

By the Committee on Criminal Justice

307-605C-00

1                                   A bill to be entitled  
2           An act relating to money laundering; creating  
3           s. 311.12, F.S.; providing for minimum  
4           standards for seaport security; amending s.  
5           560.103, F.S.; limiting the definition of the  
6           term "authorized vendor" as used in the money  
7           transmitters' code to businesses located in  
8           this state; creating s. 560.1073, F.S.;  
9           providing criminal penalties for making or  
10          filing with the department certain false or  
11          misleading statements or documents; amending s.  
12          560.111, F.S.; reducing the department's burden  
13          of proving willful and knowing intent to  
14          defraud; amending s. 560.114, F.S.; expanding  
15          the department's disciplinary authority and  
16          subjecting a money transmitter authorized  
17          vendor to that authority; amending s. 560.117,  
18          F.S.; permitting the department to bring  
19          disciplinary action against a money transmitter  
20          after a violation has been corrected; providing  
21          for an administrative fine; amending s.  
22          560.118, F.S.; revising requirements for  
23          examinations, reports, and audits of money  
24          transmitters; providing a criminal penalty for  
25          violations of the section; amending s. 560.123,  
26          F.S.; revising standards for graduated  
27          penalties involving currency or payment  
28          instruments under the Florida Control of Money  
29          Laundering in Money Transmitters Act; providing  
30          that the common law corpus delicti rule does  
31          not apply to prosecutions under the Money

1 Transmitters' Code; amending s. 560.125, F.S.;  
2 providing graduated criminal penalties;  
3 increasing fines; providing for a civil  
4 penalty; amending s. 560.205, F.S.; requiring  
5 the submission of fingerprints by applicants  
6 for registration under the Payment Instruments  
7 and Funds Transmission Act; amending s.  
8 560.211, F.S.; providing a criminal penalty for  
9 failing to comply with recordkeeping  
10 requirements; amending s. 560.306, F.S.;  
11 providing standards for qualifying for  
12 registration under the Check Cashing and  
13 Foreign Currency Exchange Act; amending s.  
14 560.310, F.S.; providing a criminal penalty for  
15 failure to comply with recordkeeping  
16 requirements; amending s. 655.50, F.S.;  
17 revising standards for graduated penalties  
18 involving monetary instruments under the  
19 Florida Control of Money Laundering in  
20 Financial Institutions Act; amending s.  
21 893.145, F.S.; redefining the term "drug  
22 paraphernalia"; amending s. 893.147, F.S.;  
23 providing a criminal penalty for transportation  
24 of drug paraphernalia; amending s. 895.02,  
25 F.S.; expanding the definition of the term  
26 "racketeering activity"; amending s. 896.101,  
27 F.S.; redefining the terms "transaction" and  
28 "financial transaction"; defining the terms  
29 "knowing" and "petitioner"; providing that  
30 specific circumstances do not constitute a  
31 defense to a prosecution; providing for

1 criminal penalties, fines, and civil penalties;  
2 providing for injunctions; providing for  
3 seizure warrants; providing for immunity from  
4 liability; amending s. 896.103, F.S.;  
5 conforming a statutory cross-reference;  
6 creating ss. 896.104, 896.105, 896.106,  
7 896.107, F.S.; providing criminal penalties for  
8 evading reporting or registration requirements  
9 in specific financial transactions; providing  
10 exceptions for undercover law enforcement  
11 purposes; providing for fugitive  
12 disentitlement; providing for informant  
13 rewards; amending s. 921.0022, F.S.; adding  
14 specified monetary transactions to the Criminal  
15 Punishment Code; providing an effective date.  
16

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

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

21 311.12 Seaport security.--

22 (1) The Florida Seaport Transportation and Economic  
23 Development Council, in conjunction with the Florida  
24 Department of Law Enforcement, shall develop, by January 1,  
25 2001, uniform statewide minimum security standards for the  
26 prevention of criminal activity, including money laundering in  
27 all Florida seaports represented on the Florida Seaport  
28 Transportation and Economic Development Council. Minimum  
29 standards must include:

30 (a) Perimeter security fencing with controlled access.  
31

1           (b) Interior fencing, whenever practical, to enclose  
2 areas around restricted cargo areas and buildings.

3           (c) Gates and gatehouses located at all perimeter and  
4 interior access points to control access to restricted areas.

5           (d) Lighting sufficient to adequately illuminate  
6 terminal operations and cargo areas.

7           (e) Signs designating restricted areas.

8           (f) Securely controlled parking access.

9           (g) Closed circuit television cameras in sensitive  
10 security areas.

11           (h) The use of qualified, professional security  
12 personnel.

13           (i) An identification system to control port access to  
14 strategic work and cargo storage areas.

15           (j) Background checks for all personnel working in  
16 sensitive areas.

17           (2) The affected ports shall implement the security  
18 standards developed under this section by July 1, 2001. The  
19 Florida Department of Law Enforcement must certify compliance  
20 with the minimum security standards for each affected port.

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

23           560.103 Definitions.--As used in the code, unless the  
24 context otherwise requires:

25           (2) "Authorized vendor" means a person designated by a  
26 registrant to engage in the business of a money transmitter on  
27 behalf of the registrant at designated locations in this state  
28 pursuant to a written contract with the registrant.

29           Section 3. Section 560.1073, Florida Statutes, is  
30 created to read:

31

1           560.1073 False or misleading statements or supporting  
2 documents; penalty.--Any person who, personally or otherwise,  
3 files with the department, or signs as the duly authorized  
4 representative for filing with the department, any financial  
5 statement or any document in support thereof which is required  
6 by law or rule with intent to deceive and with knowledge that  
7 the statement or document is materially false or materially  
8 misleading, commits a felony of the third degree, punishable  
9 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

12           560.111 Prohibited acts and practices.--

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

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

20           (b) Embezzle, abstract, or misapply any money,  
21 property, or thing of value of the money transmitter or  
22 authorized vendor with intent to deceive or defraud such money  
23 transmitter or authorized vendor;

24           (c) Make any false entry in any book, report, or  
25 statement of such money transmitter or authorized vendor with  
26 intent to deceive or defraud such money transmitter,  
27 authorized vendor, or another person, or with intent to  
28 deceive the department, any other state or federal ~~appropriate~~  
29 regulatory agency, or any authorized representative appointed  
30 to examine or investigate the affairs of such money  
31 transmitter or authorized vendor;

1           (d) Engage in an act that violates 18 U.S.C. s. 1956,  
2 31 U.S.C. s. 5324, or any other law, rule, or regulation of  
3 another state or of the United States relating to the business  
4 of money transmission or usury which may cause the denial or  
5 revocation of a money transmitter license or registration in  
6 such jurisdiction;

7           (e) Deliver or disclose to the department or any of  
8 its employees any examination report, report of condition,  
9 report of income and dividends, audit, account, statement, or  
10 document known by it to be fraudulent or false as to any  
11 material matter; or

12           (f) ~~Knowingly~~ Place among the assets of such money  
13 transmitter or authorized vendor any note, obligation, or  
14 security that the money transmitter or authorized vendor does  
15 not own or that to the person's knowledge is fraudulent or  
16 otherwise worthless, or for any such person to represent to  
17 the department that any note, obligation, or security carried  
18 as an asset of such money transmitter or authorized vendor is  
19 the property of the money transmitter or authorized vendor and  
20 is genuine if it is known to such person that such  
21 representation is false or that such note, obligation, or  
22 security is fraudulent or otherwise worthless.

