

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

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Ball offered the following:

Amendment (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
criminal activity including money laundering. The statewide
seaport security plan shall identify the funding needs for

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

Amendment No. 1 (for drafter's use only)

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

9 (2) All seaports, as identified pursuant to s.
10 311.09(1), in conjunction with and pending review and approval
11 by the Office of Drug Control, within the Executive Office of
12 the Governor, and the Florida Department of Law Enforcement,
13 and in consultation with the Florida Seaport Transportation
14 and Economic Development Council, shall no later than January
15 31, 2001, develop and draft individual seaport security plans
16 particular to the specific and identifiable needs of their
17 respective seaports.

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

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

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

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

Amendment No. 1 (for drafter's use only)

1 required by the Department of Law Enforcement and the security
2 plan. These fingerprints shall be submitted to the Department
3 of Law Enforcement for state processing and to the Federal
4 Bureau of Investigation for federal processing. The results of
5 the checks shall be reported to the seaports.

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

29 (5) Nothing in this section shall be construed as
30 preventing any seaport from implementing security measures
31 that are more stringent, greater than, or supplemental to, the

1 minimum standards established by this section.

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

4 560.103 Definitions.--As used in the code, unless the
5 context otherwise requires:

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

10 Section 3. Section 560.1073, Florida Statutes, is
11 created to read:

12 560.1073 False or misleading statements or supporting
13 documents; penalty.--Any person who, personally or otherwise,
14 files with the department, or signs as the duly authorized
15 representative for filing with the department, any financial
16 statement or any document in support thereof which is required
17 by law or rule with intent to deceive and with knowledge that
18 the statement or document is materially false or materially
19 misleading commits a felony of the third degree, punishable as
20 provided in s. 775.082, s. 775.083, or s. 775.084.

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

23 560.111 Prohibited acts and practices.--

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

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

31 (b) Embezzle, abstract, or misapply any money,

1 property, or thing of value of the money transmitter or
2 authorized vendor with intent to deceive or defraud such money
3 transmitter or authorized vendor;

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

12 (d) Engage in an act that violates 18 U.S.C. s. 1956,
13 31 U.S.C. s. 5324, or any other law, rule, or regulation of
14 another state or of the United States relating to the business
15 of money transmission or usury which may cause the denial or
16 revocation of a money transmitter license or registration in
17 such jurisdiction;

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

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

1 representation is false or that such note, obligation, or
2 security is fraudulent or otherwise worthless.

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

5 560.114 Disciplinary actions.--

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

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

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

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

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

28 (e) Failure to maintain, preserve, and keep available
29 for examination all books, accounts, or other documents
30 required by the code, by any rule or order adopted pursuant to
31 the code, or by any agreement entered into with the

1 department.

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

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

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

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

17 ~~(i)(j) Insolvency or operating in an unsafe and~~
18 ~~unsound manner.~~

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

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

28 ~~(k)(a) Making any~~ A material misstatement or
29 misrepresentation or committing any fraud ~~of fact~~ in an
30 initial or renewal application for registration.

31 ~~(l)(b) Committing any act resulting in Having an~~

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

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

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

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

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

29 (p) Having been convicted of or found guilty of, or
30 having pleaded guilty or nolo contendere to, misappropriation,
31 conversion, or unlawful withholding of moneys that belong to

1 others and were received in the conduct of the business of the
2 money transmitter.

3 (q) Failure to inform the department in writing within
4 15 days after pleading guilty or nolo contendere to, or being
5 convicted or found guilty of, any felony or crime punishable
6 by imprisonment of 1 year or more under the law of any state
7 or of the United States, or of any crime involving fraud,
8 moral turpitude, or dishonest dealing, without regard to
9 whether a judgment of conviction has been entered by the
10 court.

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

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

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

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

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

25 (2) The department may issue a cease and desist order
26 or removal order, suspend or revoke any previously issued
27 registration, or take any other action within the authority of
28 the department against a money transmitter based on any fact
29 or condition that exists and that, if it had existed or been
30 known to exist at the time the money transmitter applied for
31 registration, would have been grounds for denial of

1 registration.

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

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

14 Section 6. Section 560.117, Florida Statutes, is
15 amended to read:

16 560.117 Administrative fines; enforcement.--

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

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

29 (b) Failure to pay any judgment entered by any court
30 within 30 days after the judgment becomes final;

31 (c) Failure to notify the department of a change of

1 control of a money transmitter as required by s. 560.127; or

2 (d) Failure to notify the department of any change of

3 address or fictitious name as required by s. 560.205.~~No such~~

4 ~~proceeding shall be initiated and no fine shall accrue~~

5 ~~pursuant to this section until after such person has been~~

6 ~~notified in writing of the nature of the violation and has~~

7 ~~been afforded a reasonable period of time, as set forth in the~~

8 ~~notice, to correct the violation and has failed to do so.~~

9
10 Except as provided in this section, such fine may not exceed
11 \$100 a day for each violation. The department may excuse any
12 such fine with a showing of good cause by the person being
13 fined.

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

21 (3)~~(2)~~ Notwithstanding any other provision of this
22 section,the department may impose a fine not to exceed \$1,000
23 per day for each day that a person violates the code by
24 engaging in the business of a money transmitter without being
25 registered.

26 (4)~~(3)~~ Any administrative fine levied by the
27 department may be enforced by the department by appropriate
28 proceedings in the circuit court of the county in which such
29 person resides or maintains a principal office. In any
30 administrative or judicial proceeding arising under this
31 section, a party may elect to correct the violation asserted

1 by the department and, upon the party's doing so, any fine
2 ceases to accrue; however, an election to correct the
3 violation does not render moot any administrative or judicial
4 proceeding.

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

7 560.118 Examinations, reports, and internal audits;
8 penalty.--

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

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

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

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

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

30 ~~(d)(e)~~ The department may recover the costs of a
31 regular examination and supervision of a money transmitter or

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

1 authorized vendor; however, the department may not recover the
2 costs of more than one examination in any 12-month period
3 unless the department has determined that the money
4 transmitter or authorized vendor is operating in an unsafe or
5 unsound or unlawful manner.

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

23 (2)(a) Annual financial reports that are required to
24 be filed under the code or any rules adopted thereunder must
25 be audited by an independent third party that has been
26 approved by the department or by a certified public accountant
27 authorized to do business in the United States. The money
28 transmitter or authorized vendor shall directly bear the cost
29 of the audit. This paragraph does not apply to any seller of
30 payment instruments who can prove to the satisfaction of the
31 department that it has a combined total of fewer than 50

1 employees and authorized vendors or that its annual payment
2 instruments issued from its activities as a payment instrument
3 seller are less than \$200,000.

