

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)(e) 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 (g) 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.

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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. 16.56 or 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. 16.56 or s.  
5 27.04. If any subpoena issued under the authority granted by  
6 s. 16.56 or s. 27.04 contains a nondisclosure provision, any  
7 financial institution, licensed money transmitter, employee or  
8 officer of a financial institution or licensed money  
9 transmitter, or any other person may not notify, directly or  
10 indirectly, any customer of that financial institution or  
11 licensed money transmitter whose records are being sought by  
12 the subpoena, or any other person named in the subpoena, about  
13 the existence or the contents of that subpoena or about  
14 information that has been furnished to the state attorney or  
15 statewide prosecutor who issued the subpoena or other law  
16 enforcement officer named in the subpoena in response to the  
17 subpoena.

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

31

1 consider all relevant corroborating evidence, including the  
2 defendant's statements.

3 Section 19. Section 896.103, Florida Statutes, is  
4 amended to read:

5 896.103 Transaction which constitutes separate  
6 offense.--Notwithstanding any other provision of law, for  
7 purposes of this section and ss. 896.101 and 896.102, each  
8 individual currency transaction exceeding \$10,000 which is  
9 made in violation of the provisions of s. 896.102(1) or each  
10 financial transaction in violation of the provisions of s.  
11 896.101(3)~~s. 896.101(2)~~which involves the movement of funds  
12 in excess of \$10,000 shall constitute a separate, punishable  
13 offense.

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

16 896.104 Structuring transactions to evade reporting or  
17 registration requirements prohibited.--

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

1 single day in order to meet the definition of structure or  
2 structuring provided in this subsection.

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

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

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

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

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

30  
31

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

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

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

12 (4) CRIMINAL PENALTIES.--

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

15 1. Financial transactions exceeding \$300 but less than  
16 \$20,000 in any 12-month period, commits a felony of the third  
17 degree, punishable as provided in s. 775.082, s. 775.083 or s.  
18 775.084.

19 2. Financial transactions totaling or exceeding  
20 \$20,000 but less than \$100,000 in any 12-month period, commits  
21 a felony of the second degree, punishable as provided in s.  
22 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

1 in the course of or in relation to an active criminal  
2 investigation, active criminal intelligence gathering, or  
3 active prosecution.

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

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

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

17 896.107 Rewards for informants.--

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

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

29 (3) An officer or employee of the United States, a  
30 state or local government, or a foreign government who in the  
31 performance of official duties provides information described

1 in subsection (1) is not eligible for a reward under this  
 2 section.  
 3 (4) Payment of a reward does not affect the  
 4 admissibility of testimony in any court proceeding.  
 5 Section 24. Paragraphs (g), (h), and (i) of subsection  
 6 (3) of section 921.0022, Florida Statutes, are amended to  
 7 read:  
 8 921.0022 Criminal Punishment Code; offense severity  
 9 ranking chart.--  
 10 (3) OFFENSE SEVERITY RANKING CHART  
 11  
 12 Florida Felony  
 13 Statute Degree Description  
 14  
 15  
 16 (g) LEVEL 7  
 17 316.193(3)(c)2. 3rd DUI resulting in serious bodily  
 18 injury.  
 19 327.35(3)(c)2. 3rd Vessel BUI resulting in serious  
 20 bodily injury.  
 21 402.319(2) 2nd Misrepresentation and negligence  
 22 or intentional act resulting in  
 23 great bodily harm, permanent  
 24 disfiguration, permanent  
 25 disability, or death.  
 26 409.920(2) 3rd Medicaid provider fraud.  
 27  
 28  
 29  
 30  
 31

1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	<u>560.123(8)(b)1.</u>	<u>3rd</u>	<u>Failure to report currency or</u>
8			<u>payment instruments exceeding</u>
9			<u>\$300 but less than \$20,000 by</u>
10			<u>money transmitter.</u>
11	<u>560.125(5)(a)</u>	<u>3rd</u>	<u>Money transmitter business by</u>
12			<u>unauthorized person, currency or</u>
13			<u>payment instruments exceeding</u>
14			<u>\$300 but less than \$20,000.</u>
15	<u>655.50(10)(b)1.</u>	<u>3rd</u>	<u>Failure to report financial</u>
16			<u>transactions exceeding \$300 but</u>
17			<u>less than \$20,000 by financial</u>
18			<u>institution.</u>
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
31			

1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.08(2)(a)	1st	Aggravated battery on a person 65
17			years of age or older.
18	784.081(1)	1st	Aggravated battery on specified
19			official or employee.
20	784.082(1)	1st	Aggravated battery by detained
21			person on visitor or other
22			detainee.
23	784.083(1)	1st	Aggravated battery on code
24			inspector.
25	790.07(4)	1st	Specified weapons violation
26			subsequent to previous conviction
27			of s. 790.07(1) or (2).
28	790.16(1)	1st	Discharge of a machine gun under
29			specified circumstances.
30	796.03	2nd	Procuring any person under 16
31			years for prostitution.