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

25           560.114 Disciplinary actions.--

26           (1) The following actions by a money transmitter, a  
27 money transmitter authorized vendor, or a money  
28 transmitter-affiliated party are violations of the code and  
29 constitute grounds for the issuance of a cease and desist  
30 order, the issuance of a removal order, the denial of a  
31 registration application or the suspension or revocation of

1 any registration previously issued pursuant to the code, or  
2 the taking of any other action within the authority of the  
3 department pursuant to the code:

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

7 (b) Fraud, misrepresentation, deceit, or gross  
8 negligence in any transaction involving money transmission,  
9 regardless of reliance thereon by, or damage to, a money  
10 transmitter customer.

11 (c) Fraudulent misrepresentation, circumvention, or  
12 concealment of any matter required to be stated or furnished  
13 to a money transmitter customer pursuant to the code,  
14 regardless of reliance thereon by, or damage to, such  
15 customer.

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

18 (e) Failure to maintain, preserve, and keep available  
19 for examination all books, accounts, or other documents  
20 required by the code, by any rule or order adopted pursuant to  
21 the code, or by any agreement entered into with the  
22 department.

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

27 (f)(g) ~~A willful~~ Refusal to permit the examination or  
28 inspection of books and records in an investigation or  
29 examination by the department, pursuant to the provisions of  
30 the code, or to comply with a subpoena issued by the  
31 department.

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

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

7           ~~(i)(j)~~ Insolvency or operating in an unsafe and  
8 unsound manner.

9           ~~(j)(k)~~ Failure by a money transmitter to remove a  
10 money transmitter-affiliated party after the department has  
11 issued and served upon the money transmitter a final order  
12 setting forth a finding that the money transmitter-affiliated  
13 party has knowingly violated any provision of the code.

14           ~~(2)~~ ~~In addition to the acts specified in subsection~~  
15 ~~(1), the following acts are grounds for denial of registration~~  
16 ~~or for revocation, suspension, or restriction of registration~~  
17 ~~previously granted:~~

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

21           ~~(l)(b)~~ Committing any act resulting in ~~Having~~ an  
22 application for registration, or a registration or its  
23 equivalent, to practice any profession or occupation being  
24 denied, suspended, revoked, or otherwise acted against by a  
25 registering authority in any jurisdiction or a finding by an  
26 appropriate regulatory body of engaging in unlicensed activity  
27 within any jurisdiction ~~for fraud or dishonest dealing.~~

28           ~~(m)(c)~~ Committing any act resulting in ~~Having~~ a  
29 registration or its equivalent, or an application for  
30 registration, to practice any profession or occupation being  
31 denied, suspended, or otherwise acted against by a registering



1 authority in any jurisdiction for a violation of 18 U.S.C. s.  
2 1956, 31 U.S.C. s. 5324, or any other law, rule, or regulation  
3 of another state or of the United States relating to the  
4 business of money transmission or usury which may cause the  
5 denial or revocation of a money transmitter license or  
6 registration in such jurisdiction.

7 (n)~~(d)~~ Having been convicted of or found guilty of, or  
8 having pleaded guilty or nolo contendere to, any felony or  
9 crime punishable by imprisonment of 1 year or more under the  
10 law of any state or of the United States which involves a  
11 crime involving fraud, moral turpitude, or dishonest dealing,  
12 without regard to whether a judgment of conviction has been  
13 entered by the court.

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

18 (p) Having been convicted of or found guilty of or  
19 having pleaded guilty or nolo contendere to misappropriation,  
20 conversion, or unlawful withholding of moneys that belong to  
21 others and were received in the conduct of the business of the  
22 money transmitter.

23 (q) Failure to inform the department in writing within  
24 15 days after pleading guilty or nolo contendere to, or being  
25 convicted or found guilty of, any felony or crime punishable  
26 by imprisonment of 1 year or more under the law of any state  
27 or of the United States, or of any crime involving fraud,  
28 moral turpitude, or dishonest dealing, without regard to  
29 whether a judgment of conviction has been entered by the  
30 court.

31

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

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

6           (t) Failure to timely pay any judgment entered by any  
7 court.

8           (u) Engaging or holding oneself out to be engaged in  
9 the business of a money transmitter without the proper  
10 registration.

11           (v)~~(f)~~ Any action that would be grounds for denial of  
12 a registration or for revocation, suspension, or restriction  
13 of a registration previously granted under part III of this  
14 chapter.

15           (2) The department may issue a cease and desist order  
16 or removal order, suspend or revoke any previously issued  
17 registration, or take any other action within the authority of  
18 the department against a money transmitter based on any fact  
19 or condition that exists and that, if it had existed or been  
20 known to exist at the time the money transmitter applied for  
21 registration, would have been grounds for denial of  
22 registration.

23           (3) Each money transmitter is responsible for any act  
24 of its authorized vendors if the money transmitter should have  
25 known of the act or~~if~~ the money transmitter has actual  
26 knowledge that such act is a violation of the code and the  
27 money transmitter willfully allowed such act to continue. Such  
28 responsibility is limited to conduct engaged in by the  
29 authorized vendor pursuant to the authority granted to it by  
30 the money transmitter.

31

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

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

7           560.117 Administrative fines; enforcement.--

8           (1) The department may, by complaint, initiate a  
9 proceeding pursuant to chapter 120 to impose an administrative  
10 fine against any person found to have violated any provision  
11 of the code or a cease and desist order of the department or  
12 any written agreement with the department. However, the  
13 department shall give notice, in writing, if it suspects that  
14 the licensee has violated any of the following provisions of  
15 the code and shall give the licensee 15 days within which to  
16 correct the violation before bringing disciplinary action  
17 under the code:

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

20           (b) Failure to timely pay any judgment entered by any  
21 court;

22           (c) Failure to timely notify the department of a  
23 change of control of a money transmitter; or

24           (d) Failure to timely notify the department of any  
25 change of address or fictitious name.~~No such proceeding shall~~  
26 ~~be initiated and no fine shall accrue pursuant to this section~~  
27 ~~until after such person has been notified in writing of the~~  
28 ~~nature of the violation and has been afforded a reasonable~~  
29 ~~period of time, as set forth in the notice, to correct the~~  
30 ~~violation and has failed to do so.~~

31

1 Except as provided in this section, such fine may not exceed  
2 \$100 a day for each violation. The department may excuse any  
3 such fine with a showing of good cause by the person being  
4 fined.

5 (2) If the department finds that one or more grounds  
6 exist for the suspension, revocation, or refusal to renew or  
7 continue a license or registration issued under this chapter,  
8 the department may, in addition to or in lieu of suspension,  
9 revocation, or refusal to renew or continue a license or  
10 registration, impose a fine in an amount up to \$10,000 for  
11 each violation of this chapter.

12 (3)(2) Notwithstanding any other provision of this  
13 section, the department may impose a fine not to exceed \$1,000  
14 per day for each day that a person violates the code by  
15 engaging in the business of a money transmitter without being  
16 registered.

17 (4)(3) Any administrative fine levied by the  
18 department may be enforced by the department by appropriate  
19 proceedings in the circuit court of the county in which such  
20 person resides or maintains a principal office. In any  
21 administrative or judicial proceeding arising under this  
22 section, a party may elect to correct the violation asserted  
23 by the department and, upon the party's doing so, any fine  
24 ceases to accrue; however, an election to correct the  
25 violation does not render moot any administrative or judicial  
26 proceeding.

