

By the Committees on Banking and Insurance; and Criminal
Justice

311-1762-00

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; providing for
5 development and implementation of a statewide
6 seaport security plan and local seaport
7 security plans; providing for inspections of
8 seaports to determine compliance with minimum
9 seaport security standards and reporting of
10 results of inspections performed; providing for
11 a fingerprint-based criminal-history check of
12 applicants for employment and current employees
13 at certain seaports; amending s. 560.103, F.S.;
14 limiting the definition of the term "authorized
15 vendor" as used in the Money Transmitters' Code
16 to businesses located in this state; creating
17 s. 560.1073, F.S.; providing a criminal penalty
18 for making or filing with the department
19 certain false or misleading statements or
20 documents; amending s. 560.111, F.S.; deleting
21 requirement that violation must be knowing;
22 adding usury to prohibited acts; amending s.
23 560.114, F.S.; expanding the department's
24 disciplinary authority; deleting requirement
25 that certain prohibited acts be knowingly or
26 willfully committed; adding other acts subject
27 to disciplinary action; providing that each
28 money transmitter is responsible for any act of
29 its authorized vendors if the money transmitter
30 should have known of the act; amending s.
31 560.117, F.S.; providing the circumstances

1 under which the department must give notice
2 prior to bringing disciplinary action;
3 providing for an administrative fine; amending
4 s. 560.118, F.S.; revising requirements for
5 examinations, reports, and audits of money
6 transmitters; providing a criminal penalty for
7 violations of the section; amending s. 560.123,
8 F.S.; revising standards for graduated
9 penalties involving currency or payment
10 instruments under the Florida Control of Money
11 Laundering in Money Transmitters Act; providing
12 that the common law corpus delicti rule does
13 not apply to prosecutions under the Money
14 Transmitters' Code; amending s. 560.125, F.S.;
15 providing graduated criminal penalties;
16 increasing fines; providing for a civil
17 penalty; providing that the corpus delicti
18 rule, as specifically designated, does not
19 apply; amending s. 560.205, F.S.; requiring the
20 submission of fingerprints by applicants for
21 registration under the Payment Instruments and
22 Funds Transmission Act; amending s. 560.211,
23 F.S.; providing a criminal penalty for
24 violating or failing to comply with
25 recordkeeping requirements; amending s.
26 560.306, F.S.; providing standards for
27 qualifying for registration under the Check
28 Cashing and Foreign Currency Exchange Act;
29 amending s. 560.310, F.S.; providing a criminal
30 penalty for violating or failing to comply with
31 recordkeeping requirements; amending s. 655.50,

1 F.S.; revising standards for graduated
2 penalties involving monetary instruments under
3 the Florida Control of Money Laundering in
4 Financial Institutions Act; providing that the
5 corpus delicti rule, as specifically
6 designated, does not apply; amending s.
7 893.145, F.S.; redefining the term "drug
8 paraphernalia"; amending s. 893.147, F.S.;
9 providing a criminal penalty for transportation
10 of drug paraphernalia; amending s. 895.02,
11 F.S.; expanding the definition of the term
12 "racketeering activity"; amending s. 896.101,
13 F.S.; redefining the terms "transaction" and
14 "financial transaction"; defining the terms
15 "knowing" and "petitioner"; revising elements
16 of the offense to include avoidance of a money
17 transmitter's registration requirement;
18 providing that specific circumstances do not
19 constitute a defense to a prosecution;
20 providing for graduated criminal penalties,
21 fines, and civil penalties; providing for
22 temporary injunctions; providing for seizure
23 warrants; providing for immunity from liability
24 arising from lawful actions taken to comply
25 with a warrant; providing that the corpus
26 delicti rule, as specifically designated, does
27 not apply; amending s. 896.103, F.S.;
28 conforming a statutory cross-reference;
29 creating ss. 896.104, 896.105, 896.106,
30 896.107, F.S.; providing definitions; providing
31 graduated criminal penalties for evading

1 reporting or registration requirements in
2 specific financial transactions; providing for
3 fines and civil penalties; providing exceptions
4 for undercover law enforcement purposes;
5 providing for fugitive disentitlement;
6 authorizing law enforcement agencies to provide
7 informant rewards, subject to certain
8 requirements; amending s. 921.0022, F.S.;
9 adding specified monetary transaction offenses
10 to the Criminal Punishment Code ranking chart;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 311.12, Florida Statutes, is
16 created to read:

17 311.12 Seaport security.--

18 (1) The Office of Drug Control within the Executive
19 Office of the Governor, in consultation with the Florida
20 Seaport Transportation and Economic Development Council and in
21 conjunction with the Florida Department of Law Enforcement and
22 local law enforcement agencies having primary authority over
23 the affected seaports, shall develop, by January 1, 2001, a
24 statewide seaport security plan.

25 (2) All seaports as identified pursuant to s.
26 311.09(1), in conjunction with and pending review and approval
27 by the Office of Drug Control within the Executive Office of
28 the Governor and the Florida Department of Law Enforcement,
29 and in consultation with the Florida Seaport Transportation
30 and Economic Development Council, shall, no later than January
31 31, 2001, develop and draft individual seaport security plans

1 particular to the specific and identifiable needs of their
2 respective seaports.

