  |                 |     | 893.03(1)(a) or (b).              |
| 10 | 893.135(1)(a)2. | 1st | Trafficking in cannabis, more     |
| 11 |                 |     | than 2,000 lbs., less than 10,000 |
| 12 |                 |     | lbs.                              |
| 13 | 893.135         |     |                                   |
| 14 | (1)(b)1.b.      | 1st | Trafficking in cocaine, more than |
| 15 |                 |     | 200 grams, less than 400 grams.   |
| 16 | 893.135         |     |                                   |
| 17 | (1)(c)1.b.      | 1st | Trafficking in illegal drugs,     |
| 18 |                 |     | more than 14 grams, less than 28  |
| 19 |                 |     | grams.                            |
| 20 | 893.135         |     |                                   |
| 21 | (1)(d)1.b.      | 1st | Trafficking in phencyclidine,     |
| 22 |                 |     | more than 200 grams, less than    |
| 23 |                 |     | 400 grams.                        |
| 24 | 893.135         |     |                                   |
| 25 | (1)(e)1.b.      | 1st | Trafficking in methaqualone, more |
| 26 |                 |     | than 5 kilograms, less than 25    |
| 27 |                 |     | kilograms.                        |
| 28 | 893.135         |     |                                   |
| 29 | (1)(f)1.b.      | 1st | Trafficking in amphetamine, more  |
| 30 |                 |     | than 28 grams, less than 200      |
| 31 |                 |     | grams.                            |

1 893.135  
2 (1)(g)1.b. 1st Trafficking in flunitrazepam, 14  
3 grams or more, less than 28  
4 grams.  
5 895.03(1) 1st Use or invest proceeds derived  
6 from pattern of racketeering  
7 activity.  
8 895.03(2) 1st Acquire or maintain through  
9 racketeering activity any  
10 interest in or control of any  
11 enterprise or real property.  
12 895.03(3) 1st Conduct or participate in any  
13 enterprise through pattern of  
14 racketeering activity.  
15 896.101(5)(b) 2nd Money laundering, financial  
16 transactions totaling or  
17 exceeding \$20,000, but less than  
18 \$100,000.  
19 896.104(4)(a)2. 2nd Structuring transactions to evade  
20 reporting or registration  
21 requirements, financial  
22 transactions totaling or  
23 exceeding \$20,000 but less than  
24 \$100,000.  
25 (i) LEVEL 9  
26 316.193  
27 (3)(c)3.b. 1st DUI manslaughter; failing to  
28 render aid or give information.  
29 560.123(8)(b)3. 1st Failure to report currency or  
30 payment instruments totaling or  
31 exceeding \$100,000 by money

|    |                        |            |  |
|----|------------------------|------------|--|
| 1  |                        |            | <u>transmitter.</u>                      |
| 2  | <u>560.125(5)(c)</u>   | <u>1st</u> | <u>Money transmitter business by</u>     |
| 3  |                        |            | <u>unauthorized person, currency, or</u> |
| 4  |                        |            | <u>payment instruments totaling or</u>   |
| 5  |                        |            | <u>exceeding \$100,000.</u>              |
| 6  | <u>655.50(10)(b)3.</u> | <u>1st</u> | <u>Failure to report financial</u>       |
| 7  |                        |            | <u>transactions totaling or</u>          |
| 8  |                        |            | <u>exceeding \$100,000 by financial</u>  |
| 9  |                        |            | <u>institution.</u>                      |
| 10 | 782.04(1)              | 1st        | Attempt, conspire, or solicit to         |
| 11 |                        |            | commit premeditated murder.              |
| 12 | 782.04(3)              | 1st,PBL    | Accomplice to murder in                  |
| 13 |                        |            | connection with arson, sexual            |
| 14 |                        |            | battery, robbery, burglary, and          |
| 15 |                        |            | other specified felonies.                |
| 16 | 782.051(1)             | 1st        | Attempted felony murder while            |
| 17 |                        |            | perpetrating or attempting to            |
| 18 |                        |            | perpetrate a felony enumerated in        |
| 19 |                        |            | s. 782.04(3).                            |
| 20 | 782.07(2)              | 1st        | Aggravated manslaughter of an            |
| 21 |                        |            | elderly person or disabled adult.        |
| 22 | 787.01(1)(a)1.         | 1st,PBL    | Kidnapping; hold for ransom or           |
| 23 |                        |            | reward or as a shield or hostage.        |
| 24 | 787.01(1)(a)2.         | 1st,PBL    | Kidnapping with intent to commit         |
| 25 |                        |            | or facilitate commission of any          |
| 26 |                        |            | felony.                                  |
| 27 | 787.01(1)(a)4.         | 1st,PBL    | Kidnapping with intent to                |
| 28 |                        |            | interfere with performance of any        |
| 29 |                        |            | governmental or political                |
| 30 |                        |            | function.                                |
| 31 |                        |            |  |