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

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

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

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

26 560.123 Florida control of money laundering in the
27 Money Transmitters' Code; reports of transactions involving
28 currency or monetary instruments; when required; purpose;
29 definitions; penalties.--

30 (8)(a) Except as provided in paragraph (b), a person
31 who willfully violates any provision of this section ~~or~~

1 ~~chapter 896~~ commits a misdemeanor of the first degree,
2 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

23 (c) In addition to the penalties otherwise authorized
24 by s. 775.082, s. 775.083, or s. 775.084, a person who has
25 been convicted of or who has pleaded guilty or nolo contendere
26 to having violated paragraph (b) may be sentenced to pay a
27 fine not exceeding \$250,000 or twice the value of the currency
28 or payment instruments financial transaction, whichever is
29 greater, except that on a second or subsequent conviction for
30 or plea of guilty or nolo contendere to a violation of
31 paragraph (b), the fine may be up to \$500,000 or quintuple the

1 value of the currency or payment instruments financial
2 transaction, whichever is greater.

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

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

23 Section 9. Section 560.125, Florida Statutes, is
24 amended to read:

25 560.125 Money transmitter business by unauthorized
26 persons; penalties.--

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

31 (2) No person shall act as a vendor of a money

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

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

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

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

28 (5) A person who violates this section, if the
29 violation involves:

30 (a) Currency or payment instruments exceeding \$300 but
31 less than \$20,000 in any 12-month period, commits a felony of

1 the third degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

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

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

11 (6) In addition to the penalties authorized by s.
12 775.082, s. 775.083, or s. 775.084, a person who has been
13 found guilty of or who has pleaded guilty or nolo contendere
14 to having violated this section may be sentenced to pay a fine
15 not exceeding \$250,000 or twice the value of the currency or
16 payment instruments, whichever is greater, except that on a
17 second or subsequent violation of this section, the fine may
18 be up to \$500,000 or quintuple the value of the currency or
19 payment instruments, whichever is greater.

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

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

1 preponderance of the evidence that there is sufficient
2 corroborating evidence that tends to establish the
3 trustworthiness of the statement by the defendant. Hearsay
4 evidence is admissible during the presentation of evidence at
5 the hearing. In making its determination, the court may
6 consider all relevant corroborating evidence, including the
7 defendant's statements.

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

10 560.205 Qualifications of applicant for registration;
11 contents.--

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

1 Enforcement or the Federal Bureau of Investigation for state
2 and federal processing. The department may waive by rule the
3 requirement that applicants file a set of fingerprints or the
4 requirement that such fingerprints be processed by the
5 Department of Law Enforcement or the Federal Bureau of
6 Investigation.

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

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

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

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

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

28 (e) A sample authorized vendor contract, if
29 applicable.

30 (f) A sample form of payment instrument, if
31 applicable.

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

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

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

12 (a) The date of the applicant's incorporation and
13 state of incorporation.

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

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

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

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

31 (f) Copies of the applicant's audited financial

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

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

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

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

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

26 (b) The name, business and residence addresses,
27 personal financial statement and employment history for the
28 past 5 years for each individual having a controlling
29 ownership interest in the applicant, and each responsible
30 person who will be in charge of the applicant's registered
31 activities.

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

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

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

15 Section 11. Subsection (5) is added to section
16 560.211, Florida Statutes, to read:

17 560.211 Records.--

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

21 Section 12. Section 560.306, Florida Statutes, is
22 amended to read:

23 560.306 Standards.--

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

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

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

19 (2)(1) The department may deny registration if it
20 finds that the applicant, or any money transmitter-affiliated
21 party of the applicant, has been convicted of a crime felony
22 involving moral turpitude in any jurisdiction or of a crime
23 which, if committed in this state, would constitute a crime
24 felony involving moral turpitude under the laws of this state.
25 For the purposes of this part, a person shall be deemed to
26 have been convicted of a crime if such person has either
27 pleaded guilty to or been found guilty of a charge before a
28 court or federal magistrate, or by the verdict of a jury,
29 irrespective of the pronouncement of sentence or the
30 suspension thereof. The department may take into consideration
31 the fact that such plea of guilty, or such decision, judgment,

1 or verdict, has been set aside, reversed, or otherwise
2 abrogated by lawful judicial process or that the person
3 convicted of the crime received a pardon from the jurisdiction
4 where the conviction was entered or received a certificate
5 pursuant to any provision of law which removes the disability
6 under this part because of such conviction.

7 ~~(3)(2)~~ The department may deny an ~~initial~~ application
8 for registration if the applicant or money
9 transmitter-affiliated party of the applicant is the subject
10 of a pending criminal prosecution or governmental enforcement
11 action, in any jurisdiction, until the conclusion of such
12 criminal prosecution or enforcement action.

13 ~~(4)(3)~~ Each registration application and renewal
14 application must specify the location at which the applicant
15 proposes to establish its principal place of business and any
16 other location, including authorized vendors operating in this
17 state. The registrant shall notify the department of any
18 changes to any such locations. Any registrant may satisfy this
19 requirement by providing the department with a list of such
20 locations, including all authorized vendors operating in this
21 state, not less than annually. A registrant may not transact
22 business as a check casher or a foreign currency exchanger
23 except pursuant to the name under which it is registered.

24 ~~(5)(4)~~ Each applicant shall designate and maintain an
25 agent in this state for service of process.

26 Section 13. Subsection (5) is added to section
27 560.310, Florida Statutes, to read:

28 560.310 Records of check cashers and foreign currency
29 exchangers.--

30 (5) Any person who willfully violates this section or
31 fails to comply with any lawful written demand or order of the

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

Amendment No. 1 (for drafter's use only)

1 department made pursuant to this section commits a felony of
2 the third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

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

7 655.50 Florida Control of Money Laundering in
8 Financial Institutions Act; reports of transactions involving
9 currency or monetary instruments; when required; purpose;
10 definitions; penalties.--

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

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

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

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

27 ~~2.3. Committed as part of a pattern of illegal~~
28 ~~activity involving~~ Financial transactions totaling or
29 exceeding \$20,000 but less than \$100,000 in any 12-month
30 period is guilty of a felony of the second degree, punishable
31 as provided in s. 775.082 or s. 775.083; or

1 ~~3.4. Committed as part of a pattern of illegal~~
2 ~~activity involving~~ Financial transactions totaling or
3 exceeding \$100,000 in any 12-month period is guilty of a
4 felony of the first degree, punishable as provided in s.
5 775.082 or s. 775.083.

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

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

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

26 (11) 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 15. Section 893.145, Florida Statutes, is
11 amended to read:

12 893.145 "Drug paraphernalia" defined.--The term "drug
13 paraphernalia" means all equipment, products, and materials of
14 any kind which are used, intended for use, or designed for use
15 in planting, propagating, cultivating, growing, harvesting,
16 manufacturing, compounding, converting, producing, processing,
17 preparing, testing, analyzing, packaging, repackaging,
18 storing, containing, concealing, transporting, injecting,
19 ingesting, inhaling, or otherwise introducing into the human
20 body a controlled substance in violation of this chapter.
21 Drug paraphernalia is deemed to be contraband which shall be
22 subject to civil forfeiture. The term includes, but is not
23 limited to:

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

28 (2) Kits used, intended for use, or designed for use
29 in manufacturing, compounding, converting, producing,
30 processing, or preparing controlled substances.