3 (a) Each seaport security plan shall adhere to uniform
4 statewide minimum security standards for the prevention of
5 criminal activity to include money laundering. Each seaport
6 security plan shall incorporate the security recommendations
7 of the Florida Seaport Security Assessment 2000. Each seaport
8 listed in s. 311.09(1) must meet the uniform statewide minimum
9 seaport security standards.

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

13 (3) A fingerprint-based criminal history check shall
14 be performed on any applicant for employment or current
15 employee, as designated by the security plan authorized by
16 this section, who will be working within the property of or
17 have regular access to any seaport listed in s. 311.09(1). The
18 costs of such checks shall be paid by the seaport or employing
19 entity or any person so checked. The applicant or employee
20 shall file a complete set of fingerprints taken in a manner
21 required by the Department of Law Enforcement and the security
22 plan. These fingerprints shall be submitted to the Department
23 of Law Enforcement for state processing and to the Federal
24 Bureau of Investigation for federal processing. The results of
25 the checks shall be reported to the seaports in a manner
26 established by the security plan authorized by this section.

27 (4) The affected seaports shall implement the security
28 standards developed under this section by December 31, 2001.
29 The Florida Department of Law Enforcement, or any entity
30 selected by the department, shall conduct no less than once
31 annually an unannounced inspection of each seaport listed in

1 s. 311.09(1) to determine whether the seaport is meeting the
2 minimum standards established under the authority of this
3 section. The Department of Law Enforcement, in consultation
4 with the Office of Drug Control within the Executive Office of
5 the Governor, must complete a report indicating the results of
6 all such inspections conducted during the year and any
7 suggestions or concerns developed by reason of such
8 inspections by no later than December 31 of each year. A copy
9 of the report shall be provided to the Governor, the President
10 of the Senate, the Speaker of the House of Representatives,
11 and the chief administrator of each seaport inspected. The
12 report shall, to the extent possible, include responses from
13 the chief administrator of any seaport about which suggestions
14 have been made or security concerns raised, indicating what
15 actions, if any, have been taken or are planned to be taken in
16 response to the suggestions or concerns noted.

17 (5) This section may not be construed as preventing
18 any seaport from implementing security measures that are more
19 stringent, greater than, or supplemental to, the minimum
20 standards established by this section.

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 locations in this state pursuant
28 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 or a
27 money transmitter-affiliated party are violations of the code
28 and constitute grounds for the issuance of a cease and desist
29 order, the issuance of a removal order, the denial of a
30 registration application or the suspension or revocation of
31 any registration previously issued pursuant to the code, or

1 the taking of any other action within the authority of the
2 department pursuant to the code:

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

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

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

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

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

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

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

31

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 as a money transmitter within any jurisdiction ~~for fraud or~~
28 ~~dishonest dealing.~~

29 ~~(m)(c)~~ Committing any act resulting in ~~Having~~ a
30 registration or its equivalent, or an application for
31 registration, to practice any profession or occupation being

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

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

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

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

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

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 pay any judgment entered by any court
7 within 30 days after judgment becomes final.

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 after actual
16 notice is served on the person within which to correct the
17 violation before bringing disciplinary action under the code:

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

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

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

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

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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
12 for the protection of the public. For the purpose of
13 examinations, the department may administer oaths and examine
14 a money transmitter or any of its affiliated parties
15 concerning their operations and business activities and
16 affairs. ~~however, whenever the department has reason to~~
17 ~~believe that a money transmitter or authorized vendor is~~
18 ~~engaging in an unsafe and unsound practice, or has violated or~~
19 ~~is violating any provision of the code, the department may~~
20 ~~make an examination of such money transmitter or authorized~~
21 ~~vendor without providing advance notice.~~The department may
22 accept an audit or examination from any appropriate regulatory
23 agency or from an independent third party with respect to the
24 operations of a money transmitter or an authorized vendor. The
25 department may also make a joint or concurrent examination
26 with any state or federal ~~appropriate~~ regulatory agency. The
27 department may furnish a copy of all examinations made of such
28 money transmitter or authorized vendor to the money
29 transmitter and any appropriate regulatory agency provided
30 that such agency agrees to abide by the confidentiality
31 provisions as set forth in chapter 119.

1 (b) Persons subject to this chapter who are examined
2 shall make available to the department or its examiners the
3 accounts, records, documents, files, information, assets, and
4 matters which are in their immediate possession or control and
5 which relate to the subject of the examination. Those
6 accounts, records, documents, files, information, assets, and
7 matters not in their immediate possession shall be made
8 available to the department or its examiners within 10 days
9 after actual notice is served on such persons.

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

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

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

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

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

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

1 true and correct to the best of her or his knowledge and
2 belief. Such report must include such information as the
3 department by rule requires for that type of money
4 transmitter.

