

By the Committees on Fiscal Policy; Banking and Insurance; and
Criminal Justice

309-1841-00

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 for 15 FTE and \$1,600,000 from State
12 Transportation Fund to Department of
13 Transportation, Office of Motor Carrier
14 Compliance, to create contraband interdiction
15 team; specifying composition of FTE positions;
16 specifying purpose of contraband interdiction
17 teams; requiring the Department of
18 Transportation to seek additional funding from
19 federal grants and forfeiture proceedings;
20 authorizing the Department of Transportation to
21 amend its budget; providing for an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 311.12, Florida Statutes, is
27 created to read:

28 311.12 Seaport security.--

29 (1) The Office of Drug Control within the Executive
30 Office of the Governor, in consultation with the Florida
31 Seaport Transportation and Economic Development Council and in

1 conjunction with the Florida Department of Law Enforcement and
2 local law enforcement agencies having primary authority over
3 the affected seaports, shall develop, by January 1, 2001, a
4 statewide seaport security plan.

5 (2) All seaports as identified pursuant to s.
6 311.09(1), in conjunction with and pending review and approval
7 by the Office of Drug Control within the Executive Office of
8 the Governor and the Florida Department of Law Enforcement,
9 and in consultation with the Florida Seaport Transportation
10 and Economic Development Council, shall, no later than January
11 31, 2001, develop and draft individual seaport security plans
12 particular to the specific and identifiable needs of their
13 respective seaports.

14 (a) Each seaport security plan shall adhere to uniform
15 statewide minimum security standards for the prevention of
16 criminal activity to include money laundering. Each seaport
17 security plan shall incorporate the security recommendations
18 of the Florida Seaport Security Assessment 2000. Each seaport
19 listed in s. 311.09(1) must meet the uniform statewide minimum
20 seaport security standards.

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

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

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

7 (4) The affected seaports shall implement the security
8 standards developed under this section by December 31, 2001.
9 The Florida Department of Law Enforcement, or any entity
10 selected by the department, shall conduct no less than once
11 annually an unannounced inspection of each seaport listed in
12 s. 311.09(1) to determine whether the seaport is meeting the
13 minimum standards established under the authority of this
14 section. The Department of Law Enforcement, in consultation
15 with the Office of Drug Control within the Executive Office of
16 the Governor, must complete a report indicating the results of
17 all such inspections conducted during the year and any
18 suggestions or concerns developed by reason of such
19 inspections by no later than December 31 of each year. A copy
20 of the report shall be provided to the Governor, the President
21 of the Senate, the Speaker of the House of Representatives,
22 and the chief administrator of each seaport inspected. The
23 report shall, to the extent possible, include responses from
24 the chief administrator of any seaport about which suggestions
25 have been made or security concerns raised, indicating what
26 actions, if any, have been taken or are planned to be taken in
27 response to the suggestions or concerns noted.

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

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

3 560.103 Definitions.--As used in the code, unless the
4 context otherwise requires:

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

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

11 560.1073 False or misleading statements or supporting
12 documents; penalty.--Any person who, personally or otherwise,
13 files with the department, or signs as the duly authorized
14 representative for filing with the department, any financial
15 statement or any document in support thereof which is required
16 by law or rule with intent to deceive and with knowledge that
17 the statement or document is materially false or materially
18 misleading, commits a felony of the third degree, punishable
19 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

22 560.111 Prohibited acts and practices.--

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

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

30 (b) Embezzle, abstract, or misapply any money,
31 property, or thing of value of the money transmitter or

1 authorized vendor with intent to deceive or defraud such money
2 transmitter or authorized vendor;
3 (c) Make any false entry in any book, report, or
4 statement of such money transmitter or authorized vendor with
5 intent to deceive or defraud such money transmitter,
6 authorized vendor, or another person, or with intent to
7 deceive the department, any other state or federal ~~appropriate~~
8 regulatory agency, or any authorized representative appointed
9 to examine or investigate the affairs of such money
10 transmitter or authorized vendor;
11 (d) Engage in an act that violates 18 U.S.C. s. 1956,
12 31 U.S.C. s. 5324, or any other law, rule, or regulation of
13 another state or of the United States relating to the business
14 of money transmission or usury which may cause the denial or
15 revocation of a money transmitter license or registration in
16 such jurisdiction;
17 (e) Deliver or disclose to the department or any of
18 its employees any examination report, report of condition,
19 report of income and dividends, audit, account, statement, or
20 document known by it to be fraudulent or false as to any
21 material matter; or
22 (f) ~~Knowingly~~ Place among the assets of such money
23 transmitter or authorized vendor any note, obligation, or
24 security that the money transmitter or authorized vendor does
25 not own or that to the person's knowledge is fraudulent or
26 otherwise worthless, or for any such person to represent to
27 the department that any note, obligation, or security carried
28 as an asset of such money transmitter or authorized vendor is
29 the property of the money transmitter or authorized vendor and
30 is genuine if it is known to such person that such
31

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

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

5 560.114 Disciplinary actions.--

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

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

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

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

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

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

1 the code, or by any agreement entered into with the
2 department.

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(p)~~ Having been convicted of or found guilty of or
31 having pleaded guilty or nolo contendere to misappropriation,

1 conversion, or unlawful withholding of moneys that belong to
2 others and were received in the conduct of the business of the
3 money transmitter.

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

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

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

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

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

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

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

1 registration, would have been grounds for denial of
2 registration.