1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)	1st	Property stolen, valued at
17			\$100,000 or more; property stolen
18			while causing other property
19			damage; 1st degree grand theft.
20	812.019(2)	1st	Stolen property; initiates,
21			organizes, plans, etc., the theft
22			of property and traffics in
23			stolen property.
24	812.131(2)(a)	2nd	Robbery by sudden snatching.
25	812.133(2)(b)	1st	Carjacking; no firearm, deadly
26			weapon, or other weapon.
27	825.102(3)(b)	2nd	Neglecting an elderly person or
28			disabled adult causing great
29			bodily harm, disability, or
30			disfigurement.
31			

1	825.1025(2)	2nd	Lewd or lascivious battery upon
2			an elderly person or disabled
3			adult.
4	825.103(2)(b)	2nd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$20,000 or more, but
7			less than \$100,000.
8	827.03(3)(b)	2nd	Neglect of a child causing great
9			bodily harm, disability, or
10			disfigurement.
11	827.04(3)	3rd	Impregnation of a child under 16
12			years of age by person 21 years
13			of age or older.
14	837.05(2)	3rd	Giving false information about
15			alleged capital felony to a law
16			enforcement officer.
17	872.06	2nd	Abuse of a dead human body.
18	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
19			cocaine (or other drug prohibited
20			under s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), or (2)(b)) within
22			1,000 feet of a child care
23			facility or school.
24	893.13(1)(e)	1st	Sell, manufacture, or deliver
25			cocaine or other drug prohibited
26			under s. 893.03(1)(a), (1)(b),
27			(1)(d), (2)(a), or (2)(b), within
28			1,000 feet of property used for
29			religious services or a specified
30			business site.
31			

1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), or (2)(b) drugs).
4	893.135(1)(a)1.	1st	Trafficking in cannabis, more
5			than 50 lbs., less than 2,000
6			lbs.
7	893.135		
8	(1)(b)1.a.	1st	Trafficking in cocaine, more than
9			28 grams, less than 200 grams.
10	893.135		
11	(1)(c)1.a.	1st	Trafficking in illegal drugs,
12			more than 4 grams, less than 14
13			grams.
14	893.135		
15	(1)(d)1.	1st	Trafficking in phencyclidine,
16			more than 28 grams, less than 200
17			grams.
18	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
19			than 200 grams, less than 5
20			kilograms.
21	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
22			than 14 grams, less than 28
23			grams.
24	893.135		
25	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
26			grams or more, less than 14
27			grams.
28	<u>896.101(5)(a)</u>	<u>3rd</u>	<u>Money laundering, financial</u>
29			<u>transactions exceeding \$300 but</u>
30			<u>less than \$20,000.</u>
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1	<u>896.104(4)(a)1.</u>	<u>3rd</u>	<u>Structuring transactions to evade</u>
2			<u>reporting or registration</u>
3			<u>requirements, financial</u>
4			<u>transactions exceeding \$300 but</u>
5			<u>less than \$200,000.</u>
6			(h) LEVEL 8
7	316.193		
8	(3)(c)3.a.	2nd	DUI manslaughter.
9	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
10	<u>560.123(8)(b)2.</u>	<u>2nd</u>	<u>Failure to report currency or</u>
11			<u>payment instruments totaling or</u>
12			<u>exceeding \$20,000, but less than</u>
13			<u>\$100,000 by money transmitter.</u>
14	<u>560.125(5)(b)</u>	<u>2nd</u>	<u>Money transmitter business by</u>
15			<u>unauthorized person, currency or</u>
16			<u>payment instruments totaling or</u>
17			<u>exceeding \$20,000, but less than</u>
18			<u>\$100,000.</u>
19	<u>655.50(10)(b)2.</u>	<u>2nd</u>	<u>Failure to report financial</u>
20			<u>transactions totaling or</u>
21			<u>exceeding \$20,000, but less than</u>
22			<u>\$100,000 by financial</u>
23			<u>institutions.</u>
24	777.03(2)(a)	1st	Accessory after the fact, capital
25			felony.
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1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.051(2)	1st	Attempted felony murder while
9			perpetrating or attempting to
10			perpetrate a felony not
11			enumerated in s. 782.04(3).
12	782.071(2)	1st	Committing vehicular homicide and
13			failing to render aid or give
14			information.
15	782.072(2)	1st	Committing vessel homicide and
16			failing to render aid or give
17			information.
18	790.161(3)	1st	Discharging a destructive device
19			which results in bodily harm or
20			property damage.
21	794.011(5)	2nd	Sexual battery, victim 12 years
22			or over, offender does not use
23			physical force likely to cause
24			serious injury.
25	800.04(4)	2nd	Lewd or lascivious battery.
26	806.01(1)	1st	Maliciously damage dwelling or
27			structure by fire or explosive,
28			believing person in structure.
29	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
30	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
31			or dangerous weapon.