31 (3) Isomerization devices used, intended for use, or

1 designed for use in increasing the potency of any species of
2 plant which is a controlled substance.

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

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

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

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

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

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

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

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

28 (12) Objects used, intended for use, or designed for
29 use in ingesting, inhaling, or otherwise introducing cannabis,
30 cocaine, hashish, or hashish oil into the human body, such as:

31 (a) Metal, wooden, acrylic, glass, stone, plastic, or

1 ceramic pipes, with or without screens, permanent screens,
2 hashish heads, or punctured metal bowls.

3 (b) Water pipes.

4 (c) Carburetion tubes and devices.

5 (d) Smoking and carburetion masks.

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

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

10 (g) Chamber pipes.

11 (h) Carburetor pipes.

12 (i) Electric pipes.

13 (j) Air-driven pipes.

14 (k) Chillums.

15 (l) Bonges.

16 (m) Ice pipes or chillers.

17 Section 16. Section 893.147, Florida Statutes, is
18 amended to read:

19 893.147 Use, possession, manufacture, delivery,
20 transportation, or advertisement of drug paraphernalia.--

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

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

28 (b) To inject, ingest, inhale, or otherwise introduce
29 into the human body a controlled substance in violation of
30 this chapter.

31

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

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

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

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

16

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

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

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

26 (b) It is unlawful for any person to sell or otherwise
27 deliver hypodermic syringes, needles, or other objects which
28 may be used, are intended for use, or are designed for use in
29 parenterally injecting substances into the human body to any
30 person under 18 years of age, except that hypodermic syringes,
31 needles, or other such objects may be lawfully dispensed to a

1 person under 18 years of age by a licensed practitioner,
2 parent, or legal guardian or by a pharmacist pursuant to a
3 valid prescription for same. Any person who violates the
4 provisions of this paragraph is guilty of a misdemeanor of the
5 first degree, punishable as provided in s. 775.082 or s.
6 775.083.

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

12 (a) A controlled substance in violation of this
13 chapter; or

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

15
16 Any person who violates this subsection commits a felony of
17 the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 (5)~~(4)~~ ADVERTISEMENT OF DRUG PARAPHERNALIA.--It is
20 unlawful for any person to place in any newspaper, magazine,
21 handbill, or other publication any advertisement, knowing, or
22 under circumstances where one reasonably should know, that the
23 purpose of the advertisement, in whole or in part, is to
24 promote the sale of objects designed or intended for use as
25 drug paraphernalia. Any person who violates this subsection
26 is guilty of a misdemeanor of the first degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 Section 17. Paragraph (a) of subsection (1) of section
29 895.02, Florida Statutes, is amended to read:

30 895.02 Definitions.--As used in ss. 895.01-895.08, the
31 term:

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

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

7 1. Section 210.18, relating to evasion of payment of
8 cigarette taxes.

9 2. Section 403.727(3)(b), relating to environmental
10 control.

11 3. Section 414.39, relating to public assistance
12 fraud.

13 4. Section 409.920, relating to Medicaid provider
14 fraud.

15 5. Section 440.105 or s. 440.106, relating to workers'
16 compensation.

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

18 7. Chapter 517, relating to sale of securities and
19 investor protection.

20 8. Section 550.235, s. 550.3551, or s. 550.3605,
21 relating to dogracing and horseracing.

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

23 10. Chapter 552, relating to the manufacture,
24 distribution, and use of explosives.

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

27 ~~12.11.~~ Chapter 562, relating to beverage law
28 enforcement.

29 ~~13.12.~~ Section 624.401, relating to transacting
30 insurance without a certificate of authority, s.

31 624.437(4)(c)1., relating to operating an unauthorized

1 multiple-employer welfare arrangement, or s. 626.902(1)(b),
2 relating to representing or aiding an unauthorized insurer.
3 ~~14.13.~~ Section 655.50, relating to reports of currency
4 transactions, when such violation is punishable as a felony.
5 ~~15.14.~~ Chapter 687, relating to interest and usurious
6 practices.
7 ~~16.15.~~ Section 721.08, s. 721.09, or s. 721.13,
8 relating to real estate timeshare plans.
9 ~~17.16.~~ Chapter 782, relating to homicide.
10 ~~18.17.~~ Chapter 784, relating to assault and battery.
11 ~~19.18.~~ Chapter 787, relating to kidnapping.
12 ~~20.19.~~ Chapter 790, relating to weapons and firearms.
13 ~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s.
14 796.07, relating to prostitution.
15 ~~22.21.~~ Chapter 806, relating to arson.
16 ~~23.22.~~ Section 810.02(2)(c), relating to specified
17 burglary of a dwelling or structure.
18 ~~24.23.~~ Chapter 812, relating to theft, robbery, and
19 related crimes.
20 ~~25.24.~~ Chapter 815, relating to computer-related
21 crimes.
22 ~~26.25.~~ Chapter 817, relating to fraudulent practices,
23 false pretenses, fraud generally, and credit card crimes.
24 ~~27.26.~~ Chapter 825, relating to abuse, neglect, or
25 exploitation of an elderly person or disabled adult.
26 ~~28.27.~~ Section 827.071, relating to commercial sexual
27 exploitation of children.
28 ~~29.28.~~ Chapter 831, relating to forgery and
29 counterfeiting.
30 ~~30.29.~~ Chapter 832, relating to issuance of worthless
31 checks and drafts.

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

Amendment No. 1 (for drafter's use only)

- 1 ~~31.30.~~ Section 836.05, relating to extortion.
- 2 ~~32.31.~~ Chapter 837, relating to perjury.
- 3 ~~33.32.~~ Chapter 838, relating to bribery and misuse of
- 4 public office.
- 5 ~~34.33.~~ Chapter 843, relating to obstruction of
- 6 justice.
- 7 ~~35.34.~~ Section 847.011, s. 847.012, s. 847.013, s.
- 8 847.06, or s. 847.07, relating to obscene literature and
- 9 profanity.
- 10 ~~36.35.~~ Section 849.09, s. 849.14, s. 849.15, s.
- 11 849.23, or s. 849.25, relating to gambling.
- 12 ~~37.36.~~ Chapter 874, relating to criminal street gangs.
- 13 ~~38.37.~~ Chapter 893, relating to drug abuse prevention
- 14 and control.
- 15 ~~39.38.~~ Chapter 896, relating to offenses related to
- 16 financial transactions.
- 17 ~~40.39.~~ Sections 914.22 and 914.23, relating to
- 18 tampering with a witness, victim, or informant, and
- 19 retaliation against a witness, victim, or informant.
- 20 ~~41.40.~~ Sections 918.12 and 918.13, relating to
- 21 tampering with jurors and evidence.