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

10 (3) Any person who is not a registered money
11 transmitter and who violates, or any registered money
12 transmitter who willfully violates, this section or fails to
13 comply with any lawful written demand or order of the
14 department made under this section commits a felony of the
15 third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

17 Section 8. Subsection (8) of section 560.123, Florida
18 Statutes, is amended and subsection (9) is added to that
19 section to read:

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

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

28 ~~(b)~~ A person who is not a registered money transmitter
29 and who willfully violates any provision of this section, or
30 any registered money transmitter who willfully violates this
31 section or chapter 896, if the violation involves is:

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

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

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

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

30 ~~(c)(d)~~ A person who ~~willfully~~ violates this section ~~or~~
31 ~~chapter 896~~ is also liable for a civil penalty of not more

1 than the greater of the value of the currency or payment
2 instruments financial transaction involved or \$25,000.

3 ~~However, such civil penalty shall not exceed \$100,000.~~

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

6 The defendant's confession or admission is admissible during
7 trial without the state having to prove the corpus delicti if
8 the court finds in a hearing conducted outside the presence of

9 the jury that the defendant's confession or admission is

10 trustworthy. Before the court admits the defendant's

11 confession or admission, the state must prove by a

12 preponderance of the evidence that there is sufficient

13 corroborating evidence that tends to establish the

14 trustworthiness of the statement by the defendant. Hearsay

15 evidence is admissible during the presentation of evidence at

16 the hearing. In making its determination, the court may

17 consider all relevant corroborating evidence, including the

18 defendant's statements.

19 Section 9. Section 560.125, Florida Statutes, is
20 amended to read:

21 560.125 Money transmitter business by unauthorized
22 persons; penalties.--

23 (1) A person other than a registered money transmitter
24 or authorized vendor may not engage in the business of a money
25 transmitter in this state unless the person is exempted from
26 the registration requirements of the code.

27 (2) No person shall act as a vendor of a money
28 transmitter when such money transmitter is subject to
29 registration under the code but has not registered. Any such
30 person becomes the principal thereof, and no longer merely

31

1 acts as a vendor, and such person is liable to the holder or
2 remitter as a principal money transmitter.

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

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

25 (5) A person who violates this section, if the
26 violation involves:

27 (a) Currency or payment instruments exceeding \$300 but
28 less than \$20,000 in any 12-month period, commits a felony of
29 the third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31

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

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

9 (6) In addition to the penalties authorized by s.
10 775.082, s. 775.083, or s. 775.084, a person who has been
11 found guilty of or who has pleaded guilty or nolo contendere
12 to having violated this section may be sentenced to pay a fine
13 not exceeding \$250,000 or twice the value of the currency or
14 payment instruments, whichever is greater, except that on a
15 second or subsequent violation of this section, the fine may
16 be up to \$500,000 or quintuple the value of the currency or
17 payment instruments, whichever is greater.

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

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

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

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

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

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

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

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

11 department reasonably requires, including, but not limited to:

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

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

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

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

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

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

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

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 is not a registered money
17 transmitter and who violates this section, or any registered
18 money transmitter who willfully violates this section, commits
19 a felony of the third degree, punishable as provided in s.
20 775.082, s. 775.083, or s. 775.084.

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

23 560.306 Standards.--

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

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

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

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

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

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

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

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

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

30 (5) Any person who is not a registered money
31 transmitter and who violates, or any registered money

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

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

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

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

18 (a)(b) A person who is not a registered money
19 transmitter and who willfully violates, or any registered
20 money transmitter who willfully violates, this section or
21 knowingly causes another to violate any provision of this
22 section, chapter 896, or any similar state or federal law,
23 when the violation involves is:

- 24 1. Monetary instruments Committed in furtherance of
25 the commission of any other violation of Florida law; or
26 2. Committed as part of a pattern of illegal activity
27 involving financial transactions exceeding \$300 but less than
28 \$20,000 in any 12-month period, is guilty of a felony of the
29 third degree, punishable as provided in s. 775.082 or 775.083;
30 or

31

1 2.3. Monetary instruments totaling or exceeding
2 ~~Committed as part of a pattern of illegal activity involving~~
3 ~~financial transactions exceeding \$20,000 but less than~~
4 ~~\$100,000 in any 12-month period is guilty of a felony of the~~
5 ~~second degree, punishable as provided in s. 775.082 or~~
6 ~~775.083; or~~

7 3.4. Monetary instruments totaling or ~~Committed as~~
8 ~~part of a pattern of illegal activity involving financial~~
9 ~~transactions~~ exceeding \$100,000 in any 12-month period is
10 guilty of a felony of the first degree, punishable as provided
11 in s. 775.082 or s. 775.083.

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

23 ~~(c)(d)~~ A person who ~~willfully~~ violates this section,
24 ~~chapter 896,~~ or any similar state or federal law is also
25 liable for a civil penalty of not more than the greater of the
26 value of the monetary instruments ~~financial transaction~~
27 involved or \$25,000. ~~However, the civil penalty may not exceed~~
28 ~~\$100,000.~~

29 (11) In any prosecution brought pursuant to this
30 section, the common law corpus delicti rule does not apply.
31 The defendant's confession or admission is admissible during

1 trial without the state having to prove the corpus delicti if
2 the court finds in a hearing conducted outside the presence of
3 the jury that the defendant's confession or admission is
4 trustworthy. Before the court admits the defendant's
5 confession or admission, the state must prove by a
6 preponderance of the evidence that there is sufficient
7 corroborating evidence that tends to establish the
8 trustworthiness of the statement by the defendant. Hearsay
9 evidence is admissible during the presentation of evidence at
10 the hearing. In making its determination, the court may
11 consider all relevant corroborating evidence, including the
12 defendant's statements.