1	810.02(2)(c)	1st	Burglary of a dwelling or
2			structure causing structural
3			damage or \$1,000 or more property
4			damage.
5	812.13(2)(b)	1st	Robbery with a weapon.
6	812.135(2)	1st	Home-invasion robbery.
7	825.102(2)	2nd	Aggravated abuse of an elderly
8			person or disabled adult.
9	825.103(2)(a)	1st	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$100,000 or more.
12	837.02(2)	2nd	Perjury in official proceedings
13			relating to prosecution of a
14			capital felony.
15	837.021(2)	2nd	Making contradictory statements
16			in official proceedings relating
17			to prosecution of a capital
18			felony.
19	860.121(2)(c)	1st	Shooting at or throwing any
20			object in path of railroad
21			vehicle resulting in great bodily
22			harm.
23	860.16	1st	Aircraft piracy.
24	893.13(1)(b)	1st	Sell or deliver in excess of 10
25			grams of any substance specified
26			in s. 893.03(1)(a) or (b).
27	893.13(2)(b)	1st	Purchase in excess of 10 grams of
28			any substance specified in s.
29			893.03(1)(a) or (b).
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1	893.13(6)(c)	1st	Possess in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.135(1)(a)2.	1st	Trafficking in cannabis, more
5			than 2,000 lbs., less than 10,000
6			lbs.
7	893.135		
8	(1)(b)1.b.	1st	Trafficking in cocaine, more than
9			200 grams, less than 400 grams.
10	893.135		
11	(1)(c)1.b.	1st	Trafficking in illegal drugs,
12			more than 14 grams, less than 28
13			grams.
14	893.135		
15	(1)(d)1.b.	1st	Trafficking in phencyclidine,
16			more than 200 grams, less than
17			400 grams.
18	893.135		
19	(1)(e)1.b.	1st	Trafficking in methaqualone, more
20			than 5 kilograms, less than 25
21			kilograms.
22	893.135		
23	(1)(f)1.b.	1st	Trafficking in amphetamine, more
24			than 28 grams, less than 200
25			grams.
26	893.135		
27	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
28			grams or more, less than 28
29			grams.
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1	895.03(1)	1st	Use or invest proceeds derived
2			from pattern of racketeering
3			activity.
4	895.03(2)	1st	Acquire or maintain through
5			racketeering activity any
6			interest in or control of any
7			enterprise or real property.
8	895.03(3)	1st	Conduct or participate in any
9			enterprise through pattern of
10			racketeering activity.
11	<u>896.101(5)(b)</u>	<u>2nd</u>	<u>Money laundering, financial</u>
12			<u>transactions totaling or</u>
13			<u>exceeding \$20,000, but less than</u>
14			<u>\$100,000.</u>
15	<u>896.104(4)(a)2.</u>	<u>2nd</u>	<u>Structuring transactions to evade</u>
16			<u>reporting or registration</u>
17			<u>requirements, financial</u>
18			<u>transactions totaling or</u>
19			<u>exceeding \$20,000 but less than</u>
20			<u>\$100,000.</u>
21			(i) LEVEL 9
22	316.193		
23	(3)(c)3.b.	1st	DUI manslaughter; failing to
24			render aid or give information.
25	<u>560.123(8)(b)3.</u>	<u>1st</u>	<u>Failure to report currency or</u>
26			<u>payment instruments totaling or</u>
27			<u>exceeding \$100,000 by money</u>
28			<u>transmitter.</u>
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1	<u>560.125(5)(c)</u>	<u>1st</u>	<u>Money transmitter business by</u>
2			<u>unauthorized person, currency, or</u>
3			<u>payment instruments totaling or</u>
4			<u>exceeding \$100,000.</u>
5	<u>655.50(10)(b)3.</u>	<u>1st</u>	<u>Failure to report financial</u>
6			<u>transactions totaling or</u>
7			<u>exceeding \$100,000 by financial</u>
8			<u>institution.</u>
9	782.04(1)	1st	Attempt, conspire, or solicit to
10			commit premeditated murder.
11	782.04(3)	1st,PBL	Accomplice to murder in
12			connection with arson, sexual
13			battery, robbery, burglary, and
14			other specified felonies.
15	782.051(1)	1st	Attempted felony murder while
16			perpetrating or attempting to
17			perpetrate a felony enumerated in
18			s. 782.04(3).
19	782.07(2)	1st	Aggravated manslaughter of an
20			elderly person or disabled adult.
21	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
22			reward or as a shield or hostage.
23	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
24			or facilitate commission of any
25			felony.
26	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
27			interfere with performance of any
28			governmental or political
29			function.
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1	787.02(3)(a)	1st	False imprisonment; child under
2			age 13; perpetrator also commits
3			aggravated child abuse, sexual
4			battery, or lewd or lascivious
5			battery, molestation, conduct, or
6			exhibition.
7	790.161	1st	Attempted capital destructive
8			device offense.
9	794.011(2)	1st	Attempted sexual battery; victim
10			less than 12 years of age.
11	794.011(2)	Life	Sexual battery; offender younger
12			than 18 years and commits sexual
13			battery on a person less than 12
14			years.
15	794.011(4)	1st	Sexual battery; victim 12 years
16			or older, certain circumstances.
17	794.011(8)(b)	1st	Sexual battery; engage in sexual
18			conduct with minor 12 to 18 years
19			by person in familial or
20			custodial authority.
21	800.04(5)(b)	1st	Lewd or lascivious molestation;
22			victim less than 12 years;
23			offender 18 years or older.
24	812.13(2)(a)	1st,PBL	Robbery with firearm or other
25			deadly weapon.
26	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
27			deadly weapon.
28	827.03(2)	1st	Aggravated child abuse.
29	847.0145(1)	1st	Selling, or otherwise
30			transferring custody or control,
31			of a minor.