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

29 560.118 Examinations, reports, and internal audits;  
30 penalty.--

31

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

1 agency provided that such agency agrees to abide by the  
2 confidentiality provisions as set forth in chapter 119.

3 (b) Persons subject to this chapter who are examined,  
4 and their officers, attorneys, employees, vendors, and  
5 representatives, shall make available to the department or its  
6 examiners the accounts, records, documents, files,  
7 information, assets, and matters which are in their possession  
8 or control and which relate to the subject of the examination.

9 ~~(c)~~(b) ~~The department may require an examination or~~  
10 ~~audit of a money transmitter~~ required under this section may  
11 be performed ~~or authorized vendor~~ by an independent third  
12 party that has been approved by the department or by a  
13 certified public accountant authorized to do business in the  
14 United States. The examination of a money transmitter or  
15 authorized vendor required under this section may be performed  
16 by an independent third party that has been approved by the  
17 department or by a certified public accountant authorized to  
18 do business in the United States. The cost of such an  
19 independent examination or audit shall be directly borne by  
20 the money transmitter or authorized vendor.

21 ~~(d)~~(c) The department may recover the costs of a  
22 regular examination and supervision of a money transmitter or  
23 authorized vendor; however, the department may not recover the  
24 costs of more than one examination in any 12-month period  
25 unless the department has determined that the money  
26 transmitter or authorized vendor is operating in an unsafe or  
27 unsound or unlawful manner.

28 ~~(e)~~(d) The department may, by rule, set a maximum  
29 per-day examination cost for a regular examination. Such  
30 per-day cost may be less than that required to fully  
31 compensate the department for costs associated with the

1 examination. For the purposes of this section, "costs" means  
2 the salary and travel expenses directly attributable to the  
3 field staff examining the money transmitter or authorized  
4 vendor, and the travel expenses of any supervisory staff  
5 required as a result of examination findings. Reimbursement  
6 for such costs incurred under this subsection must be  
7 postmarked no later than 30 days after the date of receipt of  
8 a notice stating that such costs are due. The department may  
9 levy a late payment penalty of up to \$100 per day or part  
10 thereof that a payment is overdue, unless the late payment  
11 penalty is excused for good cause. In excusing any such late  
12 payment penalty, the department may consider the prior payment  
13 history of the money transmitter or authorized vendor.

14       (2)(a) Annual financial reports that are required to  
15 be filed under the code or any rules adopted thereunder must  
16 be audited by an independent third party that has been  
17 approved by the department or by a certified public accountant  
18 authorized to do business in the United States. The money  
19 transmitter or authorized vendor shall directly bear the cost  
20 of the audit. This paragraph does not apply to any seller of  
21 payment instruments who can prove to the satisfaction of the  
22 department that it has a combined total of fewer than 50  
23 employees and authorized vendors or that its annual payment  
24 instruments issued from its activities as a payment instrument  
25 seller are less than \$200,000.

26       (b)(a) The department may, by rule, require each money  
27 transmitter or authorized vendor to submit quarterly reports  
28 to the department. The department may require that each report  
29 contain a declaration by an officer, or any other responsible  
30 person authorized to make such declaration, that the report is  
31 true and correct to the best of her or his knowledge and

1 belief. Such report must include such information as the  
2 department by rule requires for that type of money  
3 transmitter.

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

9 (3) Any person who violates this section or fails to  
10 comply with any lawful written demand or order of the  
11 department made under this section commits a felony of the  
12 third degree, punishable as provided in s. 775.082, s.  
13 775.083, or s. 775.084.

14 Section 8. Subsection (8) of section 560.123, Florida  
15 Statutes, is amended and subsection (9) is added to that  
16 section to read:

17 560.123 Florida control of money laundering in the  
18 Money Transmitters' Code; reports of transactions involving  
19 currency or monetary instruments; when required; purpose;  
20 definitions; penalties.--

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

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

27 1. Currency or payment instruments ~~Committed in~~  
28 ~~furtherance of the commission of any other violation of any~~  
29 ~~law of this state or committed as part of a pattern of illegal~~  
30 ~~activity involving financial transactions~~ 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 2. Currency or payment instruments totaling ~~Committed~~  
4 ~~as part of a pattern of illegal activity involving financial~~  
5 ~~transactions exceeding~~ \$20,000 but less than \$100,000 in any  
6 12-month period, commits a felony of the second degree,  
7 punishable as provided in s. 775.082, s. 775.083, or s.  
8 775.084.

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

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

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

30 (9) In any prosecution brought pursuant to this  
31 section, the common law corpus delicti rule does not apply.

1           Section 9. Section 560.125, Florida Statutes, is  
2 amended to read:

3           560.125 Money transmitter business by unauthorized  
4 persons; penalties.--

5           (1) A person other than a registered money transmitter  
6 or authorized vendor may not, in whole or in part, engage in  
7 the business of a money transmitter in this state unless the  
8 person is exempted from the registration requirements of the  
9 code.

10           (2) No person shall act as a vendor of a money  
11 transmitter when such money transmitter is subject to  
12 registration under the code but has not registered. Any such  
13 person becomes the principal thereof, and no longer merely  
14 acts as a vendor, and such person is liable to the holder or  
15 remitter as a principal money transmitter.

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

28           ~~(4) Any person who violates the provisions of this~~  
29 ~~section commits a felony of the third degree, punishable as~~  
30 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~The  
31 department may issue and serve upon any person who violates

1 any of the provisions of this section a complaint seeking a  
2 cease and desist order in accordance with the procedures and  
3 in the manner prescribed by s. 560.112. The department may  
4 also impose an administrative fine pursuant to s. 560.117(3)  
5 ~~s. 560.117(2)~~ against any person who violates any of the  
6 provisions of this section.

7 (5) A person who violates this section, if the  
8 violation involves:

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

13 (b) Currency or payment instruments totaling \$20,000  
14 but less than \$100,000 in any 12-month period, commits a  
15 felony of the second degree, punishable as provided in s.  
16 775.082, s. 775.083, or s. 775.084.

17 (c) Currency or payment instruments totaling or  
18 exceeding \$100,000 in any 12-month period, commits a felony of  
19 the first degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.

21 (6) In addition to the penalties authorized by s.  
22 775.082, s. 775.083, or s. 775.084, a person who has been  
23 found guilty of or who has pleaded guilty or nolo contendere  
24 to having violated this section may be sentenced to pay a fine  
25 not exceeding \$250,000 or twice the value of the currency or  
26 payment instruments, whichever is greater, except that on a  
27 second or subsequent violation of this section, the fine may  
28 be up to \$500,000 or quintuple the value of the currency or  
29 payment instruments, whichever is greater.

30 (7) A person who violates this section is also liable  
31 for a civil penalty of not more than the value of the currency

1 or payment instruments involved or \$25,000, whichever is  
2 greater.

3 (8) In any prosecution brought pursuant to this  
4 section, the common law corpus delicti rule does not apply.

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

7 560.205 Qualifications of applicant for registration;  
8 contents.--

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

1 file a set of fingerprints or the requirement that such  
2 fingerprints be processed by the Department of Law Enforcement  
3 or the Federal Bureau of Investigation.

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

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

14 (b) The history of the applicant's material  
15 litigation, criminal convictions, pleas of nolo contendere,  
16 and cases of adjudication withheld.