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

7 (b) Water pipes.

8 (c) Carburetion tubes and devices.

9 (d) Smoking and carburetion masks.

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

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

14 (g) Chamber pipes.

15 (h) Carburetor pipes.

16 (i) Electric pipes.

17 (j) Air-driven pipes.

18 (k) Chillums.

19 (l) Bongs.

20 (m) Ice pipes or chillers.

21 Section 16. Section 893.147, Florida Statutes, is
22 amended to read:

23 893.147 Use, possession, manufacture, delivery,
24 transportation, or advertisement of drug paraphernalia.--

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

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

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

4
5 Any person who violates this subsection is guilty of a
6 misdemeanor of the first degree, punishable as provided in s.
7 775.082 or s. 775.083.

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

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

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

20
21 Any person who violates this subsection is guilty of a felony
22 of the third degree, punishable as provided in s. 775.082, s.
23 775.083, or s. 775.084.

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

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

30 (b) It is unlawful for any person to sell or otherwise
31 deliver hypodermic syringes, needles, or other objects which

1 may be used, are intended for use, or are designed for use in
2 parenterally injecting substances into the human body to any
3 person under 18 years of age, except that hypodermic syringes,
4 needles, or other such objects may be lawfully dispensed to a
5 person under 18 years of age by a licensed practitioner,
6 parent, or legal guardian or by a pharmacist pursuant to a
7 valid prescription for same. Any person who violates the
8 provisions of this paragraph is guilty of a misdemeanor of the
9 first degree, punishable as provided in s. 775.082 or s.
10 775.083.

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

16 (a) A controlled substance in violation of this
17 chapter; or

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

19
20 Any person who violates this subsection commits a felony of
21 the third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

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

1 Section 17. Paragraph (a) of subsection (1) of section
2 895.02, Florida Statutes, is amended to read:

3 895.02 Definitions.--As used in ss. 895.01-895.08, the
4 term:

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

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

11 1. Section 210.18, relating to evasion of payment of
12 cigarette taxes.

13 2. Section 403.727(3)(b), relating to environmental
14 control.

15 3. Section 414.39, relating to public assistance
16 fraud.

17 4. Section 409.920, relating to Medicaid provider
18 fraud.

19 5. Section 440.105 or s. 440.106, relating to workers'
20 compensation.

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

22 7. Chapter 517, relating to sale of securities and
23 investor protection.

24 8. Section 550.235, s. 550.3551, or s. 550.3605,
25 relating to dogracing and horseracing.

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

27 10. Chapter 552, relating to the manufacture,
28 distribution, and use of explosives.

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

31

1 ~~12.11.~~ Chapter 562, relating to beverage law
2 enforcement.
3 ~~13.12.~~ Section 624.401, relating to transacting
4 insurance without a certificate of authority, s.
5 624.437(4)(c)1., relating to operating an unauthorized
6 multiple-employer welfare arrangement, or s. 626.902(1)(b),
7 relating to representing or aiding an unauthorized insurer.
8 ~~14.13.~~ Section 655.50, relating to reports of currency
9 transactions, when such violation is punishable as a felony.
10 ~~15.14.~~ Chapter 687, relating to interest and usurious
11 practices.
12 ~~16.15.~~ Section 721.08, s. 721.09, or s. 721.13,
13 relating to real estate timeshare plans.
14 ~~17.16.~~ Chapter 782, relating to homicide.
15 ~~18.17.~~ Chapter 784, relating to assault and battery.
16 ~~19.18.~~ Chapter 787, relating to kidnapping.
17 ~~20.19.~~ Chapter 790, relating to weapons and firearms.
18 ~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s.
19 796.07, relating to prostitution.
20 ~~22.21.~~ Chapter 806, relating to arson.
21 ~~23.22.~~ Section 810.02(2)(c), relating to specified
22 burglary of a dwelling or structure.
23 ~~24.23.~~ Chapter 812, relating to theft, robbery, and
24 related crimes.
25 ~~25.24.~~ Chapter 815, relating to computer-related
26 crimes.
27 ~~26.25.~~ Chapter 817, relating to fraudulent practices,
28 false pretenses, fraud generally, and credit card crimes.
29 ~~27.26.~~ Chapter 825, relating to abuse, neglect, or
30 exploitation of an elderly person or disabled adult.
31