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

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

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

17 560.117 Administrative fines; enforcement.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

20 (3) Any person who is not a registered money
21 transmitter and who violates, or any registered money
22 transmitter who willfully violates, this section or fails to
23 comply with any lawful written demand or order of the
24 department made under this section commits a felony of the
25 third degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 Section 8. Subsection (8) of section 560.123, Florida
28 Statutes, is amended and subsection (9) is added to that
29 section to read:

30 560.123 Florida control of money laundering in the
31 Money Transmitters' Code; reports of transactions involving

1 currency or monetary instruments; when required; purpose;
2 definitions; penalties.--

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

7 (b) A person who is not a registered money transmitter
8 and who willfully violates any provision of this section, or
9 any registered money transmitter who willfully violates this
10 section or chapter 896, if the violation involves is:

11 1. Currency or payment instruments committed in
12 ~~furtherance of the commission of any other violation of any~~
13 ~~law of this state or committed as part of a pattern of illegal~~
14 ~~activity involving financial transactions~~ exceeding \$300 but
15 less than \$20,000 in any 12-month period, commits a felony of
16 the third degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

18 2. Currency or payment instruments totaling or
19 ~~exceeding committed as part of a pattern of illegal activity~~
20 ~~involving financial transactions exceeding \$20,000 but less~~
21 ~~than \$100,000 in any 12-month period~~, commits a felony of the
22 second degree, punishable as provided in s. 775.082, s.
23 775.083, or s. 775.084.

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

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

1 to having violated paragraph (b) may be sentenced to pay a
2 fine not exceeding \$250,000 or twice the value of the currency
3 or payment instruments ~~financial transaction~~, whichever is
4 greater, except that on a second or subsequent conviction for
5 or plea of guilty or nolo contendere to a violation of
6 paragraph (b), the fine may be up to \$500,000 or quintuple the
7 value of the currency or payment instruments ~~financial~~
8 ~~transaction~~, whichever is greater.

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

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

29 Section 9. Section 560.125, Florida Statutes, is
30 amended to read:

31

1 560.125 Money transmitter business by unauthorized
2 persons; penalties.--

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

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

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

25 (4) ~~Any person who violates the provisions of this~~
26 ~~section commits a felony of the third degree, punishable as~~
27 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~The
28 department may issue and serve upon any person who violates
29 any of the provisions of this section a complaint seeking a
30 cease and desist order in accordance with the procedures and
31 in the manner prescribed by s. 560.112. The department may

1 also impose an administrative fine pursuant to s. 560.117(3)
2 ~~s. 560.117(2)~~ against any person who violates any of the
3 provisions of this section.

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

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

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

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

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

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

31

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

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

18 560.205 Qualifications of applicant for registration;
19 contents.--

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

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

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

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

25 (b) The history of the applicant's material
26 litigation, criminal convictions, pleas of nolo contendere,
27 and cases of adjudication withheld.

28 (c) A description of the activities conducted by the
29 applicant, the applicant's history of operations, and the
30 business activities in which the applicant seeks to engage in
31 this state.

1 (d) A list identifying the applicant's proposed
2 authorized vendors in this state, including the location or
3 locations in this state at which the applicant and its
4 authorized vendors propose to conduct registered activities.

5 (e) A sample authorized vendor contract, if
6 applicable.

7 (f) A sample form of payment instrument, if
8 applicable.

9 (g) The name and address of the clearing financial
10 institution or financial institutions through which the
11 applicant's payment instruments will be drawn or through which
12 such payment instruments will be payable.

13 (h) Documents revealing that the net worth and bonding
14 requirements specified in s. 560.209 have been or will be
15 fulfilled.

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

20 (a) The date of the applicant's incorporation and
21 state of incorporation.

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

24 (c) A description of the corporate structure of the
25 applicant, including the identity of any parent or subsidiary
26 of the applicant, and the disclosure of whether any parent or
27 subsidiary is publicly traded on any stock exchange.

28 (d) The name, business and residence addresses, and
29 employment history for the past 5 years for each executive
30 officer, each director, each controlling shareholder, and the
31

1 responsible person who will be in charge of all the
2 applicant's business activities in this state.

3 (e) The history of material litigation and criminal
4 convictions, pleas of nolo contendere, and cases of
5 adjudication withheld for each executive officer, each
6 director, each controlling shareholder, and the responsible
7 person who will be in charge of the applicant's registered
8 activities.

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

19 (g) An applicant who is not required to file audited
20 financial statements may file copies of the applicant's
21 unconsolidated, unaudited financial statements for the current
22 year and, if available, for the immediately preceding 2-year
23 period.

24 (h) If the applicant is a publicly traded company,
25 copies of all filings made by the applicant with the United
26 States Securities and Exchange Commission, or with a similar
27 regulator in a country other than the United States, within
28 the year preceding the date of filing of the application.

29 (4) Each application for registration submitted to the
30 department by an applicant that is not a corporation shall
31

1 also set forth such information as the department reasonably
2 requires, including, but not limited to:

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

5 (b) The name, business and residence addresses,
6 personal financial statement and employment history for the
7 past 5 years for each individual having a controlling
8 ownership interest in the applicant, and each responsible
9 person who will be in charge of the applicant's registered
10 activities.

11 (c) The history of material litigation and criminal
12 convictions, pleas of nolo contendere, and cases of
13 adjudication withheld for each individual having a controlling
14 ownership interest in the applicant and each responsible
15 person who will be in charge of the applicant's registered
16 activities.

17 (d) Copies of the applicant's audited financial
18 statements for the current year, and, if available, for the
19 preceding 2 years. An ~~The~~ applicant who is not required to
20 file audited financial statements may satisfy this requirement
21 by filing unaudited financial statements verified under
22 penalty of perjury, as provided by the department by rule.