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

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

25 (e) A sample authorized vendor contract, if  
26 applicable.

27 (f) A sample form of payment instrument, if  
28 applicable.

29 (g) The name and address of the clearing financial  
30 institution or financial institutions through which the  
31

1 applicant's payment instruments will be drawn or through which  
2 such payment instruments will be payable.

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

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

10 (a) The date of the applicant's incorporation and  
11 state of incorporation.

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

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

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

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

29 (f) Copies of the applicant's audited financial  
30 statements for the current year and, if available, for the  
31 immediately preceding 2-year period. In cases where the

1 applicant is a wholly owned subsidiary of another corporation,  
2 the parent's consolidated audited financial statements may be  
3 submitted to satisfy this requirement. An applicant who is not  
4 required to file audited financial statements may satisfy this  
5 requirement by filing unaudited financial statements verified  
6 under penalty of perjury, as provided by the department by  
7 rule.

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

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

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

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

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

30 (c) The history of material litigation and criminal  
31 convictions, pleas of nolo contendere, and cases of

1 adjudication withheld for each individual having a controlling  
2 ownership interest in the applicant and each responsible  
3 person who will be in charge of the applicant's registered  
4 activities.

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

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

13 Section 11. Subsection (5) is added to section  
14 560.211, Florida Statutes, to read:

15 560.211 Records.--

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

19 Section 12. Section 560.306, Florida Statutes, is  
20 amended to read:

21 560.306 Standards.--

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



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

17       (2)~~(1)~~ The department may deny registration if it  
18 finds that the applicant, or any money transmitter-affiliated  
19 party of the applicant, has been convicted of a crime felony  
20 involving moral turpitude in any jurisdiction or of a crime  
21 which, if committed in this state, would constitute a crime  
22 ~~felony~~ involving moral turpitude under the laws of this state.  
23 For the purposes of this part, a person shall be deemed to  
24 have been convicted of a crime if such person has either  
25 pleaded guilty to or been found guilty of a charge before a  
26 court or federal magistrate, or by the verdict of a jury,  
27 irrespective of the pronouncement of sentence or the  
28 suspension thereof. The department may take into consideration  
29 the fact that such plea of guilty, or such decision, judgment,  
30 or verdict, has been set aside, reversed, or otherwise  
31 abrogated by lawful judicial process or that the person

1 convicted of the crime received a pardon from the jurisdiction  
2 where the conviction was entered or received a certificate  
3 pursuant to any provision of law which removes the disability  
4 under this part because of such conviction.

5 (3)~~(2)~~ The department may deny an ~~initial~~ application  
6 for registration if the applicant or money  
7 transmitter-affiliated party of the applicant is the subject  
8 of a pending criminal prosecution or governmental enforcement  
9 action, in any jurisdiction, until the conclusion of such  
10 criminal prosecution or enforcement action.

11 (4)~~(3)~~ Each registration application and renewal  
12 application must specify the location at which the applicant  
13 proposes to establish its principal place of business and any  
14 other location, including authorized vendors operating in this  
15 state. The registrant shall notify the department of any  
16 changes to any such locations. Any registrant may satisfy this  
17 requirement by providing the department with a list of such  
18 locations, including all authorized vendors operating in this  
19 state, not less than annually. A registrant may not transact  
20 business as a check casher or a foreign currency exchanger  
21 except pursuant to the name under which it is registered.

22 (5)~~(4)~~ Each applicant shall designate and maintain an  
23 agent in this state for service of process.

24 Section 13. Subsection (5) is added to section  
25 560.310, Florida Statutes, to read:

26 560.310 Records of check cashers and foreign currency  
27 exchangers.--

28 (5) Any person who violates this section or fails to  
29 comply with any lawful written demand or order of the  
30 department made pursuant to this section commits a felony of

31

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

3 Section 14. Subsection (10) of section 665.50, Florida  
4 Statutes, is amended and subsection (11) is added to that  
5 section to read:

6 655.50 Florida Control of Money Laundering in  
7 Financial Institutions Act; reports of transactions involving  
8 currency or monetary instruments; when required; purpose;  
9 definitions; penalties.--

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

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

19 1. Monetary instruments committed in furtherance of  
20 ~~the commission of any other violation of Florida law; or~~  
21 2. ~~Committed as part of a pattern of illegal activity~~  
22 ~~involving financial transactions exceeding \$300 but less than~~  
23 ~~\$20,000 in any 12-month period, is guilty of a felony of the~~  
24 ~~third degree, punishable as provided in s. 775.082 or 775.083;~~  
25 or

26 2.3. Monetary instruments totaling committed as part  
27 ~~of a pattern of illegal activity involving financial~~  
28 ~~transactions exceeding \$20,000 but less than \$100,000 in any~~  
29 ~~12-month period is guilty of a felony of the second degree,~~  
30 punishable as provided in s. 775.082 or 775.083; or

31

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

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

17           (c)(d) A person who ~~willfully~~ violates this section~~7~~  
18 ~~chapter 896~~, or any similar state or federal law is also  
19 liable for a civil penalty of not more than the greater of the  
20 value of the monetary instruments financial transaction  
21 involved or \$25,000. ~~However, the civil penalty may not exceed~~  
22 ~~\$100,000.~~

23           (11) In any prosecution brought pursuant to this  
24 section, the common law corpus delicti rule does not apply.

25           Section 15. Section 893.145, Florida Statutes, is  
26 amended to read:

27           893.145 "Drug paraphernalia" defined.--The term "drug  
28 paraphernalia" means all equipment, products, and materials of  
29 any kind which are used, intended for use, or designed for use  
30 in planting, propagating, cultivating, growing, harvesting,  
31 manufacturing, compounding, converting, producing, processing,

1 preparing, testing, analyzing, packaging, repackaging,  
2 storing, containing, concealing, transporting, injecting,  
3 ingesting, inhaling, or otherwise introducing into the human  
4 body a controlled substance in violation of this chapter.  
5 Drug paraphernalia is deemed to be contraband which shall be  
6 subject to civil forfeiture. The term includes, but is not  
7 limited to:

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

12 (2) Kits used, intended for use, or designed for use  
13 in manufacturing, compounding, converting, producing,  
14 processing, or preparing controlled substances.

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

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

21 (5) Scales and balances used, intended for use, or  
22 designed for use in weighing or measuring controlled  
23 substances.

24 (6) Diluents and adulterants, such as quinine  
25 hydrochloride, mannitol, mannite, dextrose, and lactose, used,  
26 intended for use, or designed for use in cutting controlled  
27 substances.

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

31

1           (8) Blenders, bowls, containers, spoons, and mixing  
2 devices used, intended for use, or designed for use in  
3 compounding controlled substances.

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

7           (10) Containers and other objects used, intended for  
8 use, or designed for use in storing, or concealing, or  
9 transporting controlled substances.

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

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

16           (a) Metal, wooden, acrylic, glass, stone, plastic, or  
17 ceramic pipes, with or without screens, permanent screens,  
18 hashish heads, or punctured metal bowls.

19           (b) Water pipes.

20           (c) Carburetion tubes and devices.

21           (d) Smoking and carburetion masks.

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

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

26           (g) Chamber pipes.

27           (h) Carburetor pipes.

28           (i) Electric pipes.

29           (j) Air-driven pipes.

30           (k) Chillums.

31           (l) Bongs.

1 (m) Ice pipes or chillers.