1 ~~28.27.~~ Section 827.071, relating to commercial sexual
2 exploitation of children.
3 ~~29.28.~~ Chapter 831, relating to forgery and
4 counterfeiting.
5 ~~30.29.~~ Chapter 832, relating to issuance of worthless
6 checks and drafts.
7 ~~31.30.~~ Section 836.05, relating to extortion.
8 ~~32.31.~~ Chapter 837, relating to perjury.
9 ~~33.32.~~ Chapter 838, relating to bribery and misuse of
10 public office.
11 ~~34.33.~~ Chapter 843, relating to obstruction of
12 justice.
13 ~~35.34.~~ Section 847.011, s. 847.012, s. 847.013, s.
14 847.06, or s. 847.07, relating to obscene literature and
15 profanity.
16 ~~36.35.~~ Section 849.09, s. 849.14, s. 849.15, s.
17 849.23, or s. 849.25, relating to gambling.
18 ~~37.36.~~ Chapter 874, relating to criminal street gangs.
19 ~~38.37.~~ Chapter 893, relating to drug abuse prevention
20 and control.
21 ~~39.38.~~ Chapter 896, relating to offenses related to
22 financial transactions.
23 ~~40.39.~~ Sections 914.22 and 914.23, relating to
24 tampering with a witness, victim, or informant, and
25 retaliation against a witness, victim, or informant.
26 ~~41.40.~~ Sections 918.12 and 918.13, relating to
27 tampering with jurors and evidence.
28 Section 18. Section 896.101, Florida Statutes, is
29 amended to read:
30 896.101 Florida Money Laundering Act; definitions;
31 penalties; injunctions; seizure warrants; immunity ~~Offense of~~

1 ~~conduct of financial transaction involving proceeds of~~
2 ~~unlawful activity; penalties.--~~

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

5 (2)~~(1) DEFINITIONS~~.--As used in this section, the
6 term:

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

14 (b) "Conducts" includes initiating, concluding, or
15 participating in initiating or concluding a transaction.

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

25 (d) "Financial transaction" means a transaction
26 involving the movement of funds by wire or other means or
27 involving one or more monetary instruments, which in any way
28 or degree affects commerce, or a transaction involving the
29 transfer of title to any real property, vehicle, vessel, or
30 aircraft, or a transaction involving the use of a financial
31

1 institution which is engaged in, or the activities of which
2 affect, commerce in any way or degree.

3 (e) "Monetary instruments" means coin or currency of
4 the United States or of any other country, travelers' checks,
5 personal checks, bank checks, money orders, investment
6 securities in bearer form or otherwise in such form that title
7 thereto passes upon delivery, and negotiable instruments in
8 bearer form or otherwise in such form that title thereto
9 passes upon delivery.

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

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

15 (h) "Knowing" means that a person knew, or, with
16 respect to any transaction or transportation involving more
17 than \$10,000 in U.S. currency or foreign equivalent, should
18 have known after reasonable inquiry, unless the person has a
19 duty to file a federal currency transaction report, IRS Form
20 8300, or a like report under state law and has complied with
21 that reporting requirement in accordance with law.

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

25 ~~(3)(2) It is unlawful a felony of the second degree,~~
26 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
27 ~~775.084, for a person:~~

28 (a) Knowing that the property involved in a financial
29 transaction represents the proceeds of some form of unlawful
30 activity, to conduct or attempt to conduct such a financial
31

1 transaction which in fact involves the proceeds of specified
2 unlawful activity:

3 1. With the intent to promote the carrying on of
4 specified unlawful activity; or

5 2. Knowing that the transaction is designed in whole
6 or in part:

7 a. To conceal or disguise the nature, the location,
8 the source, the ownership, or the control of the proceeds of
9 specified unlawful activity; or

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

12 (b) To transport or attempt to transport a monetary
13 instrument or funds:

14 1. With the intent to promote the carrying on of
15 specified unlawful activity; or

16 2. Knowing that the monetary instrument or funds
17 involved in the transportation represent the proceeds of some
18 form of unlawful activity and knowing that such transportation
19 is designed in whole or in part:

20 a. To conceal or disguise the nature, the location,
21 the source, the ownership, or the control of the proceeds of
22 specified unlawful activity; or

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

25 (c) To conduct or attempt to conduct a financial
26 transaction which involves property or proceeds which an
27 investigative or law enforcement officer, or someone acting
28 under such officer's direction, represents as being derived
29 from, or as being used to conduct or facilitate, specified
30 unlawful activity, when the person's conduct or attempted
31 conduct is undertaken with the intent:

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

3 2. To conceal or disguise the nature, the location,
4 the source, the ownership, or the control of the proceeds or
5 property believed to be the proceeds of specified unlawful
6 activity; or

7 3. To avoid a transaction reporting requirement under
8 state law.

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

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

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

23 (a) Any stratagem or deception, including the use of
24 an undercover operative or law enforcement officer, was
25 employed.

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

28 (c) A law enforcement officer, or person acting under
29 the direction of a law enforcement officer, solicited a person
30 predisposed to engage in conduct in violation of any provision
31 of this chapter to commit a violation of this chapter in order

1 to gain evidence against that person, provided such
2 solicitation would not induce an ordinary law-abiding person
3 to violate this chapter.

4
5 This subsection does not preclude the defense of entrapment.

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

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

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

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

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

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

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

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

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

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

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

7 (f) At the termination of the temporary injunction or
8 at any time before the termination of the temporary
9 injunction, the petitioner may:

10 1. Obtain a warrant or other court order and seize the
11 monetary instruments or funds and initiate a civil forfeiture
12 action;

13 2. Obtain a warrant or other court order and seize the
14 monetary instruments or funds for any subsequent criminal
15 prosecution; or

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

22 (g) Within 24 hours after a temporary order is served
23 pursuant to this section, the petitioner shall furnish to both
24 the person or entity in possession of the monetary instruments
25 and to the owner of the monetary instruments, if known, either
26 by certified mail, return receipt requested, or by personal
27 service, a copy of the order entered pursuant to this section
28 and a notice that the lawful owner of the monetary instruments
29 being enjoined may request a hearing to contest the order
30 entered pursuant to this section by petitioning the court that
31 issued the order. The notice must also advise that the hearing

1 will be held within 3 days after the request or as soon as
2 practicable thereafter and before the expiration of the
3 temporary order. The notice must state that the hearing will
4 be set and noticed by the person against whom the order is
5 entered.