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

25 Section 11. Subsection (5) is added to section
26 560.211, Florida Statutes, to read:

27 560.211 Records.--

28 (5) Any person who is not a registered money
29 transmitter and who violates this section, or any registered
30 money transmitter who willfully violates this section, commits
31

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

3 Section 12. Section 560.306, Florida Statutes, is
4 amended to read:

5 560.306 Standards.--

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

1 (2)~~(1)~~ The department may deny registration if it
2 finds that the applicant, or any money transmitter-affiliated
3 party of the applicant, has been convicted of a crime felony
4 involving moral turpitude in any jurisdiction or of a crime
5 which, if committed in this state, would constitute a crime
6 felony involving moral turpitude under the laws of this state.
7 For the purposes of this part, a person shall be deemed to
8 have been convicted of a crime if such person has either
9 pleaded guilty to or been found guilty of a charge before a
10 court or federal magistrate, or by the verdict of a jury,
11 irrespective of the pronouncement of sentence or the
12 suspension thereof. The department may take into consideration
13 the fact that such plea of guilty, or such decision, judgment,
14 or verdict, has been set aside, reversed, or otherwise
15 abrogated by lawful judicial process or that the person
16 convicted of the crime received a pardon from the jurisdiction
17 where the conviction was entered or received a certificate
18 pursuant to any provision of law which removes the disability
19 under this part because of such conviction.

20 (3)~~(2)~~ The department may deny an ~~initial~~ application
21 for registration if the applicant or money
22 transmitter-affiliated party of the applicant is the subject
23 of a pending criminal prosecution or governmental enforcement
24 action, in any jurisdiction, until the conclusion of such
25 criminal prosecution or enforcement action.

26 (4)~~(3)~~ Each registration application and renewal
27 application must specify the location at which the applicant
28 proposes to establish its principal place of business and any
29 other location, including authorized vendors operating in this
30 state. The registrant shall notify the department of any
31 changes to any such locations. Any registrant may satisfy this

1 requirement by providing the department with a list of such
2 locations, including all authorized vendors operating in this
3 state, not less than annually. A registrant may not transact
4 business as a check casher or a foreign currency exchanger
5 except pursuant to the name under which it is registered.

6 (5)~~(4)~~ Each applicant shall designate and maintain an
7 agent in this state for service of process.

8 Section 13. Subsection (5) is added to section
9 560.310, Florida Statutes, to read:

10 560.310 Records of check cashers and foreign currency
11 exchangers.--

12 (5) Any person who is not a registered money
13 transmitter and who violates, or any registered money
14 transmitter who willfully violates, this section or fails to
15 comply with any lawful written demand or order of the
16 department made pursuant to this section commits a felony of
17 the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 Section 14. Subsection (10) of section 655.50, Florida
20 Statutes, is amended and subsection (11) is added to that
21 section to read:

22 655.50 Florida Control of Money Laundering in
23 Financial Institutions Act; reports of transactions involving
24 currency or monetary instruments; when required; purpose;
25 definitions; penalties.--

26 (10)(a) Except as provided in paragraph (b), a person
27 who willfully violates any provision of this section, ~~chapter~~
28 ~~896, or any similar state or federal law~~ is guilty of a
29 misdemeanor of the first degree, punishable as provided in s.
30 775.082 or s. 775.083.

31

1 (b) A person who is not a registered money
2 transmitter, or a financial institution, as defined in s.
3 655.005, and who willfully violates, or any registered money
4 transmitter, or a financial institution, as defined in s.
5 655.005, who willfully violates, this section or knowingly
6 causes another to violate any provision of this section,
7 ~~chapter 896, or any similar state or federal law,~~ when the
8 violation involves is:

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

11 2. ~~Committed as part of a pattern of illegal activity~~
12 ~~involving~~ Financial transactions exceeding \$300 but less than
13 \$20,000 in any 12-month period, is guilty of a felony of the
14 third degree, punishable as provided in s. 775.082 or 775.083;
15 or

16 2.3. ~~Committed as part of a pattern of illegal~~
17 ~~activity involving~~ Financial transactions totaling or
18 exceeding \$20,000 but less than \$100,000 in any 12-month
19 period is guilty of a felony of the second degree, punishable
20 as provided in s. 775.082 or 775.083; or

21 3.4. ~~Committed as part of a pattern of illegal~~
22 ~~activity involving~~ Financial transactions totaling or
23 exceeding \$100,000 in any 12-month period is guilty of a
24 felony of the first degree, punishable as provided in s.
25 775.082 or s. 775.083.

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

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

5 (d) A financial institution, as defined in s. 655.005,
6 or a registered money transmitter,~~person~~ who willfully
7 violates this section, ~~chapter 896,~~ or any similar state or
8 federal law is also liable for a civil penalty of not more
9 than the greater of the value of the financial transaction
10 involved or \$25,000. However, the civil penalty may not exceed
11 \$100,000.

12 (e) A person other than a financial institution, as
13 defined in s. 655.005, or a registered money transmitter, who
14 violates this section is also liable for a civil penalty of
15 not more than the greater of the value of the financial
16 transaction involved or \$25,000.

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

1 Section 15. Section 893.145, Florida Statutes, is
2 amended to read:
3 893.145 "Drug paraphernalia" defined.--The term "drug
4 paraphernalia" means all equipment, products, and materials of
5 any kind which are used, intended for use, or designed for use
6 in planting, propagating, cultivating, growing, harvesting,
7 manufacturing, compounding, converting, producing, processing,
8 preparing, testing, analyzing, packaging, repackaging,
9 storing, containing, concealing, transporting, injecting,
10 ingesting, inhaling, or otherwise introducing into the human
11 body a controlled substance in violation of this chapter.
12 Drug paraphernalia is deemed to be contraband which shall be
13 subject to civil forfeiture. The term includes, but is not
14 limited to:
15 (1) Kits used, intended for use, or designed for use
16 in the planting, propagating, cultivating, growing, or
17 harvesting of any species of plant which is a controlled
18 substance or from which a controlled substance can be derived.
19 (2) Kits used, intended for use, or designed for use
20 in manufacturing, compounding, converting, producing,
21 processing, or preparing controlled substances.
22 (3) Isomerization devices used, intended for use, or
23 designed for use in increasing the potency of any species of
24 plant which is a controlled substance.
25 (4) Testing equipment used, intended for use, or
26 designed for use in identifying, or in analyzing the strength,
27 effectiveness, or purity of, controlled substances.
28 (5) Scales and balances used, intended for use, or
29 designed for use in weighing or measuring controlled
30 substances.
31

1 (6) Diluents and adulterants, such as quinine
2 hydrochloride, mannitol, mannite, dextrose, and lactose, used,
3 intended for use, or designed for use in cutting controlled
4 substances.