2 Section 16. Section 893.147, Florida Statutes, is  
3 amended to read:

4 893.147 Use, possession, manufacture, delivery,  
5 transportation, or advertisement of drug paraphernalia.--

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

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 chapter; or

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

16  
17 Any person who violates this subsection is guilty of a  
18 misdemeanor of the first degree, punishable as provided in s.  
19 775.082 or s. 775.083.

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

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

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

1  
2 Any person who violates this subsection is guilty of a felony  
3 of the third degree, punishable as provided in s. 775.082, s.  
4 775.083, or s. 775.084.

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

6 (a) Any person 18 years of age or over who violates  
7 subsection (2) by delivering drug paraphernalia to a person  
8 under 18 years of age is guilty of a felony of the second  
9 degree, punishable as provided in s. 775.082, s. 775.083, or  
10 s. 775.084.

11 (b) It is unlawful for any person to sell or otherwise  
12 deliver hypodermic syringes, needles, or other objects which  
13 may be used, are intended for use, or are designed for use in  
14 parenterally injecting substances into the human body to any  
15 person under 18 years of age, except that hypodermic syringes,  
16 needles, or other such objects may be lawfully dispensed to a  
17 person under 18 years of age by a licensed practitioner,  
18 parent, or legal guardian or by a pharmacist pursuant to a  
19 valid prescription for same. Any person who violates the  
20 provisions of this paragraph is guilty of a misdemeanor of the  
21 first degree, punishable as provided in s. 775.082 or s.  
22 775.083.

23 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.--It is  
24 unlawful to use, possess with the intent to use, or  
25 manufacture with the intent to use drug paraphernalia, knowing  
26 or under circumstances in which one reasonably should know  
27 that it will be used to transport:

28 (a) A controlled substance in violation of this  
29 chapter; or

30 (b) Contraband as defined in s. 932.701(2)(a)1.  
31



1 Any person who violates this subsection commits a felony of  
2 the third degree, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084.

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

13 Section 17. Paragraph (a) of subsection (1) of section  
14 895.02, Florida Statutes, is amended to read:

15 895.02 Definitions.--As used in ss. 895.01-895.08, the  
16 term:

17 (1) "Racketeering activity" means to commit, to  
18 attempt to commit, to conspire to commit, or to solicit,  
19 coerce, or intimidate another person to commit:

20 (a) Any crime which is chargeable by indictment or  
21 information under the following provisions of the Florida  
22 Statutes:

23 1. Section 210.18, relating to evasion of payment of  
24 cigarette taxes.

25 2. Section 403.727(3)(b), relating to environmental  
26 control.

27 3. Section 414.39, relating to public assistance  
28 fraud.

29 4. Section 409.920, relating to Medicaid provider  
30 fraud.

31

- 1           5. Section 440.105 or s. 440.106, relating to workers'  
2 compensation.
- 3           6. Part IV of chapter 501, relating to telemarketing.
- 4           7. Chapter 517, relating to sale of securities and  
5 investor protection.
- 6           8. Section 550.235, s. 550.3551, or s. 550.3605,  
7 relating to dogracing and horseracing.
- 8           9. Chapter 550, relating to jai alai frontons.
- 9           10. Chapter 552, relating to the manufacture,  
10 distribution, and use of explosives.
- 11          11. Chapter 560, relating to money transmitters, if  
12 the violation is punishable as a felony.
- 13          ~~12.11.~~ Chapter 562, relating to beverage law  
14 enforcement.
- 15          ~~13.12.~~ Section 624.401, relating to transacting  
16 insurance without a certificate of authority, s.  
17 624.437(4)(c)1., relating to operating an unauthorized  
18 multiple-employer welfare arrangement, or s. 626.902(1)(b),  
19 relating to representing or aiding an unauthorized insurer.
- 20          ~~14.13.~~ Section 655.50, relating to reports of currency  
21 transactions, when such violation is punishable as a felony.
- 22          ~~15.14.~~ Chapter 687, relating to interest and usurious  
23 practices.
- 24          ~~16.15.~~ Section 721.08, s. 721.09, or s. 721.13,  
25 relating to real estate timeshare plans.
- 26          ~~17.16.~~ Chapter 782, relating to homicide.
- 27          ~~18.17.~~ Chapter 784, relating to assault and battery.
- 28          ~~19.18.~~ Chapter 787, relating to kidnapping.
- 29          ~~20.19.~~ Chapter 790, relating to weapons and firearms.
- 30          ~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s.  
31 796.07, relating to prostitution.

1           ~~22.21.~~ Chapter 806, relating to arson.  
2           ~~23.22.~~ Section 810.02(2)(c), relating to specified  
3 burglary of a dwelling or structure.  
4           ~~24.23.~~ Chapter 812, relating to theft, robbery, and  
5 related crimes.  
6           ~~25.24.~~ Chapter 815, relating to computer-related  
7 crimes.  
8           ~~26.25.~~ Chapter 817, relating to fraudulent practices,  
9 false pretenses, fraud generally, and credit card crimes.  
10          ~~27.26.~~ Chapter 825, relating to abuse, neglect, or  
11 exploitation of an elderly person or disabled adult.  
12          ~~28.27.~~ Section 827.071, relating to commercial sexual  
13 exploitation of children.  
14          ~~29.28.~~ Chapter 831, relating to forgery and  
15 counterfeiting.  
16          ~~30.29.~~ Chapter 832, relating to issuance of worthless  
17 checks and drafts.  
18          ~~31.30.~~ Section 836.05, relating to extortion.  
19          ~~32.31.~~ Chapter 837, relating to perjury.  
20          ~~33.32.~~ Chapter 838, relating to bribery and misuse of  
21 public office.  
22          ~~34.33.~~ Chapter 843, relating to obstruction of  
23 justice.  
24          ~~35.34.~~ Section 847.011, s. 847.012, s. 847.013, s.  
25 847.06, or s. 847.07, relating to obscene literature and  
26 profanity.  
27          ~~36.35.~~ Section 849.09, s. 849.14, s. 849.15, s.  
28 849.23, or s. 849.25, relating to gambling.  
29          ~~37.36.~~ Chapter 874, relating to criminal street gangs.  
30          ~~38.37.~~ Chapter 893, relating to drug abuse prevention  
31 and control.

1           ~~39.38.~~ Chapter 896, relating to offenses related to  
2 financial transactions.

3           ~~40.39.~~ Sections 914.22 and 914.23, relating to  
4 tampering with a witness, victim, or informant, and  
5 retaliation against a witness, victim, or informant.

6           ~~41.40.~~ Sections 918.12 and 918.13, relating to  
7 tampering with jurors and evidence.

8           Section 18. Section 896.101, Florida Statutes, is  
9 amended to read:

10           896.101 Florida Money Laundering Act; definitions;  
11 penalties; injunctions; seizure warrants; immunity ~~Offense of~~  
12 ~~conduct of financial transaction involving proceeds of~~  
13 ~~unlawful activity; penalties.--~~

14           (1) This section may be cited as the "Florida Money  
15 Laundering Act."

16           (2)~~(1)~~ ~~DEFINITIONS.~~--As used in this section, the  
17 term:

18           (a) "Knowing that the property involved in a financial  
19 transaction represents the proceeds of some form of unlawful  
20 activity" means that the person knew the property involved in  
21 the transaction represented proceeds from some form, though  
22 not necessarily which form, of activity that constitutes a  
23 felony under state or federal law, regardless of whether or  
24 not such activity is specified in paragraph (g).