22 Section 18. Section 896.101, Florida Statutes, is

23 amended to read:

24 896.101 Florida Money Laundering Act; definitions;

25 penalties; injunctions; seizure warrants; immunity ~~Offense of~~

26 ~~conduct of financial transaction involving proceeds of~~

27 ~~unlawful activity; penalties.--~~

28 (1) This section may be cited as the "Florida Money

29 Laundering Act."

30 ~~(2)(1) DEFINITIONS.--~~As used in this section, the

31 term:

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

8 (b) "Conducts" includes initiating, concluding, or
9 participating in initiating or concluding a transaction.

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

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

27 (e) "Monetary instruments" means coin or currency of
28 the United States or of any other country, travelers' checks,
29 personal checks, bank checks, money orders, investment
30 securities in bearer form or otherwise in such form that title
31 thereto passes upon delivery, and negotiable instruments in

1 bearer form or otherwise in such form that title thereto
2 passes upon delivery.

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

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

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

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

18 ~~(3)(2) It is unlawful a felony of the second degree,~~
19 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
20 ~~775.084, for a person:~~

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

26 1. With the intent to promote the carrying on of
27 specified unlawful activity; or

28 2. Knowing that the transaction is designed in whole
29 or in part:

30 a. To conceal or disguise the nature, the location,
31 the source, the ownership, or the control of the proceeds of

1 specified unlawful activity; or

2 b. To avoid a transaction reporting requirement or
3 money transmitters' registration requirement under state law.

4 (b) To transport or attempt to transport a monetary
5 instrument or funds:

6 1. With the intent to promote the carrying on of
7 specified unlawful activity; or

8 2. Knowing that the monetary instrument or funds
9 involved in the transportation represent the proceeds of some
10 form of unlawful activity and knowing that such transportation
11 is designed in whole or in part:

12 a. To conceal or disguise the nature, the location,
13 the source, the ownership, or the control of the proceeds of
14 specified unlawful activity; or

15 b. To avoid a transaction reporting requirement or
16 money transmitters' registration requirement under state law.

17 (c) To conduct or attempt to conduct a financial
18 transaction which involves property or proceeds which an
19 investigative or law enforcement officer, or someone acting
20 under such officer's direction, represents as being derived
21 from, or as being used to conduct or facilitate, specified
22 unlawful activity, when the person's conduct or attempted
23 conduct is undertaken with the intent:

24 1. To promote the carrying on of specified unlawful
25 activity; or

26 2. To conceal or disguise the nature, the location,
27 the source, the ownership, or the control of the proceeds or
28 property believed to be the proceeds of specified unlawful
29 activity; or

30 3. To avoid a transaction reporting requirement under
31 state law.

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

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

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

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

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

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

27
28 This subsection does not preclude the defense of entrapment.

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

31 (a) Financial transactions exceeding \$300 but less

1 than \$20,000 in any 12-month period, commits a felony of the
2 third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

28 (e) If at any time the petitioner discovers that the
29 funds sought to be enjoined total less than \$10,000, the
30 petitioner shall immediately inform the court and the court
31 shall immediately dissolve the temporary injunction.

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

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

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

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

16 (g) Within 24 hours after a temporary order is served
17 pursuant to this section, the petitioner shall furnish to both
18 the person or entity in possession of the monetary instruments
19 and to the owner of the monetary instruments or funds, if
20 known, either by certified mail, return receipt requested, or
21 by personal service, a copy of the order entered pursuant to
22 this section and a notice that the lawful owner of the
23 monetary instruments or funds being enjoined may request a
24 hearing to contest the order entered pursuant to this section
25 by petitioning the court that issued the order. The notice
26 must also advise that the hearing will be held within 3 days
27 after the request or as soon as practicable thereafter and
28 before the expiration of the temporary order. The notice must
29 state that the hearing will be set and noticed by the person
30 against whom the order is entered.

31 (h) Only the lawful owner or the account holder of the

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

1 monetary instruments or funds being enjoined may request a
2 hearing to contest the order entered pursuant to this section
3 by petitioning the court that issued the order. A hearing must
4 be held within 3 days after the request or as soon as
5 practicable thereafter and before the expiration of the
6 temporary order. The hearing must be set and noticed by the
7 lawful owner of the monetary instruments or funds or his or
8 her attorney. Notice of the hearing must be provided to the
9 petitioner who procured the temporary injunction pursuant to
10 the Florida Rules of Civil Procedure but not less than 24
11 hours before the scheduled hearing. The court may receive and
12 consider at a hearing held pursuant to this subsection,
13 evidence and information that would be inadmissible under the
14 Florida Rules of Evidence. A proceeding under this subsection
15 is governed by the Florida Rules of Civil Procedure.

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

20 (b) Any financial institution that receives a seizure
21 warrant pursuant to paragraph (a), temporary injunction, or
22 other court order, may deduct from the account the funds
23 necessary to pay any electronic transaction presented for
24 payment where the electronic transaction was initiated prior
25 to the time the seizure order was served on the financial
26 institution.

27 (10) Any financial institution, licensed money
28 transmitter, or other person served with and complying with
29 the terms of a warrant, temporary injunction, or other court
30 order, including any subpoena issued under the authority
31 granted by s. 16.56 or s. 27.04, obtained in furtherance of an

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

1 investigation of any crime in this section, including any
2 crime listed as specified unlawful activity under this section
3 or any felony violation of chapter 560, has immunity from
4 criminal liability and shall not be liable to any person for
5 any lawful action taken in complying with the warrant,
6 temporary injunction, or other court order, including any
7 subpoena issued under the authority granted by s. 16.56 or s.
8 27.04. If any subpoena issued under the authority granted by
9 s. 16.56 or s. 27.04 contains a nondisclosure provision, any
10 financial institution, licensed money transmitter, employee or
11 officer of a financial institution or licensed money
12 transmitter, or any other person may not notify, directly or
13 indirectly, any customer of that financial institution or
14 licensed money transmitter whose records are being sought by
15 the subpoena, or any other person named in the subpoena, about
16 the existence or the contents of that subpoena or about
17 information that has been furnished to the state attorney or
18 statewide prosecutor who issued the subpoena or other law
19 enforcement officer named in the subpoena in response to the
20 subpoena.

