

1
2 An act relating to money laundering; creating
3 s. 311.12, F.S.; providing for development and
4 implementation of a statewide seaport security
5 plan; providing for a fingerprint-based
6 criminal history check of an applicant for
7 employment and current employees at seaports;
8 providing for inspections of seaports to
9 determine compliance with minimum security
10 standards and report of results of inspections
11 performed; amending s. 560.103, F.S.; limiting
12 the definition of the term "authorized vendor"
13 as used in the Money Transmitters' Code to
14 businesses located in this state; creating s.
15 560.1073, F.S.; providing criminal penalties
16 for making or filing with the Department of
17 Banking and Finance certain false or misleading
18 statements or documents; amending s. 560.111,
19 F.S.; reducing the department's burden of
20 proving knowing intent to defraud; amending s.
21 560.114, F.S.; expanding the department's
22 disciplinary authority; amending s. 560.117,
23 F.S.; requiring the department to notify
24 licensees suspected of certain code violations
25 and permit such licensees to correct such
26 violations before bringing disciplinary action;
27 providing for an administrative fine; amending
28 s. 560.118, F.S.; revising requirements for
29 examinations, reports, and audits of money
30 transmitters; providing a criminal penalty for
31 violations of the section; amending s. 560.123,

1 F.S.; revising standards for graduated
2 penalties involving currency or payment
3 instruments under the Florida Control of Money
4 Laundering in Money Transmitters Act; providing
5 that the common law corpus delicti rule does
6 not apply to prosecutions under the Money
7 Transmitters' Code; providing for admissibility
8 of a defendant's confession under certain
9 circumstances; amending s. 560.125, F.S.;
10 providing graduated criminal penalties;
11 increasing fines; providing for a civil
12 penalty; providing that the common law corpus
13 delicti rule does not apply to prosecutions
14 under the Money Transmitters' Code; providing
15 for admissibility of a defendant's confession
16 under certain circumstances; amending s.
17 560.205, F.S.; requiring the submission of
18 fingerprints by applicants for registration
19 under the Payment Instruments and Funds
20 Transmission Act; amending s. 560.211, F.S.;
21 providing a criminal penalty for failing to
22 comply with recordkeeping requirements;
23 amending s. 560.306, F.S.; providing standards
24 for qualifying for registration under the Check
25 Cashing and Foreign Currency Exchange Act;
26 amending s. 560.310, F.S.; providing a criminal
27 penalty for failure to comply with
28 recordkeeping requirements; amending s. 655.50,
29 F.S.; revising standards for graduated
30 penalties involving financial transactions
31 under the Florida Control of Money Laundering

1 in Financial Institutions Act; providing that
2 the common law corpus delicti rule does not
3 apply to prosecutions under the Money
4 Transmitters' Code; providing for admissibility
5 of a defendant's confession under certain
6 circumstances; amending s. 893.145, F.S.;
7 redefining the term "drug paraphernalia";
8 amending s. 893.147, F.S.; providing a criminal
9 penalty for transportation of drug
10 paraphernalia; amending s. 895.02, F.S.;
11 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"; providing that
16 specific circumstances do not constitute a
17 defense to a prosecution; providing for
18 criminal penalties, fines, and civil penalties;
19 providing for injunctions; providing for
20 seizure warrants; providing for immunity from
21 liability; providing that the common law corpus
22 delicti rule does not apply to prosecutions
23 under the Money Transmitters' Code; providing
24 for admissibility of a defendant's confession
25 under certain circumstances; amending s.
26 896.103, F.S.; conforming a statutory cross
27 reference; creating ss. 896.104, 896.105,
28 896.106, and 896.107, F.S.; providing
29 definitions; providing criminal penalties for
30 evading reporting or registration requirements
31 in specific financial transactions; providing

1 exceptions for undercover law enforcement
2 purposes; providing for fugitive
3 disentanglement; providing for informant
4 rewards; amending s. 921.0022, F.S.; adding
5 specified monetary transactions to the Criminal
6 Punishment Code offense severity ranking chart;
7 creating s. 943.032, F.S.; creating the
8 Financial Crimes Analysis Center and Financial
9 Transaction Database within the Florida
10 Department of Law Enforcement; providing
11 requirements; providing for 15 FTE and
12 \$1,600,000 the from State Transportation Fund
13 to the Department of Transportation, Office of
14 Motor Carrier Compliance, to create contraband
15 interdiction teams; specifying composition of
16 FTE positions; specifying purpose of contraband
17 interdiction 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 an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 311.12, Florida Statutes, is
26 created to read:

27 311.12 Seaport security.--

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

1 and local law enforcement agencies having primary authority
2 over the affected seaports, shall develop, by January 1, 2001,
3 a statewide security plan based upon the Florida Seaport
4 Security Assessment 2000 conducted by the Office of Drug
5 Control. Such plan shall establish statewide minimum
6 standards for seaport security including the prevention of
7 criminal activity including money laundering. The statewide
8 seaport security plan shall identify the funding needs for
9 security requirements of all relevant ports and shall
10 recommend mechanisms to fund those needs including an analysis
11 of the ability of seaports to provide funding for necessary
12 improvements. The statewide seaport security plan shall be
13 submitted to the Speaker of the House of Representatives and
14 the President of the Senate and the chairs of the fiscal
15 committees of the House of Representatives and Senate for
16 review on or before January 1, 2001.

17 (2) All seaports, as identified pursuant to s.
18 311.09(1), in conjunction with and pending review and approval
19 by the Office of Drug Control, within the Executive Office of
20 the Governor, and the Florida Department of Law Enforcement,
21 and in consultation with the Florida Seaport Transportation
22 and Economic Development Council, shall no later than January
23 31, 2001, develop and draft individual seaport security plans
24 particular to the specific and identifiable needs of their
25 respective seaports.

26 (a) Each seaport security plan shall adhere to the
27 statewide minimum standards established pursuant to subsection
28 (1).

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

1 (3) A fingerprint-based criminal history check shall
2 be performed on any applicant for employment or current
3 employee, as designated by each security plan required by
4 subsection (2), who will be working within the property of or
5 have regular access to any seaport listed in s. 311.09(1). The
6 costs of such checks shall be paid by the seaport or employing
7 entity or any person so checked. The applicant or employee
8 shall file a complete set of fingerprints taken in a manner
9 required by the Department of Law Enforcement and the security
10 plan. These fingerprints shall be submitted to the Department
11 of Law Enforcement for state processing and to the Federal
12 Bureau of Investigation for federal processing. The results of
13 the checks shall be reported to the seaports.

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

1 the extent possible, include responses from the chief
2 administrator of any seaport about which suggestions have been
3 made or security concerns raised, indicating what actions, if
4 any, have been taken or are planned to be taken in response to
5 the suggestions or concerns noted.

6 (5) Nothing in this section shall be construed as
7 preventing any seaport from implementing security measures
8 that are more stringent, greater than, or supplemental to, the
9 minimum standards established by this section.

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

12 560.103 Definitions.--As used in the code, unless the
13 context otherwise requires:

14 (2) "Authorized vendor" means a person designated by a
15 registrant to engage in the business of a money transmitter on
16 behalf of the registrant at locations in this state pursuant
17 to a written contract with the registrant.

18 Section 3. Section 560.1073, Florida Statutes, is
19 created to read:

20 560.1073 False or misleading statements or supporting
21 documents; penalty.--Any person who, personally or otherwise,
22 files with the department, or signs as the duly authorized
23 representative for filing with the department, any financial
24 statement or any document in support thereof which is required
25 by law or rule with intent to deceive and with knowledge that
26 the statement or document is materially false or materially
27 misleading commits a felony of the third degree, punishable as
28 provided in s. 775.082, s. 775.083, or s. 775.084.

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

31 560.111 Prohibited acts and practices.--

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

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

8 (b) Embezzle, abstract, or misapply any money,
9 property, or thing of value of the money transmitter or
10 authorized vendor with intent to deceive or defraud such money
11 transmitter or authorized vendor;

12 (c) Make any false entry in any book, report, or
13 statement of such money transmitter or authorized vendor with
14 intent to deceive or defraud such money transmitter,
15 authorized vendor, or another person, or with intent to
16 deceive the department, any other state or federal ~~appropriate~~
17 regulatory agency, or any authorized representative appointed
18 to examine or investigate the affairs of such money
19 transmitter or authorized vendor;