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

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

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

14 (10) Containers and other objects used, intended for
15 use, or designed for use in storing, ~~or~~ concealing, or
16 transporting controlled substances.

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

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

23 (a) Metal, wooden, acrylic, glass, stone, plastic, or
24 ceramic pipes, with or without screens, permanent screens,
25 hashish heads, or punctured metal bowls.

26 (b) Water pipes.

27 (c) Carburetion tubes and devices.

28 (d) Smoking and carburetion masks.

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

- 1 (f) Miniature cocaine spoons, and cocaine vials.
2 (g) Chamber pipes.
3 (h) Carburetor pipes.
4 (i) Electric pipes.
5 (j) Air-driven pipes.
6 (k) Chillums.
7 (l) Bongs.
8 (m) Ice pipes or chillers.

9 Section 16. Section 893.147, Florida Statutes, is
10 amended to read:

11 893.147 Use, possession, manufacture, delivery,
12 transportation, or advertisement of drug paraphernalia.--

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

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

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

23
24 Any person who violates this subsection is guilty of a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083.

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

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

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

8
9 Any person who violates this subsection is guilty of a felony
10 of the third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084.

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

13 (a) Any person 18 years of age or over who violates
14 subsection (2) by delivering drug paraphernalia to a person
15 under 18 years of age is guilty of a felony of the second
16 degree, punishable as provided in s. 775.082, s. 775.083, or
17 s. 775.084.

18 (b) It is unlawful for any person to sell or otherwise
19 deliver hypodermic syringes, needles, or other objects which
20 may be used, are intended for use, or are designed for use in
21 parenterally injecting substances into the human body to any
22 person under 18 years of age, except that hypodermic syringes,
23 needles, or other such objects may be lawfully dispensed to a
24 person under 18 years of age by a licensed practitioner,
25 parent, or legal guardian or by a pharmacist pursuant to a
26 valid prescription for same. Any person who violates the
27 provisions of this paragraph is guilty of a misdemeanor of the
28 first degree, punishable as provided in s. 775.082 or s.
29 775.083.

30 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.--It is
31 unlawful to use, possess with the intent to use, or

1 manufacture with the intent to use drug paraphernalia, knowing
2 or under circumstances in which one reasonably should know
3 that it will be used to transport:

4 (a) A controlled substance in violation of this
5 chapter; or

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

7
8 Any person who violates this subsection commits a felony of
9 the third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084.

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

20 Section 17. Paragraph (a) of subsection (1) of section
21 895.02, Florida Statutes, is amended to read:

22 895.02 Definitions.--As used in ss. 895.01-895.08, the
23 term:

24 (1) "Racketeering activity" means to commit, to
25 attempt to commit, to conspire to commit, or to solicit,
26 coerce, or intimidate another person to commit:

27 (a) Any crime which is chargeable by indictment or
28 information under the following provisions of the Florida
29 Statutes:

30 1. Section 210.18, relating to evasion of payment of
31 cigarette taxes.

- 1 2. Section 403.727(3)(b), relating to environmental
2 control.
- 3 3. Section 414.39, relating to public assistance
4 fraud.
- 5 4. Section 409.920, relating to Medicaid provider
6 fraud.
- 7 5. Section 440.105 or s. 440.106, relating to workers'
8 compensation.
- 9 6. Part IV of chapter 501, relating to telemarketing.
- 10 7. Chapter 517, relating to sale of securities and
11 investor protection.
- 12 8. Section 550.235, s. 550.3551, or s. 550.3605,
13 relating to dogracing and horseracing.
- 14 9. Chapter 550, relating to jai alai frontons.
- 15 10. Chapter 552, relating to the manufacture,
16 distribution, and use of explosives.
- 17 11. Chapter 560, relating to money transmitters, if
18 the violation is punishable as a felony.
- 19 ~~12.11.~~ Chapter 562, relating to beverage law
20 enforcement.
- 21 ~~13.12.~~ Section 624.401, relating to transacting
22 insurance without a certificate of authority, s.
23 624.437(4)(c)1., relating to operating an unauthorized
24 multiple-employer welfare arrangement, or s. 626.902(1)(b),
25 relating to representing or aiding an unauthorized insurer.
- 26 ~~14.13.~~ Section 655.50, relating to reports of currency
27 transactions, when such violation is punishable as a felony.
- 28 ~~15.14.~~ Chapter 687, relating to interest and usurious
29 practices.
- 30 ~~16.15.~~ Section 721.08, s. 721.09, or s. 721.13,
31 relating to real estate timeshare plans.

- 1 ~~17.16.~~ Chapter 782, relating to homicide.
2 ~~18.17.~~ Chapter 784, relating to assault and battery.
3 ~~19.18.~~ Chapter 787, relating to kidnapping.
4 ~~20.19.~~ Chapter 790, relating to weapons and firearms.
5 ~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s.
6 796.07, relating to prostitution.
7 ~~22.21.~~ Chapter 806, relating to arson.
8 ~~23.22.~~ Section 810.02(2)(c), relating to specified
9 burglary of a dwelling or structure.
10 ~~24.23.~~ Chapter 812, relating to theft, robbery, and
11 related crimes.
12 ~~25.24.~~ Chapter 815, relating to computer-related
13 crimes.
14 ~~26.25.~~ Chapter 817, relating to fraudulent practices,
15 false pretenses, fraud generally, and credit card crimes.
16 ~~27.26.~~ Chapter 825, relating to abuse, neglect, or
17 exploitation of an elderly person or disabled adult.
18 ~~28.27.~~ Section 827.071, relating to commercial sexual
19 exploitation of children.
20 ~~29.28.~~ Chapter 831, relating to forgery and
21 counterfeiting.
22 ~~30.29.~~ Chapter 832, relating to issuance of worthless
23 checks and drafts.
24 ~~31.30.~~ Section 836.05, relating to extortion.
25 ~~32.31.~~ Chapter 837, relating to perjury.
26 ~~33.32.~~ Chapter 838, relating to bribery and misuse of
27 public office.
28 ~~34.33.~~ Chapter 843, relating to obstruction of
29 justice.
30
31

1 ~~35.34.~~ Section 847.011, s. 847.012, s. 847.013, s.
2 847.06, or s. 847.07, relating to obscene literature and
3 profanity.