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

|    |               |         |                                   |
|----|---------------|---------|-----------------------------------|
| 1  | 787.02(3)(a)  | 1st     | False imprisonment; child under   |
| 2  |               |         | age 13; perpetrator also commits  |
| 3  |               |         | aggravated child abuse, sexual    |
| 4  |               |         | battery, or lewd or lascivious    |
| 5  |               |         | battery, molestation, conduct, or |
| 6  |               |         | exhibition.                       |
| 7  | 790.161       | 1st     | Attempted capital destructive     |
| 8  |               |         | device offense.                   |
| 9  | 794.011(2)    | 1st     | Attempted sexual battery; victim  |
| 10 |               |         | less than 12 years of age.        |
| 11 | 794.011(2)    | Life    | Sexual battery; offender younger  |
| 12 |               |         | than 18 years and commits sexual  |
| 13 |               |         | battery on a person less than 12  |
| 14 |               |         | years.                            |
| 15 | 794.011(4)    | 1st     | Sexual battery; victim 12 years   |
| 16 |               |         | or older, certain circumstances.  |
| 17 | 794.011(8)(b) | 1st     | Sexual battery; engage in sexual  |
| 18 |               |         | conduct with minor 12 to 18 years |
| 19 |               |         | by person in familial or          |
| 20 |               |         | custodial authority.              |
| 21 | 800.04(5)(b)  | 1st     | Lewd or lascivious molestation;   |
| 22 |               |         | victim less than 12 years;        |
| 23 |               |         | offender 18 years or older.       |
| 24 | 812.13(2)(a)  | 1st,PBL | Robbery with firearm or other     |
| 25 |               |         | deadly weapon.                    |
| 26 | 812.133(2)(a) | 1st,PBL | Carjacking; firearm or other      |
| 27 |               |         | deadly weapon.                    |
| 28 | 827.03(2)     | 1st     | Aggravated child abuse.           |
| 29 | 847.0145(1)   | 1st     | Selling, or otherwise             |
| 30 |               |         | transferring custody or control,  |
| 31 |               |         | of a minor.                       |

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

|    |                      |            |  |
|----|----------------------|------------|--|
| 1  | 847.0145(2)          | 1st        | Purchasing, or otherwise                 |
| 2  |                      |            | obtaining custody or control, of         |
| 3  |                      |            | a minor.                                 |
| 4  | 859.01               | 1st        | Poisoning food, drink, medicine,         |
| 5  |                      |            | or water with intent to kill or          |
| 6  |                      |            | injure another person.                   |
| 7  | 893.135              | 1st        | Attempted capital trafficking            |
| 8  |                      |            | offense.                                 |
| 9  | 893.135(1)(a)3.      | 1st        | Trafficking in cannabis, more            |
| 10 |                      |            | than 10,000 lbs.                         |
| 11 | 893.135              |            |  |
| 12 | (1)(b)1.c.           | 1st        | Trafficking in cocaine, more than        |
| 13 |                      |            | 400 grams, less than 150                 |
| 14 |                      |            | kilograms.                               |
| 15 | 893.135              |            |  |
| 16 | (1)(c)1.c.           | 1st        | Trafficking in illegal drugs,            |
| 17 |                      |            | more than 28 grams, less than 30         |
| 18 |                      |            | kilograms.                               |
| 19 | 893.135              |            |  |
| 20 | (1)(d)1.c.           | 1st        | Trafficking in phencyclidine,            |
| 21 |                      |            | more than 400 grams.                     |
| 22 | 893.135              |            |  |
| 23 | (1)(e)1.c.           | 1st        | Trafficking in methaqualone, more        |
| 24 |                      |            | than 25 kilograms.                       |
| 25 | 893.135              |            |  |
| 26 | (1)(f)1.c.           | 1st        | Trafficking in amphetamine, more         |
| 27 |                      |            | than 200 grams.                          |
| 28 | <u>896.101(5)(c)</u> | <u>1st</u> | <u>Money laundering, financial</u>       |
| 29 |                      |            | <u>instruments totaling or exceeding</u> |
| 30 |                      |            | <u>\$100,000.</u>                        |
| 31 |                      |            |  |



1 896.104(4)(a)3. 1st Structuring transactions to evade  
2 reporting or registration  
3 requirements, financial  
4 transactions totaling or  
5 exceeding \$100,000.