20 (d) Engage in an act that violates 18 U.S.C. s. 1956,
21 31 U.S.C. s. 5324, or any other law, rule, or regulation of
22 another state or of the United States relating to the business
23 of money transmission or usury which may cause the denial or
24 revocation of a money transmitter license or registration in
25 such jurisdiction;

26 (e) Deliver or disclose to the department or any of
27 its employees any examination report, report of condition,
28 report of income and dividends, audit, account, statement, or
29 document known by it to be fraudulent or false as to any
30 material matter; or
31

1 (f) ~~Knowingly~~ Place among the assets of such money
2 transmitter or authorized vendor any note, obligation, or
3 security that the money transmitter or authorized vendor does
4 not own or that to the person's knowledge is fraudulent or
5 otherwise worthless, or for any such person to represent to
6 the department that any note, obligation, or security carried
7 as an asset of such money transmitter or authorized vendor is
8 the property of the money transmitter or authorized vendor and
9 is genuine if it is known to such person that such
10 representation is false or that such note, obligation, or
11 security is fraudulent or otherwise worthless.

12 Section 5. Section 560.114, Florida Statutes, is
13 amended to read:

14 560.114 Disciplinary actions.--

15 (1) The following actions by a money transmitter or
16 money transmitter-affiliated party are violations of the code
17 and constitute grounds for the issuance of a cease and desist
18 order, the issuance of a removal order, the denial of a
19 registration application or the suspension or revocation of
20 any registration previously issued pursuant to the code, or
21 the taking of any other action within the authority of the
22 department pursuant to the code:

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

26 (b) Fraud, misrepresentation, deceit, or gross
27 negligence in any transaction involving money transmission,
28 regardless of reliance thereon by, or damage to, a money
29 transmitter customer.

30 (c) Fraudulent misrepresentation, circumvention, or
31 concealment of any matter required to be stated or furnished

1 to a money transmitter customer pursuant to the code,
2 regardless of reliance thereon by, or damage to, such
3 customer.

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

6 (e) Failure to maintain, preserve, and keep available
7 for examination all books, accounts, or other documents
8 required by the code, by any rule or order adopted pursuant to
9 the code, or by any agreement entered into with the
10 department.

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

15 ~~(f)(g)~~ A willful Refusal to permit the examination or
16 inspection of books and records in an investigation or
17 examination by the department, pursuant to the provisions of
18 the code, or to comply with a subpoena issued by the
19 department.

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

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

26 ~~(i)(j)~~ Insolvency or operating in an unsafe and
27 unsound manner.

28 ~~(j)(k)~~ Failure by a money transmitter to remove a
29 money transmitter-affiliated party after the department has
30 issued and served upon the money transmitter a final order

31

1 setting forth a finding that the money transmitter-affiliated
2 party has ~~knowingly~~ violated any provision of the code.

3 ~~(2) In addition to the acts specified in subsection~~
4 ~~(1), the following acts are grounds for denial of registration~~
5 ~~or for revocation, suspension, or restriction of registration~~
6 ~~previously granted:~~

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

10 ~~(l)(b)~~ Committing any act resulting in ~~Having~~ an
11 application for registration, or a registration or its
12 equivalent, to practice any profession or occupation being
13 denied, suspended, revoked, or otherwise acted against by a
14 registering authority in any jurisdiction or a finding by an
15 appropriate regulatory body of engaging in unlicensed activity
16 as a money transmitter within any jurisdiction ~~for fraud or~~
17 ~~dishonest dealing.~~

18 ~~(m)(c)~~ Committing any act resulting in ~~Having~~ a
19 registration or its equivalent, or an application for
20 registration, to practice any profession or occupation being
21 denied, suspended, or otherwise acted against by a registering
22 authority in any jurisdiction for a violation of 18 U.S.C. s.
23 1956, 31 U.S.C. s. 5324, or any other law, rule, or regulation
24 of another state or of the United States relating to the
25 business of money transmission or usury which may cause the
26 denial or revocation of a money transmitter license or
27 registration in such jurisdiction.

28 ~~(n)(d)~~ Having been convicted of or found guilty of, or
29 having pleaded guilty or nolo contendere to, any felony or
30 crime punishable by imprisonment of 1 year or more under the
31 law of any state or of the United States which involves ~~a~~

1 ~~crime involving fraud, moral turpitude, or dishonest dealing,~~
2 without regard to whether a judgment of conviction has been
3 entered by the court.