25           (b) "Conducts" includes initiating, concluding, or  
26 participating in initiating or concluding a transaction.

27           (c) "Transaction" means a purchase, sale, loan,  
28 pledge, gift, transfer, delivery, or other disposition, and  
29 with respect to a financial institution includes a deposit,  
30 withdrawal, transfer between accounts, exchange of currency,  
31 loan, extension of credit, purchase or sale of any stock,

1 bond, certificate of deposit, or other monetary instrument,  
2 use of a safety deposit box, or any other payment, transfer,  
3 or delivery by, through, or to a financial institution, by  
4 whatever means effected.

5 (d) "Financial transaction" means a transaction  
6 involving the movement of funds by wire or other means or  
7 involving one or more monetary instruments, which in any way  
8 or degree affects commerce, or a transaction involving the  
9 transfer of title to any real property, vehicle, vessel, or  
10 aircraft, or a transaction involving the use of a financial  
11 institution which is engaged in, or the activities of which  
12 affect, commerce in any way or degree.

13 (e) "Monetary instruments" means coin or currency of  
14 the United States or of any other country, travelers' checks,  
15 personal checks, bank checks, money orders, investment  
16 securities in bearer form or otherwise in such form that title  
17 thereto passes upon delivery, and negotiable instruments in  
18 bearer form or otherwise in such form that title thereto  
19 passes upon delivery.

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

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

25 (h) "Knowing" means that a person knew; or with  
26 respect to any transaction or transportation involving more  
27 than \$10,000 in U.S. currency or foreign equivalent, should  
28 have known after reasonable inquiry, unless the person has a  
29 duty to file a federal currency transaction report, IRS Form  
30 8300, or a like report under state law and has complied with  
31 that reporting requirement in accordance with law.

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

4           ~~(3)(2) It is unlawful a felony of the second degree,~~  
5 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~  
6 ~~775.084, for a person:~~

7           (a) Knowing that the property involved in a financial  
8 transaction represents the proceeds of some form of unlawful  
9 activity, to conduct or attempt to conduct such a financial  
10 transaction which in fact involves the proceeds of specified  
11 unlawful activity:

12           1. With the intent to promote the carrying on of  
13 specified unlawful activity; or

14           2. Knowing that the transaction is designed in whole  
15 or in part:

16           a. To conceal or disguise the nature, the location,  
17 the source, the ownership, or the control of the proceeds of  
18 specified unlawful activity; or

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

21           (b) To transport or attempt to transport a monetary  
22 instrument or funds:

23           1. With the intent to promote the carrying on of  
24 specified unlawful activity; or

25           2. Knowing that the monetary instrument or funds  
26 involved in the transportation represent the proceeds of some  
27 form of unlawful activity and knowing that such transportation  
28 is designed in whole or in part:

29           a. To conceal or disguise the nature, the location,  
30 the source, the ownership, or the control of the proceeds of  
31 specified unlawful activity; or

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

3           (c) To conduct or attempt to conduct a financial  
4 transaction which involves property or proceeds which an  
5 investigative or law enforcement officer, or someone acting  
6 under such officer's direction, represents as being derived  
7 from, or as being used to conduct or facilitate, specified  
8 unlawful activity, when the person's conduct or attempted  
9 conduct is undertaken with the intent:

10           1. To promote the carrying on of specified unlawful  
11 activity; or

12           2. To conceal or disguise the nature, the location,  
13 the source, the ownership, or the control of the proceeds or  
14 property believed to be the proceeds of specified unlawful  
15 activity; or

16           3. To avoid a transaction reporting requirement under  
17 state law.

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

22           (d)(e) For the purposes of this subsection,  
23 "investigative or law enforcement officer" means any officer  
24 of the State of Florida or political subdivision thereof, of  
25 the United States, or of any other state or political  
26 subdivision thereof, who is empowered by law to conduct, on  
27 behalf of the government, investigations of, or to make  
28 arrests for, offenses enumerated in this subsection or similar  
29 federal offenses.

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

1           (a) Any stratagem or deception, including the use of  
2 an undercover operative or law enforcement officer, was  
3 employed.

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

6           (c) A law enforcement officer, or person acting under  
7 direction of a law enforcement officer, solicited a person  
8 predisposed to engage in conduct in violation of any provision  
9 of this chapter to commit a violation of this chapter in order  
10 to gain evidence against that person, provided such  
11 solicitation would not induce an ordinary law-abiding person  
12 to violate this chapter.

13  
14 This subsection does not preclude the defense of entrapment.

15           (5) A person who violates this section, if the  
16 violation involves:

17           (a) Monetary instruments exceeding \$300 but less than  
18 \$20,000 in any 12-month period, commits a felony of the third  
19 degree, punishable as provided in s. 775.082, s. 775.083, or  
20 s. 775.084.

21           (b) Monetary instruments totaling \$20,000 but less  
22 than \$100,000 in any 12-month period, commits a felony of the  
23 second degree, punishable as provided in s. 775.082, s.  
24 775.083, or s. 775.084.

25           (c) Monetary instruments totaling or exceeding  
26 \$100,000 in any 12-month period, commits a felony of the first  
27 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
28 775.084.

29           (6) In addition to the penalties authorized by s.  
30 775.082, s. 775.083, or s. 775.084, a person who has been  
31 found guilty of or who has pleaded guilty or nolo contendere



1 to having violated this section may be sentenced to pay a fine  
2 not exceeding \$250,000 or twice the value of the monetary  
3 instruments, whichever is greater, except that for a second or  
4 subsequent violation of this section, the fine may be up to  
5 \$500,000 or quintuple the value of the monetary instruments,  
6 whichever is greater.

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

10 (8) If a person is alienating or disposing of monetary  
11 instruments, or appears likely to or demonstrates an intent to  
12 alienate or dispose of monetary instruments, used in violation  
13 of this section, chapter 560, s. 655.50, or any crime listed  
14 as specified unlawful activity under this section, or monetary  
15 instruments or funds that are traceable to any such violation,  
16 the petitioner may commence a civil action in any circuit  
17 court having jurisdiction where such monetary instruments are  
18 located or have been deposited for a temporary injunction to  
19 prohibit any person from withdrawing, transferring, removing,  
20 dissipating, or disposing of any such monetary instruments of  
21 equivalent value. The temporary injunction will be obtained  
22 pursuant to Florida Civil Rule of Procedure 1.610. This  
23 section governs all temporary injunctions obtained pursuant to  
24 this section and supercedes all other provisions of the rule  
25 that may be inconsistent with this section. The court shall  
26 take into account any anticipated impact the temporary  
27 injunction will have on innocent third parties or businesses,  
28 balanced against the petitioner's need to preserve the  
29 monetary instruments.

30 (b) A temporary injunction must be granted without  
31 bond to the petitioner. However, the court may authorize a

1 respondent to post a bond equal to the amount to be enjoined  
2 and to have the injunction dissolved.

3 (c) A temporary injunction is to be entered upon  
4 application of the petitioner, ex parte and without notice or  
5 opportunity for a hearing with respect to the monetary  
6 instruments.