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

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

26 (b) Any financial institution that receives a seizure
27 warrant pursuant to paragraph (a), temporary injunction, or
28 other court order, may deduct from the account the funds
29 necessary to pay any electronic transaction presented for
30 payment where the electronic transaction was initiated prior
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1 to the time the seizure order was served on the financial
2 institution.

3 (10) Any financial institution, licensed money
4 transmitter, or other person served with and complying with
5 the terms of a warrant, temporary injunction, or other court
6 order, including any subpoena issued under the authority
7 granted by s. 27.04, obtained in furtherance of an
8 investigation of any crime in this section, including any
9 crime listed as specified unlawful activity under this section
10 or any felony violation of chapter 560, has immunity from
11 criminal liability and shall not be liable to any person for
12 any lawful action taken in complying with the warrant,
13 temporary injunction, or other court order, including any
14 subpoena issued under the authority granted by s. 27.04.

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

30 Section 19. Section 896.103, Florida Statutes, is
31 amended to read:

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

10 Section 20. Section 896.104, Florida Statutes, is
11 created to read:

12 896.104 Structuring transactions to evade reporting or
13 registration requirements prohibited.--

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

30 (2) DOMESTIC COIN AND CURRENCY TRANSACTIONS.--A person
31 may not, for the purpose of evading the reporting and

1 registration requirements of chapter 896, chapter 655, or
2 chapter 560, or s. 5313(a) or s. 5325 of Title 31, United
3 States Code, or any rules or regulations adopted under those
4 chapters and sections, when some portion of the activity by
5 that person occurs in this state:

6 (a) Cause or attempt to cause a person or financial
7 institution in this state to fail to file an applicable report
8 or registration required under those chapters and sections or
9 any rule or regulation adopted under any of those chapters and
10 sections;

11 (b) Cause or attempt to cause a person or financial
12 institution in this state to file an applicable report
13 required under those chapters and sections or any rule or
14 regulation adopted under those chapters and sections which
15 contains a material omission or misstatement of fact; or

16 (c) Structure or assist in structuring, or attempt to
17 structure or assist in structuring, any financial transaction
18 with or involving one or more financial institutions in this
19 state.

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

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

29 (b) File or cause or attempt to cause a person to file
30 an applicable registration or report required under those

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1 chapters and sections which contains a material omission or
2 misstatement of fact; or

3 (c) Structure or assist in structuring, or attempt to
4 structure or assist in structuring, any importation or
5 exportation of currency or monetary instruments to, from, or
6 through financial institutions in this state.

7 (4) CRIMINAL PENALTIES.--

8 (a) A person who violates this section, if the
9 violation involves:

10 1. Monetary instruments exceeding \$300 but less than
11 \$20,000 in any 12-month period, commits a felony of the third
12 degree, punishable as provided in s. 775.082, s. 775.083 or s.
13 775.084.

14 2. Monetary instruments totaling or exceeding \$20,000
15 but less than \$100,000 in any 12-month period, commits a
16 felony of the second degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

18 3. Monetary instruments totaling or exceeding \$100,000
19 in any 12-month period, commits a felony of the first degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084.

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

31

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

4 (5) INFERENCE.--Proof that a person engaged for
5 monetary consideration in the business of a funds transmitter
6 as defined in s. 560.103(9) and who is transporting more than
7 \$10,000 in currency, or foreign equivalent, without being
8 registered as a money transmitter or designated as an
9 authorized vendor under the provisions of chapter 560, gives
10 rise to an inference that the transportation was done with
11 knowledge of the registration requirements of chapter 560 and
12 the reporting requirements of this chapter.

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

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

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

30 Section 22. Section 896.106, Florida Statutes, is
31 created to read:

1 896.106 Fugitive disentitlement.--A person may not use
2 the resources of the courts of this state in furtherance of a
3 claim in any related civil forfeiture action or a claim in
4 third-party proceeding in any related forfeiture action if
5 that person purposely leaves the jurisdiction of this state or
6 the United States; declines to enter or reenter this state to
7 submit to its jurisdiction; or otherwise evades the
8 jurisdiction of the court in which a criminal case is pending
9 against the person.

10 Section 23. Section 896.107, Florida Statutes, is
11 created to read:

12 896.107 Rewards for informants.--

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

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

24 (3) An officer or employee of the United States, a
25 state or local government, or a foreign government who in the
26 performance of official duties provides information described
27 in subsection (1) is not eligible for a reward under this
28 section.