4 ~~36.35.~~ Section 849.09, s. 849.14, s. 849.15, s.
5 849.23, or s. 849.25, relating to gambling.

6 ~~37.36.~~ Chapter 874, relating to criminal street gangs.

7 ~~38.37.~~ Chapter 893, relating to drug abuse prevention
8 and control.

9 ~~39.38.~~ Chapter 896, relating to offenses related to
10 financial transactions.

11 ~~40.39.~~ Sections 914.22 and 914.23, relating to
12 tampering with a witness, victim, or informant, and
13 retaliation against a witness, victim, or informant.

14 ~~41.40.~~ Sections 918.12 and 918.13, relating to
15 tampering with jurors and evidence.

16 Section 18. Section 896.101, Florida Statutes, is
17 amended to read:

18 896.101 Florida Money Laundering Act; definitions;
19 penalties; injunctions; seizure warrants; immunity ~~Offense of~~
20 ~~conduct of financial transaction involving proceeds of~~
21 ~~unlawful activity; penalties.--~~

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

24 ~~(2)(1) DEFINITIONS.--~~As used in this section, the
25 term:

26 (a) "Knowing that the property involved in a financial
27 transaction represents the proceeds of some form of unlawful
28 activity" means that the person knew the property involved in
29 the transaction represented proceeds from some form, though
30 not necessarily which form, of activity that constitutes a
31

1 felony under state or federal law, regardless of whether or
2 not such activity is specified in paragraph (g).

3 (b) "Conducts" includes initiating, concluding, or
4 participating in initiating or concluding a transaction.

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

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

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

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

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

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

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

13 (3)(2) It is unlawful a felony of the second degree,
14 punishable as provided in s. 775.082, s. 775.083, or s.
15 775.084, for a person:

16 (a) Knowing that the property involved in a financial
17 transaction represents the proceeds of some form of unlawful
18 activity, to conduct or attempt to conduct such a financial
19 transaction which in fact involves the proceeds of specified
20 unlawful activity:

21 1. With the intent to promote the carrying on of
22 specified unlawful activity; or

23 2. Knowing that the transaction is designed in whole
24 or in part:

25 a. To conceal or disguise the nature, the location,
26 the source, the ownership, or the control of the proceeds of
27 specified unlawful activity; or

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

30 (b) To transport or attempt to transport a monetary
31 instrument or funds:

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

3 2. Knowing that the monetary instrument or funds
4 involved in the transportation represent the proceeds of some
5 form of unlawful activity and knowing that such transportation
6 is designed in whole 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 (c) To conduct or attempt to conduct a financial
13 transaction which involves property or proceeds which an
14 investigative or law enforcement officer, or someone acting
15 under such officer's direction, represents as being derived
16 from, or as being used to conduct or facilitate, specified
17 unlawful activity, when the person's conduct or attempted
18 conduct is undertaken with the intent:

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

21 2. To conceal or disguise the nature, the location,
22 the source, the ownership, or the control of the proceeds or
23 property believed to be the proceeds of specified unlawful
24 activity; or

25 3. To avoid a transaction reporting requirement under
26 state law.

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

31

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

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

11 (a) Any stratagem or deception, including the use of
12 an undercover operative or law enforcement officer, was
13 employed.

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

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

23
24 This subsection does not preclude the defense of entrapment.

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

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

31

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

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

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 financial
14 transactions, whichever is greater, except that for a second
15 or subsequent violation of this section, the fine may be up to
16 \$500,000 or quintuple the value of the financial transactions,
17 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
20 financial transactions involved or \$25,000, whichever is
21 greater.

22 (8) If a person is alienating or disposing of monetary
23 instruments, or appears likely to or demonstrates an intent to
24 alienate or dispose of monetary instruments, used in violation
25 of this section, chapter 560, s. 655.50, or any crime listed
26 as specified unlawful activity under this section, or monetary
27 instruments or funds that are traceable to any such violation,
28 the petitioner may commence a civil action in any circuit
29 court having jurisdiction where such monetary instruments are
30 located or have been deposited for a temporary injunction to
31 prohibit any person from withdrawing, transferring, removing,

1 dissipating, or disposing of any such monetary instruments of
2 equivalent value. The temporary injunction will be obtained
3 pursuant to Florida Civil Rule of Procedure 1.610. This
4 section governs all temporary injunctions obtained pursuant to
5 this section and supercedes all other provisions of the rule
6 that may be inconsistent with this section. The court shall
7 take into account any anticipated impact the temporary
8 injunction will have on innocent third parties or businesses,
9 balanced against the petitioner's need to preserve the
10 monetary instruments.

11 (b) A temporary injunction must be granted without
12 bond to the petitioner. However, the court may authorize a
13 respondent to post a bond equal to the amount to be enjoined
14 and to have the injunction dissolved.

15 (c) A temporary injunction is to be entered upon
16 application of the petitioner, ex parte and without notice or
17 opportunity for a hearing with respect to the monetary
18 instruments.