21 (11) In any prosecution brought pursuant to chapter
22 896, the common law corpus delicti rule does not apply. The
23 defendant's confession or admission is admissible during trial
24 without the state having to prove the corpus delicti if the
25 court finds in a hearing conducted outside the presence of the
26 jury that the defendant's confession or admission is
27 trustworthy. Before the court admits the defendant's
28 confession or admission, the state must prove by a
29 preponderance of the evidence that there is sufficient
30 corroborating evidence that tends to establish the
31 trustworthiness of the statement by the defendant. Hearsay

1 evidence is admissible during the presentation of evidence at
2 the hearing. In making its determination, the court may
3 consider all relevant corroborating evidence, including the
4 defendant's statements.

5 Section 19. Section 896.103, Florida Statutes, is
6 amended to read:

7 896.103 Transaction which constitutes separate
8 offense.--Notwithstanding any other provision of law, for
9 purposes of this section and ss. 896.101 and 896.102, each
10 individual currency transaction exceeding \$10,000 which is
11 made in violation of the provisions of s. 896.102(1) or each
12 financial transaction in violation of the provisions of s.
13 896.101(3)(2)which involves the movement of funds in excess
14 of \$10,000 shall constitute a separate, punishable offense.

15 Section 20. Section 896.104, Florida Statutes, is
16 created to read:

17 896.104 Structuring transactions to evade reporting or
18 registration requirements prohibited.--

19 (1) DEFINITIONS.--For purposes of this section, the
20 terms "structure" or "structuring" mean that a person, acting
21 alone, or in conjunction with, or on behalf of, other persons,
22 conducts or attempts to conduct one or more transactions in
23 currency, in any amount, at one or more financial
24 institutions, on one or more days, in any manner, for the
25 purpose of evading currency transaction reporting requirements
26 provided by state or federal law. "In any manner" includes,
27 but is not limited to, the breaking down of a single sum of
28 currency exceeding \$10,000 into smaller sums, including sums
29 at or below \$10,000, or the conduct of a transaction, or
30 series of currency transactions, at or below \$10,000. The
31 transaction or transactions need not exceed the \$10,000

1 reporting threshold at any single financial institution on any
2 single day in order to meet the definition of "structure" or
3 "structuring" provided in this subsection.

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

11 (a) Cause or attempt to cause a person or financial
12 institution in this state to fail to file an applicable report
13 or registration required under those chapters and sections or
14 any rule or regulation adopted under any of those chapters and
15 sections;

16 (b) Cause or attempt to cause a person or financial
17 institution in this state to file an applicable report
18 required under those chapters and sections or any rule or
19 regulation adopted under those chapters and sections which
20 contains a material omission or misstatement of fact; or

21 (c) Structure or assist in structuring, or attempt to
22 structure or assist in structuring, any financial transaction
23 with or involving one or more financial institutions in this
24 state.

25 (3) INTERNATIONAL MONETARY INSTRUMENT TRANSACTIONS.--A
26 person may not, for the purpose of evading the reporting or
27 registration requirements of chapter 896, chapter 655, or
28 chapter 560, or s. 5316 of Title 31, United States Code, when
29 some portion of the activity by that person occurs in this
30 state:

31 (a) Fail to file an applicable registration or report

1 required by those chapters and sections, or cause or attempt
2 to cause a person to fail to file such a report;

3 (b) File or cause or attempt to cause a person to file
4 an applicable registration or report required under those
5 chapters and sections which contains a material omission or
6 misstatement of fact; or

7 (c) Structure or assist in structuring, or attempt to
8 structure or assist in structuring, any importation or
9 exportation of currency or monetary instruments or funds to,
10 from, or through financial institutions in this state.

11 (4) CRIMINAL PENALTIES.--

12 (a) A person who violates this section, if the
13 violation involves:

14 1. Financial transactions exceeding \$300 but less than
15 \$20,000 in any 12-month period, commits a felony of the third
16 degree, punishable as provided in s. 775.082, s. 775.083, or
17 s. 775.084.

18 2. Financial transactions totaling or exceeding
19 \$20,000 but less than \$100,000 in any 12-month period, commits
20 a felony of the second degree, punishable as provided in s.
21 775.082, s. 775.083, or s. 775.084.

22 3. Financial transactions totaling or exceeding
23 \$100,000 in any 12-month period, commits a felony of the first
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084.

26 (b) In addition to the penalties authorized by s.
27 775.082, s. 775.083, or s. 775.084, a person who has been
28 found guilty of or who has pleaded guilty or nolo contendere
29 to having violated this section may be sentenced to pay a fine
30 not exceeding \$250,000 or twice the value of the financial
31 transactions, whichever is greater, except that for a second

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

Amendment No. 1 (for drafter's use only)

1 or subsequent violation of this section, the fine may be up to
2 \$500,000 or quintuple the value of the financial transactions,
3 whichever is greater.

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

8 (5) INFERENCE.--Proof that a person engaged for
9 monetary consideration in the business of a funds transmitter
10 as defined in s. 560.103(9) and who is transporting more than
11 \$10,000 in currency, or foreign equivalent, without being
12 registered as a money transmitter or designated as an
13 authorized vendor under the provisions of chapter 560, gives
14 rise to an inference that the transportation was done with
15 knowledge of the registration requirements of chapter 560 and
16 the reporting requirements of this chapter.

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

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

22 896.105 Penalty provisions not applicable to law
23 enforcement.--The penalty provisions of this chapter,
24 including those directed at reporting violations or the
25 conduct or attempted conduct of unlawful financial
26 transactions, the unlawful transportation or attempted
27 transportation of monetary instruments, and the concealment of
28 unlawful proceeds or their ownership are not applicable to law
29 enforcement officers who engage in aspects of such activity
30 for bona fide authorized undercover law enforcement purposes
31 in the course of or in relation to an active criminal

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

Amendment No. 1 (for drafter's use only)

1 investigation, active criminal intelligence gathering, or
2 active prosecution.

3 Section 22. Section 896.106, Florida Statutes, is
4 created to read:

5 896.106 Fugitive disentitlement.--A person may not use
6 the resources of the courts of this state in furtherance of a
7 claim in any related civil forfeiture action or a claim in
8 third-party proceeding in any related forfeiture action if
9 that person purposely leaves the jurisdiction of this state or
10 the United States; declines to enter or reenter this state to
11 submit to its jurisdiction; or otherwise evades the
12 jurisdiction of the court in which a criminal case is pending
13 against the person.

14 Section 23. Section 896.107, Florida Statutes, is
15 created to read:

16 896.107 Rewards for informants.--

17 (1) A law enforcement agency conducting any
18 investigation of a violation of this chapter may pay a reward
19 to an individual who provides original information that leads
20 to a recovery of a criminal fine, civil penalty, or
21 forfeiture.

22 (2) The law enforcement agency shall determine the
23 amount of a reward under this section. The law enforcement
24 agency may not pay more than the amount of reward authorized
25 for similar activity by any federal law or guideline in effect
26 at the time the information described in subsection (1) was
27 provided.

28 (3) An officer or employee of the United States, a
29 state or local government, or a foreign government who in the
30 performance of official duties provides information described
31 in subsection (1) is not eligible for a reward under this

1 section.