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

31

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

4 921.0022 Criminal Punishment Code; offense severity
5 ranking chart.--

6 (3) OFFENSE SEVERITY RANKING CHART

7	8 Florida	9 Statute	10 Felony	11 Degree	12 Description
13					(g) LEVEL 7
14		316.193(3)(c)2.		3rd	DUI resulting in serious bodily injury.
15		327.35(3)(c)2.		3rd	Vessel BUI resulting in serious bodily injury.
16		402.319(2)		2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
17		409.920(2)		3rd	Medicaid provider fraud.
18		494.0018(2)		1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
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1	<u>560.123(8)(a)1.</u>	<u>3rd</u>	<u>Failure to report currency or</u>
2			<u>payment instruments exceeding</u>
3			<u>\$300 but less than \$20,000 by</u>
4			<u>money transmitter.</u>
5	<u>560.125(5)(a)</u>	<u>3rd</u>	<u>Money transmitter business by</u>
6			<u>unauthorized person, currency or</u>
7			<u>payment instruments exceeding</u>
8			<u>\$300 but less than \$20,000.</u>
9	<u>655.50(10)(a)1.</u>	<u>3rd</u>	<u>Failure to report monetary</u>
10			<u>instruments exceeding \$300 but</u>
11			<u>less than \$20,000 by financial</u>
12			<u>institution.</u>
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

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

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.131(2)(a)	2nd	Robbery by sudden snatching.
18	812.133(2)(b)	1st	Carjacking; no firearm, deadly
19			weapon, or other weapon.
20	825.102(3)(b)	2nd	Neglecting an elderly person or
21			disabled adult causing great
22			bodily harm, disability, or
23			disfigurement.
24	825.1025(2)	2nd	Lewd or lascivious battery upon
25			an elderly person or disabled
26			adult.
27	825.103(2)(b)	2nd	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$20,000 or more, but
30			less than \$100,000.
31			

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

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

1	316.193		
2	(3)(c)3.a.	2nd	DUI manslaughter.
3	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
4	<u>560.123(8)(a)2.</u>	<u>2nd</u>	<u>Failure to report currency or</u>
5			<u>payment instruments totaling or</u>
6			<u>exceeding \$20,000, but less than</u>
7			<u>\$100,000 by money transmitter.</u>
8	<u>560.125(5)(b)</u>	<u>2nd</u>	<u>Money transmitter business by</u>
9			<u>unauthorized person, currency or</u>
10			<u>payment instruments totaling or</u>
11			<u>exceeding \$20,000, but less than</u>
12			<u>\$100,000.</u>
13	<u>655.50(10)(a)2.</u>	<u>2nd</u>	<u>Failure to report monetary</u>
14			<u>instruments totaling or exceeding</u>
15			<u>\$20,000, but less than \$100,000</u>
16			<u>by financial institutions.</u>
17	777.03(2)(a)	1st	Accessory after the fact, capital
18			felony.
19	782.04(4)	2nd	Killing of human without design
20			when engaged in act or attempt of
21			any felony other than arson,
22			sexual battery, robbery,
23			burglary, kidnapping, aircraft
24			piracy, or unlawfully discharging
25			bomb.
26	782.051(2)	1st	Attempted felony murder while
27			perpetrating or attempting to
28			perpetrate a felony not
29			enumerated in s. 782.04(3).
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31			

1	782.071(2)	1st	Committing vehicular homicide and
2			failing to render aid or give
3			information.
4	782.072(2)	1st	Committing vessel homicide and
5			failing to render aid or give
6			information.
7	790.161(3)	1st	Discharging a destructive device
8			which results in bodily harm or
9			property damage.
10	794.011(5)	2nd	Sexual battery, victim 12 years
11			or over, offender does not use
12			physical force likely to cause
13			serious injury.
14	800.04(4)	2nd	Lewd or lascivious battery.
15	806.01(1)	1st	Maliciously damage dwelling or
16			structure by fire or explosive,
17			believing person in structure.
18	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
19	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
20			or dangerous weapon.
21	810.02(2)(c)	1st	Burglary of a dwelling or
22			structure causing structural
23			damage or \$1,000 or more property
24			damage.
25	812.13(2)(b)	1st	Robbery with a weapon.
26	812.135(2)	1st	Home-invasion robbery.
27	825.102(2)	2nd	Aggravated abuse of an elderly
28			person or disabled adult.
29	825.103(2)(a)	1st	Exploiting an elderly person or
30			disabled adult and property is
31			valued at \$100,000 or more.

1	837.02(2)	2nd	Perjury in official proceedings
2			relating to prosecution of a
3			capital felony.
4	837.021(2)	2nd	Making contradictory statements
5			in official proceedings relating
6			to prosecution of a capital
7			felony.
8	860.121(2)(c)	1st	Shooting at or throwing any
9			object in path of railroad
10			vehicle resulting in great bodily
11			harm.
12	860.16	1st	Aircraft piracy.
13	893.13(1)(b)	1st	Sell or deliver in excess of 10
14			grams of any substance specified
15			in s. 893.03(1)(a) or (b).
16	893.13(2)(b)	1st	Purchase in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.13(6)(c)	1st	Possess in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.135(1)(a)2.	1st	Trafficking in cannabis, more
23			than 2,000 lbs., less than 10,000
24			lbs.
25	893.135		
26	(1)(b)1.b.	1st	Trafficking in cocaine, more than
27			200 grams, less than 400 grams.
28	893.135		
29	(1)(c)1.b.	1st	Trafficking in illegal drugs,
30			more than 14 grams, less than 28
31			grams.