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

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

27 (f) At the termination of the temporary injunction or
28 at any time before the termination of the temporary
29 injunction, the petitioner may:

30
31

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

4 2. Obtain a warrant or other court order and seize the
5 monetary instruments or funds for any subsequent criminal
6 prosecution; or

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

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

28 (h) Only the lawful owner or the account holder of the
29 monetary instruments or funds being enjoined may request a
30 hearing to contest the order entered pursuant to this section
31 by petitioning the court that issued the order. A hearing must

1 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 hearing must be set and noticed by the
4 lawful owner of the monetary instruments or his or her
5 attorney. Notice of the hearing must be provided to the
6 petitioner who procured the temporary injunction pursuant to
7 the Florida Rules of Civil Procedure but not less than 24
8 hours before the scheduled hearing. The court may receive and
9 consider at a hearing held pursuant to this subsection,
10 evidence and information that would be inadmissible under the
11 Florida Rules of Evidence. A proceeding under this subsection
12 is governed by the Florida Rules of Civil Procedure.

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

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

24 (10) Any financial institution, licensed money
25 transmitter, or other person served with and complying with
26 the terms of a warrant, temporary injunction, or other court
27 order, including any subpoena issued under the authority
28 granted by s. 27.04, obtained in furtherance of an
29 investigation of any crime in this section, including any
30 crime listed as specified unlawful activity under this section
31 or any felony violation of chapter 560, has immunity from

1 criminal liability and shall not be liable to any person for
2 any lawful action taken in complying with the warrant,
3 temporary injunction, or other court order, including any
4 subpoena issued under the authority granted by s. 27.04.

5 (11) In any prosecution brought pursuant to chapter
6 896, the common law corpus delicti rule does not apply. The
7 defendant's confession or admission is admissible during trial
8 without the state having to prove the corpus delicti if the
9 court finds in a hearing conducted outside the presence of the
10 jury that the defendant's confession or admission is
11 trustworthy. Before the court admits the defendant's
12 confession or admission, the state must prove by a
13 preponderance of the evidence that there is sufficient
14 corroborating evidence that tends to establish the
15 trustworthiness of the statement by the defendant. Hearsay
16 evidence is admissible during the presentation of evidence at
17 the hearing. In making its determination, the court may
18 consider all relevant corroborating evidence, including the
19 defendant's statements.

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

22 896.103 Transaction which constitutes separate
23 offense.--Notwithstanding any other provision of law, for
24 purposes of this section and ss. 896.101 and 896.102, each
25 individual currency transaction exceeding \$10,000 which is
26 made in violation of the provisions of s. 896.102(1) or each
27 financial transaction in violation of the provisions of s.
28 896.101(3)~~s. 896.101(2)~~ which involves the movement of funds
29 in excess of \$10,000 shall constitute a separate, punishable
30 offense.

31

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

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

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

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

28 (a) Cause or attempt to cause a person or financial
29 institution in this state to fail to file an applicable report
30 or registration required under those chapters and sections or
31

1 any rule or regulation adopted under any of those chapters and
2 sections;
3 (b) Cause or attempt to cause a person or financial
4 institution in this state to file an applicable report
5 required under those chapters and sections or any rule or
6 regulation adopted under those chapters and sections which
7 contains a material omission or misstatement of fact; or
8 (c) Structure or assist in structuring, or attempt to
9 structure or assist in structuring, any financial transaction
10 with or involving one or more financial institutions in this
11 state.
12 (3) INTERNATIONAL MONETARY INSTRUMENT TRANSACTIONS.--A
13 person may not, for the purpose of evading the reporting or
14 registration requirements of chapter 896, chapter 655, or
15 chapter 560, or s. 5316 of Title 31, United States Code, when
16 some portion of the activity by that person occurs in this
17 state:
18 (a) Fail to file an applicable registration or report
19 required by those chapters and sections, or cause or attempt
20 to cause a person to fail to file such a report;
21 (b) File or cause or attempt to cause a person to file
22 an applicable registration or report required under those
23 chapters and sections which contains a material omission or
24 misstatement of fact; or
25 (c) Structure or assist in structuring, or attempt to
26 structure or assist in structuring, any importation or
27 exportation of currency or monetary instruments to, from, or
28 through financial institutions in this state.
29 (4) CRIMINAL PENALTIES.--
30 (a) A person who violates this section, if the
31 violation involves:

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

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

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

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

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

26 (5) INFERENCE.--Proof that a person engaged for
27 monetary consideration in the business of a funds transmitter
28 as defined in s. 560.103(9) and who is transporting more than
29 \$10,000 in currency, or foreign equivalent, without being
30 registered as a money transmitter or designated as an
31 authorized vendor under the provisions of chapter 560, gives

1 rise to an inference that the transportation was done with
2 knowledge of the registration requirements of chapter 560 and
3 the reporting requirements of this chapter.