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

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

7 921.0022 Criminal Punishment Code; offense severity
8 ranking chart.--

9 (3) OFFENSE SEVERITY RANKING CHART

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Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

1	<u>560.123(8)(b)1.</u>	<u>3rd</u>	<u>Failure to report currency or</u>
2			<u>payment instruments exceeding</u>
3			<u>\$300 but less than \$20,000 by</u>
4			<u>money transmitter.</u>
5	<u>560.125(5)(a)</u>	<u>3rd</u>	<u>Money transmitter business by</u>
6			<u>unauthorized person, currency or</u>
7			<u>payment instruments exceeding</u>
8			<u>\$300 but less than \$20,000.</u>
9	<u>655.50(10)(b)1.</u>	<u>3rd</u>	<u>Failure to report financial</u>
10			<u>transactions exceeding \$300 but</u>
11			<u>less than \$20,000 by financial</u>
12			<u>institution.</u>
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.07(2)(d)	1st	Aggravated battery on law
8			enforcement officer.
9	784.08(2)(a)	1st	Aggravated battery on a person 65
10			years of age or older.
11	784.081(1)	1st	Aggravated battery on specified
12			official or employee.
13	784.082(1)	1st	Aggravated battery by detained
14			person on visitor or other
15			detainee.
16	784.083(1)	1st	Aggravated battery on code
17			inspector.
18	790.07(4)	1st	Specified weapons violation
19			subsequent to previous conviction
20			of s. 790.07(1) or (2).
21	790.16(1)	1st	Discharge of a machine gun under
22			specified circumstances.
23	796.03	2nd	Procuring any person under 16
24			years for prostitution.
25	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
26			victim less than 12 years of age;
27			offender less than 18 years.
28	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
29			victim 12 years of age or older
30			but less than 16 years; offender
31			18 years or older.

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	825.102(3)(b)	2nd	Neglecting an elderly person or
21			disabled adult causing great
22			bodily harm, disability, or
23			disfigurement.
24	825.1025(2)	2nd	Lewd or lascivious battery upon
25			an elderly person or disabled
26			adult.
27	825.103(2)(b)	2nd	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$20,000 or more, but
30			less than \$100,000.
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Bill No. CS for CS for CS for SB 1258, 1st Eng.Amendment No. 1 (for drafter's use only)

1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	872.06	2nd	Abuse of a dead human body.
11	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), or (2)(b)) within
15			1,000 feet of a child care
16			facility or school.
17	893.13(1)(e)	1st	Sell, manufacture, or deliver
18			cocaine or other drug prohibited
19			under s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), or (2)(b), within
21			1,000 feet of property used for
22			religious services or a specified
23			business site.
24	893.13(4)(a)	1st	Deliver to minor cocaine (or
25			other s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), or (2)(b) drugs).
27	893.135(1)(a)1.	1st	Trafficking in cannabis, more
28			than 50 lbs., less than 2,000
29			lbs.
30	893.135		
31	(1)(b)1.a.	1st	Trafficking in cocaine, more than

1			28 grams, less than 200 grams.
2	893.135		
3	(1)(c)1.a.	1st	Trafficking in illegal drugs,
4			more than 4 grams, less than 14
5			grams.
6	893.135		
7	(1)(d)1.	1st	Trafficking in phencyclidine,
8			more than 28 grams, less than 200
9			grams.
10	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
11			than 200 grams, less than 5
12			kilograms.
13	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
14			than 14 grams, less than 28
15			grams.
16	893.135		
17	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
18			grams or more, less than 14
19			grams.
20	<u>896.101(5)(a)</u>	<u>3rd</u>	<u>Money laundering, financial</u>
21			<u>transactions exceeding \$300 but</u>
22			<u>less than \$20,000.</u>
23	<u>896.104(4)(a)1.</u>	<u>3rd</u>	<u>Structuring transactions to evade</u>
24			<u>reporting or registration</u>
25			<u>requirements, financial</u>
26			<u>transactions exceeding \$300 but</u>
27			<u>less than \$20,000.</u>
28			(h) LEVEL 8
29	316.193		
30	(3)(c)3.a.	2nd	DUI manslaughter.
31	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.

1	<u>560.123(8)(b)2.</u>	<u>2nd</u>	<u>Failure to report currency or</u>
2			<u>payment instruments totaling or</u>
3			<u>exceeding \$20,000, but less than</u>
4			<u>\$100,000 by money transmitter.</u>
5	<u>560.125(5)(b)</u>	<u>2nd</u>	<u>Money transmitter business by</u>
6			<u>unauthorized person, currency or</u>
7			<u>payment instruments totaling or</u>
8			<u>exceeding \$20,000, but less than</u>
9			<u>\$100,000.</u>
10	<u>655.50(10)(b)2.</u>	<u>2nd</u>	<u>Failure to report financial</u>
11			<u>transactions totaling or</u>
12			<u>exceeding \$20,000, but less than</u>
13			<u>\$100,000 by financial</u>
14			<u>institutions.</u>
15	777.03(2)(a)	1st	Accessory after the fact, capital
16			felony.
17	782.04(4)	2nd	Killing of human without design
18			when engaged in act or attempt of
19			any felony other than arson,
20			sexual battery, robbery,
21			burglary, kidnapping, aircraft
22			piracy, or unlawfully discharging
23			bomb.
24	782.051(2)	1st	Attempted felony murder while
25			perpetrating or attempting to
26			perpetrate a felony not
27			enumerated in s. 782.04(3).
28	782.071(2)	1st	Committing vehicular homicide and
29			failing to render aid or give
30			information.
31			

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

Amendment No. 1 (for drafter's use only)

1	782.072(2)	1st	Committing vessel homicide and
2			failing to render aid or give
3			information.
4	790.161(3)	1st	Discharging a destructive device
5			which results in bodily harm or
6			property damage.
7	794.011(5)	2nd	Sexual battery, victim 12 years
8			or over, offender does not use
9			physical force likely to cause
10			serious injury.
11	800.04(4)	2nd	Lewd or lascivious battery.
12	806.01(1)	1st	Maliciously damage dwelling or
13			structure by fire or explosive,
14			believing person in structure.
15	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
16	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
17			or dangerous weapon.
18	810.02(2)(c)	1st	Burglary of a dwelling or
19			structure causing structural
20			damage or \$1,000 or more property
21			damage.
22	812.13(2)(b)	1st	Robbery with a weapon.
23	812.135(2)	1st	Home-invasion robbery.
24	825.102(2)	2nd	Aggravated abuse of an elderly
25			person or disabled adult.
26	825.103(2)(a)	1st	Exploiting an elderly person or
27			disabled adult and property is
28			valued at \$100,000 or more.
29	837.02(2)	2nd	Perjury in official proceedings
30			relating to prosecution of a
31			capital felony.