6 Section 25. Section 943.032, Florida Statutes, is  
7 created to read:

8 943.032 Financial Crime Analysis Center and Financial  
9 Transaction Database.--

10 (1) There is created within the Florida Department of  
11 Law Enforcement a Financial Crime Analysis Center and a  
12 Financial Transaction Database.

13 (2) The department shall compile information and data  
14 available from financial transaction reports required to be  
15 submitted by state or federal law that are provided to the  
16 Department of Banking and Finance, to the Department of  
17 Revenue, or to which the department otherwise has access.  
18 Information and data so received shall be utilized by the  
19 department in the Financial Transaction Database. The  
20 department shall implement a system utilizing the database  
21 that allows data review and processing to reveal patterns,  
22 trends and correlations that are indicative of money  
23 laundering or other financial transactions indicative of  
24 criminal activity. The department shall, in consultation with  
25 the Department of Banking and Finance and the Department of  
26 Revenue, establish the methods and parameters by which  
27 information and data received by the Department of Banking and  
28 Finance or the Department of Revenue are transferred to the  
29 department for inclusion in the database. Information  
30 developed in or through the use of the database shall be made  
31 available to law enforcement agencies and prosecutors in this

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

1 state in a manner defined by the department and as allowed by  
2 state or federal law or regulation. All information contained  
3 in the database shall be considered "active criminal  
4 intelligence" or "active criminal investigative information"  
5 as defined in s. 119.011.

6 (3) The Financial Crime Analysis Center shall analyze  
7 and develop information relating to money laundering, perform  
8 post-seizure analysis of currency and drug seizures in drug  
9 cases, and access information and data in the Financial  
10 Transaction Database for the purposes of assisting the  
11 department's drug and money laundering investigation and  
12 forfeiture efforts, assisting the efforts of law enforcement  
13 agencies and prosecutors in this state in investigating  
14 ongoing, organized drug trafficking and money laundering  
15 activities occurring within the state, and assisting the  
16 department in investigations of other financial transactions  
17 indicative of criminal activity. The center may perform  
18 proactive analyses of information and intelligence to assist  
19 in identifying those who may be engaging in money laundering,  
20 drug-related criminal activity, or other criminal activity  
21 involving financial transactions, but who have evaded  
22 detection, investigation, or prosecution.

23 Section 26. For fiscal year 2000-2001, 15 FTE and  
24 \$1,600,000 from the State Transportation Trust Fund are  
25 appropriated to the Department of Transportation, Office of  
26 Motor Carrier Compliance, for the purpose of creating a  
27 contraband interdiction program within the Office of Motor  
28 Carrier Compliance. The 15 FTE consists of seven certified  
29 K-9 handlers, seven felony officers, and one support staff.  
30 The teams are created to patrol major highway corridors and  
31 commercial weigh stations in order to reduce the flow of

1 illicit drugs and illegal contraband on Florida's highway  
2 systems. The department shall seek additional funding from  
3 federal grants and forfeiture proceedings, and may amend its  
4 budget in accordance with the provisions of chapter 216,  
5 Florida Statutes.

6 Section 27. This act shall take effect July 1, 2000.

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 2, through page 4, line 22,  
12 remove from the title of the bill: -11 of said lines,

13  
14 and insert in lieu thereof:

15 An act relating to money laundering; creating  
16 s. 311.12, F.S.; providing for development and  
17 implementation of a statewide seaport security  
18 plan; providing for a fingerprint-based  
19 criminal history check of an applicant for  
20 employment and current employees at seaports;  
21 providing for inspections of seaports to  
22 determine compliance with minimum security  
23 standards and report of results of inspections  
24 performed; amending s. 560.103, F.S.; limiting  
25 the definition of the term "authorized vendor"  
26 as used in the Money Transmitters' Code to  
27 businesses located in this state; creating s.  
28 560.1073, F.S.; providing criminal penalties  
29 for making or filing with the Department of  
30 Banking and Finance certain false or misleading  
31 statements or documents; amending s. 560.111,