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

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

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

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

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

1 Section 23. Section 896.107, Florida Statutes, is
2 created to read:

3 896.107 Rewards for informants.--

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

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

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

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

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

25 921.0022 Criminal Punishment Code; offense severity
26 ranking chart.--

27 (3) OFFENSE SEVERITY RANKING CHART

28
29 Florida Felony
30 Statute Degree Description

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

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

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

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|----|---------------|-----|-----------------------------------|
| 1 | 812.019(2) | 1st | Stolen property; initiates, |
| 2 | | | organizes, plans, etc., the theft |
| 3 | | | of property and traffics in |
| 4 | | | stolen property. |
| 5 | 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 6 | 812.133(2)(b) | 1st | Carjacking; no firearm, deadly |
| 7 | | | weapon, or other weapon. |
| 8 | 825.102(3)(b) | 2nd | Neglecting an elderly person or |
| 9 | | | disabled adult causing great |
| 10 | | | bodily harm, disability, or |
| 11 | | | disfigurement. |
| 12 | 825.1025(2) | 2nd | Lewd or lascivious battery upon |
| 13 | | | an elderly person or disabled |
| 14 | | | adult. |
| 15 | 825.103(2)(b) | 2nd | Exploiting an elderly person or |
| 16 | | | disabled adult and property is |
| 17 | | | valued at \$20,000 or more, but |
| 18 | | | less than \$100,000. |
| 19 | 827.03(3)(b) | 2nd | Neglect of a child causing great |
| 20 | | | bodily harm, disability, or |
| 21 | | | disfigurement. |
| 22 | 827.04(3) | 3rd | Impregnation of a child under 16 |
| 23 | | | years of age by person 21 years |
| 24 | | | of age or older. |
| 25 | 837.05(2) | 3rd | Giving false information about |
| 26 | | | alleged capital felony to a law |
| 27 | | | enforcement officer. |
| 28 | 872.06 | 2nd | Abuse of a dead human body. |
| 29 | | | |
| 30 | | | |
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|----|-----------------|-----|-----------------------------------|
| 1 | 893.13(1)(c)1. | 1st | Sell, manufacture, or deliver |
| 2 | | | cocaine (or other drug prohibited |
| 3 | | | under s. 893.03(1)(a), (1)(b), |
| 4 | | | (1)(d), (2)(a), or (2)(b)) within |
| 5 | | | 1,000 feet of a child care |
| 6 | | | facility or school. |
| 7 | 893.13(1)(e) | 1st | Sell, manufacture, or deliver |
| 8 | | | cocaine or other drug prohibited |
| 9 | | | under s. 893.03(1)(a), (1)(b), |
| 10 | | | (1)(d), (2)(a), or (2)(b), within |
| 11 | | | 1,000 feet of property used for |
| 12 | | | religious services or a specified |
| 13 | | | business site. |
| 14 | 893.13(4)(a) | 1st | Deliver to minor cocaine (or |
| 15 | | | other s. 893.03(1)(a), (1)(b), |
| 16 | | | (1)(d), (2)(a), or (2)(b) drugs). |
| 17 | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more |
| 18 | | | than 50 lbs., less than 2,000 |
| 19 | | | lbs. |
| 20 | 893.135 | | |
| 21 | (1)(b)1.a. | 1st | Trafficking in cocaine, more than |
| 22 | | | 28 grams, less than 200 grams. |
| 23 | 893.135 | | |
| 24 | (1)(c)1.a. | 1st | Trafficking in illegal drugs, |
| 25 | | | more than 4 grams, less than 14 |
| 26 | | | grams. |
| 27 | 893.135 | | |
| 28 | (1)(d)1. | 1st | Trafficking in phencyclidine, |
| 29 | | | more than 28 grams, less than 200 |
| 30 | | | grams. |
| 31 | | | |

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

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

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

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

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|----|------------------------|------------|--|
| 1 | 893.135 | | |
| 2 | (1)(g)1.b. | 1st | Trafficking in flunitrazepam, 14 |
| 3 | | | grams or more, less than 28 |
| 4 | | | grams. |
| 5 | 895.03(1) | 1st | Use or invest proceeds derived |
| 6 | | | from pattern of racketeering |
| 7 | | | activity. |
| 8 | 895.03(2) | 1st | Acquire or maintain through |
| 9 | | | racketeering activity any |
| 10 | | | interest in or control of any |
| 11 | | | enterprise or real property. |
| 12 | 895.03(3) | 1st | Conduct or participate in any |
| 13 | | | enterprise through pattern of |
| 14 | | | racketeering activity. |
| 15 | <u>896.101(5)(b)</u> | <u>2nd</u> | <u>Money laundering, financial</u> |
| 16 | | | <u>transactions totaling or</u> |
| 17 | | | <u>exceeding \$20,000, but less than</u> |
| 18 | | | <u>\$100,000.</u> |
| 19 | <u>896.104(4)(a)2.</u> | <u>2nd</u> | <u>Structuring transactions to evade</u> |
| 20 | | | <u>reporting or registration</u> |
| 21 | | | <u>requirements, financial</u> |
| 22 | | | <u>transactions totaling or</u> |
| 23 | | | <u>exceeding \$20,000 but less than</u> |
| 24 | | | <u>\$100,000.</u> |
| 25 | | | (i) LEVEL 9 |
| 26 | 316.193 | | |
| 27 | (3)(c)3.b. | 1st | DUI manslaughter; failing to |
| 28 | | | render aid or give information. |
| 29 | | | |
| 30 | | | |
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|----|------------------------|------------|--|
| 1 | <u>560.123(8)(b)3.</u> | <u>1st</u> | <u>Failure to report currency or</u> |
| 2 | | | <u>payment instruments totaling or</u> |
| 3 | | | <u>exceeding \$100,000 by money</u> |
| 4 | | | <u>transmitter.</u> |
| 5 | <u>560.125(5)(c)</u> | <u>1st</u> | <u>Money transmitter business by</u> |
| 6 | | | <u>unauthorized person, currency, or</u> |
| 7 | | | <u>payment instruments totaling or</u> |
| 8 | | | <u>exceeding \$100,000.</u> |
| 9 | <u>655.50(10)(b)3.</u> | <u>1st</u> | <u>Failure to report financial</u> |
| 10 | | | <u>transactions totaling or</u> |
| 11 | | | <u>exceeding \$100,000 by financial</u> |
| 12 | | | <u>institution.</u> |
| 13 | 782.04(1) | 1st | Attempt, conspire, or solicit to |
| 14 | | | commit premeditated murder. |
| 15 | 782.04(3) | 1st,PBL | Accomplice to murder in |
| 16 | | | connection with arson, sexual |
| 17 | | | battery, robbery, burglary, and |
| 18 | | | other specified felonies. |
| 19 | 782.051(1) | 1st | Attempted felony murder while |
| 20 | | | perpetrating or attempting to |
| 21 | | | perpetrate a felony enumerated in |
| 22 | | | s. 782.04(3). |
| 23 | 782.07(2) | 1st | Aggravated manslaughter of an |
| 24 | | | elderly person or disabled adult. |
| 25 | 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or |
| 26 | | | reward or as a shield or hostage. |
| 27 | 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit |
| 28 | | | or facilitate commission of any |
| 29 | | | felony. |
| 30 | | | |
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|----|----------------|---------|-----------------------------------|
| 1 | 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to |
| 2 | | | interfere with performance of any |
| 3 | | | governmental or political |
| 4 | | | function. |
| 5 | 787.02(3)(a) | 1st | False imprisonment; child under |
| 6 | | | age 13; perpetrator also commits |
| 7 | | | aggravated child abuse, sexual |
| 8 | | | battery, or lewd or lascivious |
| 9 | | | battery, molestation, conduct, or |
| 10 | | | exhibition. |
| 11 | 790.161 | 1st | Attempted capital destructive |
| 12 | | | device offense. |
| 13 | 794.011(2) | 1st | Attempted sexual battery; victim |
| 14 | | | less than 12 years of age. |
| 15 | 794.011(2) | Life | Sexual battery; offender younger |
| 16 | | | than 18 years and commits sexual |
| 17 | | | battery on a person less than 12 |
| 18 | | | years. |
| 19 | 794.011(4) | 1st | Sexual battery; victim 12 years |
| 20 | | | or older, certain circumstances. |
| 21 | 794.011(8)(b) | 1st | Sexual battery; engage in sexual |
| 22 | | | conduct with minor 12 to 18 years |
| 23 | | | by person in familial or |
| 24 | | | custodial authority. |
| 25 | 800.04(5)(b) | 1st | Lewd or lascivious molestation; |
| 26 | | | victim less than 12 years; |
| 27 | | | offender 18 years or older. |
| 28 | 812.13(2)(a) | 1st,PBL | Robbery with firearm or other |
| 29 | | | deadly weapon. |
| 30 | 812.133(2)(a) | 1st,PBL | Carjacking; firearm or other |
| 31 | | | deadly weapon. |