1	837.021(2)	2nd	Making contradictory statements
2			in official proceedings relating
3			to prosecution of a capital
4			felony.
5	860.121(2)(c)	1st	Shooting at or throwing any
6			object in path of railroad
7			vehicle resulting in great bodily
8			harm.
9	860.16	1st	Aircraft piracy.
10	893.13(1)(b)	1st	Sell or deliver in excess of 10
11			grams of any substance specified
12			in s. 893.03(1)(a) or (b).
13	893.13(2)(b)	1st	Purchase in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.13(6)(c)	1st	Possess in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.135(1)(a)2.	1st	Trafficking in cannabis, more
20			than 2,000 lbs., less than 10,000
21			lbs.
22	893.135		
23	(1)(b)1.b.	1st	Trafficking in cocaine, more than
24			200 grams, less than 400 grams.
25	893.135		
26	(1)(c)1.b.	1st	Trafficking in illegal drugs,
27			more than 14 grams, less than 28
28			grams.
29	893.135		
30	(1)(d)1.b.	1st	Trafficking in phencyclidine,
31			more than 200 grams, less than

1			400 grams.
2	893.135		
3	(1)(e)1.b.	1st	Trafficking in methaqualone, more
4			than 5 kilograms, less than 25
5			kilograms.
6	893.135		
7	(1)(f)1.b.	1st	Trafficking in amphetamine, more
8			than 28 grams, less than 200
9			grams.
10	893.135		
11	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
12			grams or more, less than 28
13			grams.
14	895.03(1)	1st	Use or invest proceeds derived
15			from pattern of racketeering
16			activity.
17	895.03(2)	1st	Acquire or maintain through
18			racketeering activity any
19			interest in or control of any
20			enterprise or real property.
21	895.03(3)	1st	Conduct or participate in any
22			enterprise through pattern of
23			racketeering activity.
24	<u>896.101(5)(b)</u>	<u>2nd</u>	<u>Money laundering, financial</u>
25			<u>transactions totaling or</u>
26			<u>exceeding \$20,000, but less than</u>
27			<u>\$100,000.</u>
28	<u>896.104(4)(a)2.</u>	<u>2nd</u>	<u>Structuring transactions to evade</u>
29			<u>reporting or registration</u>
30			<u>requirements, financial</u>
31			<u>transactions totaling or</u>

1			<u>exceeding \$20,000 but less than</u>
2			<u>\$100,000.</u>
3			(i) LEVEL 9
4	316.193		
5	(3)(c)3.b.	1st	DUI manslaughter; failing to
6			render aid or give information.
7	<u>560.123(8)(b)3.</u>	<u>1st</u>	<u>Failure to report currency or</u>
8			<u>payment instruments totaling or</u>
9			<u>exceeding \$100,000 by money</u>
10			<u>transmitter.</u>
11	<u>560.125(5)(c)</u>	<u>1st</u>	<u>Money transmitter business by</u>
12			<u>unauthorized person, currency, or</u>
13			<u>payment instruments totaling or</u>
14			<u>exceeding \$100,000.</u>
15	<u>655.50(10)(b)3.</u>	<u>1st</u>	<u>Failure to report financial</u>
16			<u>transactions totaling or</u>
17			<u>exceeding \$100,000 by financial</u>
18			<u>institution.</u>
19	782.04(1)	1st	Attempt, conspire, or solicit to
20			commit premeditated murder.
21	782.04(3)	1st,PBL	Accomplice to murder in
22			connection with arson, sexual
23			battery, robbery, burglary, and
24			other specified felonies.
25	782.051(1)	1st	Attempted felony murder while
26			perpetrating or attempting to
27			perpetrate a felony enumerated in
28			s. 782.04(3).
29	782.07(2)	1st	Aggravated manslaughter of an
30			elderly person or disabled adult.
31			

1	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
2			reward or as a shield or hostage.
3	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
4			or facilitate commission of any
5			felony.
6	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
7			interfere with performance of any
8			governmental or political
9			function.
10	787.02(3)(a)	1st	False imprisonment; child under
11			age 13; perpetrator also commits
12			aggravated child abuse, sexual
13			battery, or lewd or lascivious
14			battery, molestation, conduct, or
15			exhibition.
16	790.161	1st	Attempted capital destructive
17			device offense.
18	794.011(2)	1st	Attempted sexual battery; victim
19			less than 12 years of age.
20	794.011(2)	Life	Sexual battery; offender younger
21			than 18 years and commits sexual
22			battery on a person less than 12
23			years.
24	794.011(4)	1st	Sexual battery; victim 12 years
25			or older, certain circumstances.
26	794.011(8)(b)	1st	Sexual battery; engage in sexual
27			conduct with minor 12 to 18 years
28			by person in familial or
29			custodial authority.
30	800.04(5)(b)	1st	Lewd or lascivious molestation;
31			victim less than 12 years;

1			offender 18 years or older.
2	812.13(2)(a)	1st,PBL	Robbery with firearm or other
3			deadly weapon.
4	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
5			deadly weapon.
6	827.03(2)	1st	Aggravated child abuse.
7	847.0145(1)	1st	Selling, or otherwise
8			transferring custody or control,
9			of a minor.
10	847.0145(2)	1st	Purchasing, or otherwise
11			obtaining custody or control, of
12			a minor.
13	859.01	1st	Poisoning food, drink, medicine,
14			or water with intent to kill or
15			injure another person.
16	893.135	1st	Attempted capital trafficking
17			offense.
18	893.135(1)(a)3.	1st	Trafficking in cannabis, more
19			than 10,000 lbs.
20	893.135		
21	(1)(b)1.c.	1st	Trafficking in cocaine, more than
22			400 grams, less than 150
23			kilograms.
24	893.135		
25	(1)(c)1.c.	1st	Trafficking in illegal drugs,
26			more than 28 grams, less than 30
27			kilograms.
28	893.135		
29	(1)(d)1.c.	1st	Trafficking in phencyclidine,
30			more than 400 grams.
31			

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

Amendment No. 1 (for drafter's use only)

- 1 893.135
2 (1)(e)1.c. 1st Trafficking in methaqualone, more
3 than 25 kilograms.
4 893.135
5 (1)(f)1.c. 1st Trafficking in amphetamine, more
6 than 200 grams.
7 896.101(5)(c) 1st Money laundering, financial
8 transactions totaling or
9 exceeding \$100,000.
10 896.104(4)(a)3. 1st Structuring transactions to evade
11 reporting or registration
12 requirements, financial
13 transactions totaling or
14 exceeding \$100,000.

15 Section 25. Section 943.032, Florida Statutes, is
16 created to read:
17 943.032 Financial Crime Analysis Center and Financial
18 Transaction Database.--

19 (1) There is created within the Florida Department of
20 Law Enforcement a Financial Crime Analysis Center and a
21 Financial Transaction Database.