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 F.S.; reducing the department's burden of  
2 proving knowing intent to defraud; amending s.  
3 560.114, F.S.; expanding the department's  
4 disciplinary authority; amending s. 560.117,  
5 F.S.; requiring the department to notify  
6 licensees suspected of certain code violations  
7 and permit such licensees to correct such  
8 violations before bringing disciplinary action;  
9 providing for an administrative fine; amending  
10 s. 560.118, F.S.; revising requirements for  
11 examinations, reports, and audits of money  
12 transmitters; providing a criminal penalty for  
13 violations of the section; amending s. 560.123,  
14 F.S.; revising standards for graduated  
15 penalties involving currency or payment  
16 instruments under the Florida Control of Money  
17 Laundering in Money Transmitters Act; providing  
18 that the common law corpus delicti rule does  
19 not apply to prosecutions under the Money  
20 Transmitters' Code; providing for admissibility  
21 of a defendant's confession under certain  
22 circumstances; amending s. 560.125, F.S.;  
23 providing graduated criminal penalties;  
24 increasing fines; providing for a civil  
25 penalty; providing that the common law corpus  
26 delicti rule does not apply to prosecutions  
27 under the Money Transmitters' Code; providing  
28 for admissibility of a defendant's confession  
29 under certain circumstances; amending s.  
30 560.205, F.S.; requiring the submission of  
31 fingerprints by applicants for registration

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 under the Payment Instruments and Funds  
2 Transmission Act; amending s. 560.211, F.S.;  
3 providing a criminal penalty for failing to  
4 comply with recordkeeping requirements;  
5 amending s. 560.306, F.S.; providing standards  
6 for qualifying for registration under the Check  
7 Cashing and Foreign Currency Exchange Act;  
8 amending s. 560.310, F.S.; providing a criminal  
9 penalty for failure to comply with  
10 recordkeeping requirements; amending s. 655.50,  
11 F.S.; revising standards for graduated  
12 penalties involving financial transactions  
13 under the Florida Control of Money Laundering  
14 in Financial Institutions Act; providing that  
15 the common law corpus delicti rule does not  
16 apply to prosecutions under the Money  
17 Transmitters' Code; providing for admissibility  
18 of a defendant's confession under certain  
19 circumstances; amending s. 893.145, F.S.;  
20 redefining the term "drug paraphernalia";  
21 amending s. 893.147, F.S.; providing a criminal  
22 penalty for transportation of drug  
23 paraphernalia; amending s. 895.02, F.S.;  
24 expanding the definition of the term  
25 "racketeering activity"; amending s. 896.101,  
26 F.S.; redefining the terms "transaction" and  
27 "financial transaction"; defining the terms  
28 "knowing" and "petitioner"; providing that  
29 specific circumstances do not constitute a  
30 defense to a prosecution; providing for  
31 criminal penalties, fines, and civil penalties;

Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 2 (for drafter's use only)

1 providing for injunctions; providing for  
2 seizure warrants; providing for immunity from  
3 liability; providing that the common law corpus  
4 delicti rule does not apply to prosecutions  
5 under the Money Transmitters' Code; providing  
6 for admissibility of a defendant's confession  
7 under certain circumstances; amending s.  
8 896.103, F.S.; conforming a statutory cross  
9 reference; creating ss. 896.104, 896.105,  
10 896.106, and 896.107, F.S.; providing  
11 definitions; providing criminal penalties for  
12 evading reporting or registration requirements  
13 in specific financial transactions; providing  
14 exceptions for undercover law enforcement  
15 purposes; providing for fugitive  
16 disentitlement; providing for informant  
17 rewards; amending s. 921.0022, F.S.; adding  
18 specified monetary transactions to the Criminal  
19 Punishment Code offense severity ranking chart;  
20 creating s. 943.032, F.S.; creating the  
21 Financial Crimes Analysis Center and Financial  
22 Transaction Database within the Florida  
23 Department of Law Enforcement; providing  
24 requirements; providing for 15 FTE and  
25 \$1,600,000 the from State Transportation Fund  
26 to the Department of Transportation, Office of  
27 Motor Carrier Compliance, to create contraband  
28 interdiction teams; specifying composition of  
29 FTE positions; specifying purpose of contraband  
30 interdiction teams; requiring the Department of  
31 Transportation to seek additional funding from

Bill No. CS for CS for CS for SB 1258, 1st Eng.

Amendment No. 2 (for drafter's use only)

1 federal grants and forfeiture proceedings;  
2 authorizing the Department of Transportation to  
3 amend its budget; providing an effective date.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31