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|----|-----------------|-----|-----------------------------------|
| 1 | 827.03(2) | 1st | Aggravated child abuse. |
| 2 | 847.0145(1) | 1st | Selling, or otherwise |
| 3 | | | transferring custody or control, |
| 4 | | | of a minor. |
| 5 | 847.0145(2) | 1st | Purchasing, or otherwise |
| 6 | | | obtaining custody or control, of |
| 7 | | | a minor. |
| 8 | 859.01 | 1st | Poisoning food, drink, medicine, |
| 9 | | | or water with intent to kill or |
| 10 | | | injure another person. |
| 11 | 893.135 | 1st | Attempted capital trafficking |
| 12 | | | offense. |
| 13 | 893.135(1)(a)3. | 1st | Trafficking in cannabis, more |
| 14 | | | than 10,000 lbs. |
| 15 | 893.135 | | |
| 16 | (1)(b)1.c. | 1st | Trafficking in cocaine, more than |
| 17 | | | 400 grams, less than 150 |
| 18 | | | kilograms. |
| 19 | 893.135 | | |
| 20 | (1)(c)1.c. | 1st | Trafficking in illegal drugs, |
| 21 | | | more than 28 grams, less than 30 |
| 22 | | | kilograms. |
| 23 | 893.135 | | |
| 24 | (1)(d)1.c. | 1st | Trafficking in phencyclidine, |
| 25 | | | more than 400 grams. |
| 26 | 893.135 | | |
| 27 | (1)(e)1.c. | 1st | Trafficking in methaqualone, more |
| 28 | | | than 25 kilograms. |
| 29 | 893.135 | | |
| 30 | (1)(f)1.c. | 1st | Trafficking in amphetamine, more |
| 31 | | | than 200 grams. |

1 896.101(5)(c) 1st Money laundering, financial
2 transactions totaling or
3 exceeding \$100,000.
4 896.104(4)(a)3. 1st Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions totaling or
8 exceeding \$100,000.
9 Section 25. For Fiscal Year 2000-2001, 15 FTE and
10 \$1,600,000 from the State Transportation Trust Fund are
11 appropriated to the Department of Transportation, Office of
12 Motor Carrier Compliance, for the purpose of creating a
13 contraband interdiction program within the Office of Motor
14 Carrier Compliance. The 15 FTE consists of seven certified K-9
15 handlers, seven felony officers, and one support staff. The
16 teams are created to patrol major highway corridors and
17 commercial weigh stations in order to reduce the flow of
18 illicit drugs and illegal contraband on Florida's highway
19 systems. The department shall seek additional funding from
20 federal grants and forfeiture proceedings, and may amend its
21 budget in accordance with the provisions of chapter 216,
22 Florida Statutes.
23 Section 26. This act shall take effect July 1, 2000.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/CS for Senate Bill 1258
4 Restores repealed misdemeanor offenses, but removes
5 inapplicable statutory references. Deletes current reference
6 to "monetary instrument" in penalty provision and adds
7 "financial transaction." Bifurcates civil penalty provision so
8 that one applies to financial institutions and registered
9 money transmitters and the other applies to everyone else.
10 Restores \$100,000 cap for civil penalty against financial
11 institutions and registered money transmitters.
12 Amends penalty provision of s. 896.101 (money laundering) to
13 delete reference to "monetary instrument" and add "financial
14 transaction."
15 Amends penalty provision of s. 896.104 (structuring) to
16 delete reference to "monetary instrument" and add "financial
17 transaction."
18 Amends s. 921.0022 (Criminal Punishment Code offense ranking
19 chart) to correct statutory reference and descriptive
20 language.
21 Appropriates 15 FTE and \$1,600,000 from State Transportation
22 Trust Fund to DOT's Office of Motor Carrier Compliance to
23 create contraband interdiction teams and specifies composition
24 of teams. Requires DOT to seek additional funding from
25 federal grants authorizing DOT to amend its budget in
26 accordance with provisions of Ch. 216, F.S.
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