1	847.0145(2)	1st	Purchasing, or otherwise
2			obtaining custody or control, of
3			a minor.
4	859.01	1st	Poisoning food, drink, medicine,
5			or water with intent to kill or
6			injure another person.
7	893.135	1st	Attempted capital trafficking
8			offense.
9	893.135(1)(a)3.	1st	Trafficking in cannabis, more
10			than 10,000 lbs.
11	893.135		
12	(1)(b)1.c.	1st	Trafficking in cocaine, more than
13			400 grams, less than 150
14			kilograms.
15	893.135		
16	(1)(c)1.c.	1st	Trafficking in illegal drugs,
17			more than 28 grams, less than 30
18			kilograms.
19	893.135		
20	(1)(d)1.c.	1st	Trafficking in phencyclidine,
21			more than 400 grams.
22	893.135		
23	(1)(e)1.c.	1st	Trafficking in methaqualone, more
24			than 25 kilograms.
25	893.135		
26	(1)(f)1.c.	1st	Trafficking in amphetamine, more
27			than 200 grams.
28	<u>896.101(5)(c)</u>	<u>1st</u>	<u>Money laundering, financial</u>
29			<u>transactions totaling or</u>
30			<u>exceeding \$100,000.</u>
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1 896.104(4)(a)3. 1st Structuring transactions to evade  
2 reporting or registration  
3 requirements, financial  
4 transactions totaling or  
5 exceeding \$100,000.  
6 Section 25. For Fiscal Year 2000-2001, 15 FTE and  
7 \$1,600,000 from the State Transportation Trust Fund are  
8 appropriated to the Department of Transportation, Office of  
9 Motor Carrier Compliance, for the purpose of creating a  
10 contraband interdiction program within the Office of Motor  
11 Carrier Compliance. The 15 FTE consists of seven certified K-9  
12 handlers, seven felony officers, and one support staff. The  
13 teams are created to patrol major highway corridors and  
14 commercial weigh stations in order to reduce the flow of  
15 illicit drugs and illegal contraband on Florida's highway  
16 systems. The department shall seek additional funding from  
17 federal grants and forfeiture proceedings, and may amend its  
18 budget in accordance with the provisions of chapter 216,  
19 Florida Statutes.  
20 Section 26. This act shall take effect July 1, 2000.  
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