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

1	<u>896.104(4)(a)2.</u>	<u>2nd</u>	<u>Structuring transactions to evade</u>
2			<u>reporting or registration</u>
3			<u>requirements, monetary</u>
4			<u>instruments totaling or exceeding</u>
5			<u>\$20,000 but less than \$100,000.</u>
6			(i) LEVEL 9
7	316.193		
8	(3)(c)3.b.	1st	DUI manslaughter; failing to
9			render aid or give information.
10	<u>560.123(8)(a)3.</u>	<u>1st</u>	<u>Failure to report currency or</u>
11			<u>payment instruments totaling or</u>
12			<u>exceeding \$100,000 by money</u>
13			<u>transmitter.</u>
14	<u>560.125(5)(c)</u>	<u>1st</u>	<u>Money transmitter business by</u>
15			<u>unauthorized person, currency, or</u>
16			<u>payment instruments totaling or</u>
17			<u>exceeding \$100,000.</u>
18	<u>655.50(10)(a)3.</u>	<u>1st</u>	<u>Failure to report monetary</u>
19			<u>instruments totaling or exceeding</u>
20			<u>\$100,000 by financial</u>
21			<u>institution.</u>
22	782.04(1)	1st	Attempt, conspire, or solicit to
23			commit premeditated murder.
24	782.04(3)	1st,PBL	Accomplice to murder in
25			connection with arson, sexual
26			battery, robbery, burglary, and
27			other specified felonies.
28	782.051(1)	1st	Attempted felony murder while
29			perpetrating or attempting to
30			perpetrate a felony enumerated in
31			s. 782.04(3).

1	782.07(2)	1st	Aggravated manslaughter of an
2			elderly person or disabled adult.
3	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
4			reward or as a shield or hostage.
5	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
6			or facilitate commission of any
7			felony.
8	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
9			interfere with performance of any
10			governmental or political
11			function.
12	787.02(3)(a)	1st	False imprisonment; child under
13			age 13; perpetrator also commits
14			aggravated child abuse, sexual
15			battery, or lewd or lascivious
16			battery, molestation, conduct, or
17			exhibition.
18	790.161	1st	Attempted capital destructive
19			device offense.
20	794.011(2)	1st	Attempted sexual battery; victim
21			less than 12 years of age.
22	794.011(2)	Life	Sexual battery; offender younger
23			than 18 years and commits sexual
24			battery on a person less than 12
25			years.
26	794.011(4)	1st	Sexual battery; victim 12 years
27			or older, certain circumstances.
28	794.011(8)(b)	1st	Sexual battery; engage in sexual
29			conduct with minor 12 to 18 years
30			by person in familial or
31			custodial authority.

1	800.04(5)(b)	1st	Lewd or lascivious molestation;
2			victim less than 12 years;
3			offender 18 years or older.
4	812.13(2)(a)	1st,PBL	Robbery with firearm or other
5			deadly weapon.
6	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
7			deadly weapon.
8	827.03(2)	1st	Aggravated child abuse.
9	847.0145(1)	1st	Selling, or otherwise
10			transferring custody or control,
11			of a minor.
12	847.0145(2)	1st	Purchasing, or otherwise
13			obtaining custody or control, of
14			a minor.
15	859.01	1st	Poisoning food, drink, medicine,
16			or water with intent to kill or
17			injure another person.
18	893.135	1st	Attempted capital trafficking
19			offense.
20	893.135(1)(a)3.	1st	Trafficking in cannabis, more
21			than 10,000 lbs.
22	893.135		
23	(1)(b)1.c.	1st	Trafficking in cocaine, more than
24			400 grams, less than 150
25			kilograms.
26	893.135		
27	(1)(c)1.c.	1st	Trafficking in illegal drugs,
28			more than 28 grams, less than 30
29			kilograms.
30			
31			

1 893.135
2 (1)(d)1.c. 1st Trafficking in phencyclidine,
3 more than 400 grams.
4 893.135
5 (1)(e)1.c. 1st Trafficking in methaqualone, more
6 than 25 kilograms.
7 893.135
8 (1)(f)1.c. 1st Trafficking in amphetamine, more
9 than 200 grams.
10 896.101(5)(c) 1st Money laundering, monetary
11 instruments totaling or exceeding
12 \$100,000.
13 896.104(4)(a)3. 1st Structuring transactions to evade
14 reporting or registration
15 requirements, monetary
16 instruments totaling or exceeding
17 \$100,000.

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

19
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 CS for SB 1258

- 23 1. Allows a financial institution to deduct funds from a
24 bank account, which is subject to a seizure warrant,
25 injunction, or court order, to pay any electronic
26 transaction presented for payment, where the transaction
27 was initiated before the time the warrant, injunction or
28 order was served on the financial institution.
29 2. Clarifies that a financial institution, licensed money
30 transmitter, or other person, served with a seizure
31 warrant, injunction, or court order, is immune from
criminal liability and is not liable to any person for
any lawful action taken to comply with the warrant,
injunction or order.