22 (2) The department shall compile information and data
23 available from financial transaction reports required to be
24 submitted by state or federal law that are provided to the
25 Department of Banking and Finance, to the Department of
26 Revenue, or to which the department otherwise has access.
27 Information and data so received shall be utilized by the
28 department in the Financial Transaction Database. The
29 department shall implement a system utilizing the database
30 that allows data review and processing to reveal patterns,
31 trends and correlations that are indicative of money

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

1 laundering or other financial transactions indicative of
2 criminal activity. The department shall, in consultation with
3 the Department of Banking and Finance and the Department of
4 Revenue, establish the methods and parameters by which
5 information and data received by the Department of Banking and
6 Finance or the Department of Revenue are transferred to the
7 department for inclusion in the database. Information
8 developed in or through the use of the database shall be made
9 available to law enforcement agencies and prosecutors in this
10 state in a manner defined by the department and as allowed by
11 state or federal law or regulation. All information contained
12 in the database shall be considered "active criminal
13 intelligence" or "active criminal investigative information"
14 as defined in s. 119.011.

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

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

Amendment No. 1 (for drafter's use only)

1 Section 26. For fiscal year 2000-2001, 15 FTE and
2 \$1,600,000 from the State Transportation Trust Fund are
3 appropriated to the Department of Transportation, Office of
4 Motor Carrier Compliance, for the purpose of creating a
5 contraband interdiction program within the Office of Motor
6 Carrier Compliance. The 15 FTE consists of seven certified
7 K-9 handlers, seven felony officers, and one support staff.
8 The teams are created to patrol major highway corridors and
9 commercial weigh stations in order to reduce the flow of
10 illicit drugs and illegal contraband on Florida's highway
11 systems. The department shall seek additional funding from
12 federal grants and forfeiture proceedings, and may amend its
13 budget in accordance with the provisions of chapter 216,
14 Florida Statutes.

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

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17

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

19 And the title is amended as follows:

20 On page 1, line 1 - page 4, line 22,
21 remove from the title of the bill:

22

23 and insert in lieu thereof:

24 An act relating to money laundering; creating
25 s. 311.12, F.S.; providing for development and
26 implementation of a statewide seaport security
27 plan; providing for a fingerprint-based
28 criminal history check of an applicant for
29 employment and current employees at seaports;
30 providing for inspections of seaports to
31 determine compliance with minimum security

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

1 standards and report of results of inspections
2 performed; amending s. 560.103, F.S.; limiting
3 the definition of the term "authorized vendor"
4 as used in the Money Transmitters' Code to
5 businesses located in this state; creating s.
6 560.1073, F.S.; providing criminal penalties
7 for making or filing with the Department of
8 Banking and Finance certain false or misleading
9 statements or documents; amending s. 560.111,
10 F.S.; reducing the department's burden of
11 proving knowing intent to defraud; amending s.
12 560.114, F.S.; expanding the department's
13 disciplinary authority; amending s. 560.117,
14 F.S.; requiring the department to notify
15 licensees suspected of certain code violations
16 and permit such licensees to correct such
17 violations before bringing disciplinary action;
18 providing for an administrative fine; amending
19 s. 560.118, F.S.; revising requirements for
20 examinations, reports, and audits of money
21 transmitters; providing a criminal penalty for
22 violations of the section; amending s. 560.123,
23 F.S.; revising standards for graduated
24 penalties involving currency or payment
25 instruments under the Florida Control of Money
26 Laundering in Money Transmitters Act; providing
27 that the common law corpus delicti rule does
28 not apply to prosecutions under the Money
29 Transmitters' Code; providing for admissibility
30 of a defendant's confession under certain
31 circumstances; amending s. 560.125, F.S.;

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

1 providing graduated criminal penalties;
2 increasing fines; providing for a civil
3 penalty; 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.
8 560.205, F.S.; requiring the submission of
9 fingerprints by applicants for registration
10 under the Payment Instruments and Funds
11 Transmission Act; amending s. 560.211, F.S.;
12 providing a criminal penalty for failing to
13 comply with recordkeeping requirements;
14 amending s. 560.306, F.S.; providing standards
15 for qualifying for registration under the Check
16 Cashing and Foreign Currency Exchange Act;
17 amending s. 560.310, F.S.; providing a criminal
18 penalty for failure to comply with
19 recordkeeping requirements; amending s. 655.50,
20 F.S.; revising standards for graduated
21 penalties involving monetary instruments under
22 the Florida Control of Money Laundering in
23 Financial Institutions Act; providing that the
24 common law corpus delicti rule does not apply
25 to prosecutions under the Money Transmitters'
26 Code; providing for admissibility of a
27 defendant's confession under certain
28 circumstances; amending s. 893.145, F.S.;
29 redefining the term "drug paraphernalia";
30 amending s. 893.147, F.S.; providing a criminal
31 penalty for transportation of drug

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

1 paraphernalia; amending s. 895.02, F.S.;
2 expanding the definition of the term
3 "racketeering activity"; amending s. 896.101,
4 F.S.; redefining the terms "transaction" and
5 "financial transaction"; defining the terms
6 "knowing" and "petitioner"; providing that
7 specific circumstances do not constitute a
8 defense to a prosecution; providing for
9 criminal penalties, fines, and civil penalties;
10 providing for injunctions; providing for
11 seizure warrants; providing for immunity from
12 liability; providing that the common law corpus
13 delicti rule does not apply to prosecutions
14 under the Money Transmitters' Code; providing
15 for admissibility of a defendant's confession
16 under certain circumstances; amending s.
17 896.103, F.S.; conforming a statutory cross
18 reference; creating ss. 896.104, 896.105,
19 896.106, and 896.107, F.S.; providing
20 definitions; providing criminal penalties for
21 evading reporting or registration requirements
22 in specific financial transactions; providing
23 exceptions for undercover law enforcement
24 purposes; providing for fugitive
25 disentitlement; providing for informant
26 rewards; amending s. 921.0022, F.S.; adding
27 specified monetary transactions to the Criminal
28 Punishment Code offense severity ranking chart;
29 creating s. 943.032, F.S.; creating the
30 Financial Crimes Analysis Center and Financial
31 Transaction Database within the Florida

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

Amendment No. 1 (for drafter's use only)

1 Department of Law Enforcement; providing
2 requirements; providing for 15 FTE and
3 \$1,600,000 the from State Transportation Fund
4 to the Department of Transportation, Office of
5 Motor Carrier Compliance, to create contraband
6 interdiction teams; specifying composition of
7 FTE positions; specifying purpose of contraband
8 interdiction teams; requiring the Department of
9 Transportation to seek additional funding from
10 federal grants and forfeiture proceedings;
11 authorizing the Department of Transportation to
12 amend its budget; providing an effective date.

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