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

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

15 (f) At the termination of the temporary injunction or  
16 at any time before the termination of the temporary  
17 injunction, the petitioner may:

18 1. Obtain a warrant or other court order and seize the  
19 monetary instruments or funds and initiate a civil forfeiture  
20 action;

21 2. Obtain a warrant or other court order and seize the  
22 monetary instruments or funds for any subsequent criminal  
23 prosecution; or

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

30 (g) Within 24 hours after a temporary order is served  
31 pursuant to this section, the petitioner shall furnish to both

1 the person or entity in possession of the monetary instruments  
2 and to the owner of the monetary instruments, if known, either  
3 by certified mail, return receipt requested, or by personal  
4 service, a copy of the order entered pursuant to this section  
5 and a notice that the lawful owner of the monetary instruments  
6 being enjoined may request a hearing to contest the order  
7 entered pursuant to this section by petitioning the court that  
8 issued the order. The notice must also advise that the hearing  
9 will be held within 3 days after the request or as soon as  
10 practicable thereafter and before the expiration of the  
11 temporary order. The notice must state that the hearing will  
12 be set and noticed by the person against whom the order is  
13 entered.

14 (h) Only the lawful owner or the account holder of the  
15 monetary instruments or funds being enjoined may request a  
16 hearing to contest the order entered pursuant to this section  
17 by petitioning the court that issued the order. A hearing must  
18 be held within 3 days after the request or as soon as  
19 practicable thereafter and before the expiration of the  
20 temporary order. The hearing must be set and noticed by the  
21 lawful owner of the monetary instruments or his or her  
22 attorney. Notice of the hearing must be provided to the  
23 petitioner who procured the temporary injunction pursuant to  
24 the Florida Rules of Civil Procedure but not less than 24  
25 hours before the scheduled hearing. The court may receive and  
26 consider at a hearing held pursuant to this subsection,  
27 evidence and information that would be inadmissible under the  
28 Florida Rules of Evidence. A proceeding under this subsection  
29 is governed by the Florida Rules of Civil Procedure.

30 (9)(a) The petitioner may request issuance of a  
31 warrant authorizing the seizure of property, monetary

1 instruments, or funds subject to civil forfeiture in the same  
2 manner as provided for search warrants in chapter 933.

3 (b) Any financial institution that receives a seizure  
4 warrant pursuant to paragraph (a) has a right of setoff for  
5 any transaction involving a debit card occurring on or before  
6 the date of receipt of such warrant.

7 (10) Any financial institution, licensed money  
8 transmitter, or other person served with and complying with  
9 the terms of a warrant, temporary injunction, or other court  
10 order, including any subpoena issued under the authority  
11 granted by s. 27.04 obtained in furtherance of an  
12 investigation of any crime in this section, including any  
13 crime listed as specified unlawful activity under this section  
14 or any felony violation of chapter 560, has immunity from  
15 civil and criminal liability arising from any lawful actions  
16 taken in complying with the warrant, temporary injunction, or  
17 other court order, including any subpoena issued under the  
18 authority granted by s. 27.04. In any prosecution brought  
19 pursuant to chapter 896, the common law corpus delicti rule  
20 does not apply.

21 Section 19. Section 896.103, Florida Statutes, is  
22 amended to read:

23 896.103 Transaction which constitutes separate  
24 offense.--Notwithstanding any other provision of law, for  
25 purposes of this section and ss. 896.101 and 896.102, each  
26 individual currency transaction exceeding \$10,000 which is  
27 made in violation of the provisions of s. 896.102(1) or each  
28 financial transaction in violation of the provisions of s.  
29 896.101(3)~~s. 896.101(2)~~which involves the movement of funds  
30 in excess of \$10,000 shall constitute a separate, punishable  
31 offense.

1           Section 20. Section 896.104, Florida Statutes, is  
2 created to read:

3           896.104 Structuring transactions to evade reporting or  
4 registration requirements prohibited.--

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

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

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

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

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

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

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

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

12       (3) CRIMINAL PENALTIES.--

13       (a) A violation of this section, except as provided in  
14 paragraph (b), is a felony of the third degree, punishable as  
15 provided in s. 775.082, s. 775.83, or s. 775.084.

16       (b) Whoever commits a subsequent violation of this  
17 section or violates this section while violating another law  
18 of this state or of the United States or as part of a pattern  
19 of any illegal activity involving more than \$100,000 in a  
20 12-month period commits a felony of the second degree,  
21 punishable as provided in s. 775.082, s. 775.083, or s.  
22 775.084.

23       (4) PRESUMPTION.--Proof that a person engaged for  
24 monetary consideration in the business of a funds transmitter  
25 as defined in s. 560.103(9) and who is transporting more than  
26 \$10,000 in currency, or foreign equivalent, without being  
27 registered as a money transmitter or designated as an  
28 authorized vendor under the provisions of chapter 560, gives  
29 rise to an inference that the transportation was done with  
30 knowledge of the registration requirements of chapter 560 and  
31 the reporting requirements of this chapter.

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

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

6           896.105 Penalty provisions not applicable to law  
7 enforcement.--The penalty provisions of this chapter,  
8 including those directed at reporting violations or the  
9 conduct or attempted conduct of unlawful financial  
10 transactions, the unlawful transportation or attempted  
11 transportation of monetary instruments, and the concealment of  
12 unlawful proceeds or their ownership are not applicable to law  
13 enforcement officers who engage in aspects of such activity  
14 for bona fide authorized undercover law enforcement purposes  
15 in the course of or in relation to an active criminal  
16 investigation, active criminal intelligency gathering, or  
17 active prosecution.

18           Section 22. Section 896.106, Florida Statutes, is  
19 created to read:

20           896.106 Fugitive disentitlement.--A person may not use  
21 the resources of the courts of this state in furtherance of a  
22 claim in any related civil forfeiture action or a claim in  
23 third-party proceeding in any related forfeiture action if  
24 that person purposely leaves the jurisdiction of this state or  
25 the United States; declines to enter or reenter this state to  
26 submit to its jurisdiction; or otherwise evades the  
27 jurisdiction of the court in which a criminal case is pending  
28 against the person.

29           Section 23. Section 896.107, Florida Statutes, is  
30 created to read:

31           896.107 Rewards for informants.--





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

1	782.051(3)	2nd	Attempted felony murder of a
2			person by a person other than the
3			perpetrator or the perpetrator of
4			an attempted felony.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	2nd	Killing of human being or viable
10			fetus by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	2nd	Killing of a human being by the
14			operation of a vessel in a
15			reckless manner (vessel
16			homicide).
17	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
18			causing great bodily harm or
19			disfigurement.
20	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
21			weapon.
22	784.045(1)(b)	2nd	Aggravated battery; perpetrator
23			aware victim pregnant.
24	784.048(4)	3rd	Aggravated stalking; violation of
25			injunction or court order.
26	784.07(2)(d)	1st	Aggravated battery on law
27			enforcement officer.
28	784.08(2)(a)	1st	Aggravated battery on a person 65
29			years of age or older.
30	784.081(1)	1st	Aggravated battery on specified
31			official or employee.

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

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

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

1	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
2			than 200 grams, less than 5
3			kilograms.
4	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
5			than 14 grams, less than 28
6			grams.
7	893.135		
8	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
9			grams or more, less than 14
10			grams.
11	<u>896.101(5)(a)</u>	<u>3rd</u>	<u>Money laundering, monetary</u>
12			<u>instruments exceeding \$300 but</u>
13			<u>less than \$20,000.</u>
14			(h) LEVEL 8
15	316.193		
16	(3)(c)3.a.	2nd	DUI manslaughter.
17	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
18	<u>560.123(8)(a)2.</u>	<u>2nd</u>	<u>Failure to report currency or</u>
19			<u>payment instruments exceeding</u>
20			<u>\$20,000, but less than \$100,000</u>
21			<u>by money transmitter.</u>
22	<u>560.125(5)(b)</u>	<u>2nd</u>	<u>Money transmitter business by</u>
23			<u>unauthorized person, currency or</u>
24			<u>payment instruments exceeding</u>
25			<u>\$20,000, but less than \$100,000.</u>
26	<u>655.50(10)(a)2.</u>	<u>2nd</u>	<u>Failure to report monetary</u>
27			<u>instruments exceeding \$20,000,</u>
28			<u>but less than \$100,000 by</u>
29			<u>financial institutions.</u>
30	777.03(2)(a)	1st	Accessory after the fact, capital
31			felony.

1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.051(2)	1st	Attempted felony murder while
9			perpetrating or attempting to
10			perpetrate a felony not
11			enumerated in s. 782.04(3).
12	782.071(2)	1st	Committing vehicular homicide and
13			failing to render aid or give
14			information.
15	782.072(2)	1st	Committing vessel homicide and
16			failing to render aid or give
17			information.
18	790.161(3)	1st	Discharging a destructive device
19			which results in bodily harm or
20			property damage.
21	794.011(5)	2nd	Sexual battery, victim 12 years
22			or over, offender does not use
23			physical force likely to cause
24			serious injury.
25	800.04(4)	2nd	Lewd or lascivious battery.
26	806.01(1)	1st	Maliciously damage dwelling or
27			structure by fire or explosive,
28			believing person in structure.
29	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
30	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
31			or dangerous weapon.

1	810.02(2)(c)	1st	Burglary of a dwelling or
2			structure causing structural
3			damage or \$1,000 or more property
4			damage.
5	812.13(2)(b)	1st	Robbery with a weapon.
6	812.135(2)	1st	Home-invasion robbery.
7	825.102(2)	2nd	Aggravated abuse of an elderly
8			person or disabled adult.
9	825.103(2)(a)	1st	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$100,000 or more.
12	837.02(2)	2nd	Perjury in official proceedings
13			relating to prosecution of a
14			capital felony.
15	837.021(2)	2nd	Making contradictory statements
16			in official proceedings relating
17			to prosecution of a capital
18			felony.
19	860.121(2)(c)	1st	Shooting at or throwing any
20			object in path of railroad
21			vehicle resulting in great bodily
22			harm.
23	860.16	1st	Aircraft piracy.
24	893.13(1)(b)	1st	Sell or deliver in excess of 10
25			grams of any substance specified
26			in s. 893.03(1)(a) or (b).
27	893.13(2)(b)	1st	Purchase in excess of 10 grams of
28			any substance specified in s.
29			893.03(1)(a) or (b).
30			
31			



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

1	895.03(1)	1st	Use or invest proceeds derived
2			from pattern of racketeering
3			activity.
4	895.03(2)	1st	Acquire or maintain through
5			racketeering activity any
6			interest in or control of any
7			enterprise or real property.
8	895.03(3)	1st	Conduct or participate in any
9			enterprise through pattern of
10			racketeering activity.
11	<u>896.101(5)(b)</u>	<u>2nd</u>	<u>Money laundering, monetary</u>
12			<u>instruments exceeding \$20,000,</u>
13			<u>but less than \$100,000.</u>
14			(i) LEVEL 9
15	316.193		
16	(3)(c)3.b.	1st	DUI manslaughter; failing to
17			render aid or give information.
18	<u>560.123(8)(a)3.</u>	<u>1st</u>	<u>Failure to report currency or</u>
19			<u>payment instruments exceeding</u>
20			<u>\$100,000 by money transmitter.</u>
21	<u>560.125(5)(c)</u>	<u>1st</u>	<u>Money transmitter business by</u>
22			<u>unauthorized person, currency, or</u>
23			<u>payment instruments exceeding</u>
24			<u>\$100,000.</u>
25	<u>655.50(10)(a)3.</u>	<u>1st</u>	<u>Failure to report monetary</u>
26			<u>instruments exceeding \$100,000 by</u>
27			<u>financial institution.</u>
28	782.04(1)	1st	Attempt, conspire, or solicit to
29			commit premeditated murder.
30			
31			

1	782.04(3)	1st,PBL	Accomplice to murder in
2			connection with arson, sexual
3			battery, robbery, burglary, and
4			other specified felonies.
5	782.051(1)	1st	Attempted felony murder while
6			perpetrating or attempting to
7			perpetrate a felony enumerated in
8			s. 782.04(3).
9	782.07(2)	1st	Aggravated manslaughter of an
10			elderly person or disabled adult.
11	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
12			reward or as a shield or hostage.
13	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
14			or facilitate commission of any
15			felony.
16	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
17			interfere with performance of any
18			governmental or political
19			function.
20	787.02(3)(a)	1st	False imprisonment; child under
21			age 13; perpetrator also commits
22			aggravated child abuse, sexual
23			battery, or lewd or lascivious
24			battery, molestation, conduct, or
25			exhibition.
26	790.161	1st	Attempted capital destructive
27			device offense.
28	794.011(2)	1st	Attempted sexual battery; victim
29			less than 12 years of age.
30			
31			

1	794.011(2)	Life	Sexual battery; offender younger
2			than 18 years and commits sexual
3			battery on a person less than 12
4			years.
5	794.011(4)	1st	Sexual battery; victim 12 years
6			or older, certain circumstances.
7	794.011(8)(b)	1st	Sexual battery; engage in sexual
8			conduct with minor 12 to 18 years
9			by person in familial or
10			custodial authority.
11	800.04(5)(b)	1st	Lewd or lascivious molestation;
12			victim less than 12 years;
13			offender 18 years or older.
14	812.13(2)(a)	1st,PBL	Robbery with firearm or other
15			deadly weapon.
16	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
17			deadly weapon.
18	827.03(2)	1st	Aggravated child abuse.
19	847.0145(1)	1st	Selling, or otherwise
20			transferring custody or control,
21			of a minor.
22	847.0145(2)	1st	Purchasing, or otherwise
23			obtaining custody or control, of
24			a minor.
25	859.01	1st	Poisoning food, drink, medicine,
26			or water with intent to kill or
27			injure another person.
28	893.135	1st	Attempted capital trafficking
29			offense.
30	893.135(1)(a)3.	1st	Trafficking in cannabis, more
31			than 10,000 lbs.

1 893.135  
2 (1)(b)1.c. 1st Trafficking in cocaine, more than  
3 400 grams, less than 150  
4 kilograms.  
5 893.135  
6 (1)(c)1.c. 1st Trafficking in illegal drugs,  
7 more than 28 grams, less than 30  
8 kilograms.  
9 893.135  
10 (1)(d)1.c. 1st Trafficking in phencyclidine,  
11 more than 400 grams.  
12 893.135  
13 (1)(e)1.c. 1st Trafficking in methaqualone, more  
14 than 25 kilograms.  
15 893.135  
16 (1)(f)1.c. 1st Trafficking in amphetamine, more  
17 than 200 grams.  
18 896.101(5)(c) 1st Money laundering, monetary  
19 instruments exceeding \$100,000.

20 Section 25. This act shall take effect July 1, 2000.

21  
22 \*\*\*\*\*

23 SENATE SUMMARY

24 Amends various sections of the Florida Statutes providing  
25 criminal standards and sanctions for money transmitting  
26 and money laundering.  
27  
28  
29  
30  
31