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

8 (p) Having been convicted of or found guilty of, or
9 having pleaded guilty or nolo contendere to, misappropriation,
10 conversion, or unlawful withholding of moneys that belong to
11 others and were received in the conduct of the business of the
12 money transmitter.

13 (q) Failure to inform the department in writing within
14 15 days after pleading guilty or nolo contendere to, or being
15 convicted or found guilty of, any felony or crime punishable
16 by imprisonment of 1 year or more under the law of any state
17 or of the United States, or of any crime involving fraud,
18 moral turpitude, or dishonest dealing, without regard to
19 whether a judgment of conviction has been entered by the
20 court.

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

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

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

28 (u) Engaging or holding oneself out to be engaged in
29 the business of a money transmitter without the proper
30 registration.

31

1 ~~(v)(f)~~ Any action that would be grounds for denial of
2 a registration or for revocation, suspension, or restriction
3 of a registration previously granted under part III of this
4 chapter.

5 (2) The department may issue a cease and desist order
6 or removal order, suspend or revoke any previously issued
7 registration, or take any other action within the authority of
8 the department against a money transmitter based on any fact
9 or condition that exists and that, if it had existed or been
10 known to exist at the time the money transmitter applied for
11 registration, would have been grounds for denial of
12 registration.

13 (3) Each money transmitter is responsible for any act
14 of its authorized vendors if the money transmitter should have
15 known of the act or if the money transmitter has actual
16 knowledge that such act is a violation of the code and the
17 money transmitter willfully allowed such act to continue. Such
18 responsibility is limited to conduct engaged in by the
19 authorized vendor pursuant to the authority granted to it by
20 the money transmitter.

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

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

27 560.117 Administrative fines; enforcement.--

28 (1) The department may, by complaint, initiate a
29 proceeding pursuant to chapter 120 to impose an administrative
30 fine against any person found to have violated any provision
31 of the code or a cease and desist order of the department or

1 any written agreement with the department. However, the
2 department shall give notice, in writing, if it suspects that
3 the licensee has violated any of the following provisions of
4 the code and shall give the licensee 15 days after actual
5 notice is served on the person within which to correct the
6 violation before bringing disciplinary action under the code:

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

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

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

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

20

21 Except as provided in this section, such fine may not exceed
22 \$100 a day for each violation. The department may excuse any
23 such fine with a showing of good cause by the person being
24 fined.

25 (2) If the department finds that one or more grounds
26 exist for the suspension, revocation, or refusal to renew or
27 continue a license or registration issued under this chapter,
28 the department may, in addition to or in lieu of suspension,
29 revocation, or refusal to renew or continue a license or
30 registration, impose a fine in an amount up to \$10,000 for
31 each violation of this chapter.

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

6 ~~(4)(3)~~ Any administrative fine levied by the
7 department may be enforced by the department by appropriate
8 proceedings in the circuit court of the county in which such
9 person resides or maintains a principal office. In any
10 administrative or judicial proceeding arising under this
11 section, a party may elect to correct the violation asserted
12 by the department and, upon the party's doing so, any fine
13 ceases to accrue; however, an election to correct the
14 violation does not render moot any administrative or judicial
15 proceeding.

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

18 560.118 Examinations, reports, and internal audits;
19 penalty.--

20 (1)(a) The department may conduct an examination of a
21 money transmitter or authorized vendor by providing not less
22 than 15 days' advance notice to the money transmitter or
23 authorized vendor. However, if the department suspects that
24 the money transmitter or authorized vendor has violated any
25 provisions of this code or any criminal laws of this state or
26 of the United States or is engaging in an unsafe and unsound
27 practice, the department may, at any time without advance
28 notice, conduct an examination of all affairs, activities,
29 transactions, accounts, business records, and assets of any
30 money transmitter or any money transmitter-affiliated party
31 for the protection of the public. For the purpose of

1 examinations, the department may administer oaths and examine
2 a money transmitter or any of its affiliated parties
3 concerning their operations and business activities and
4 affairs. ~~however, whenever the department has reason to~~
5 ~~believe that a money transmitter or authorized vendor is~~
6 ~~engaging in an unsafe and unsound practice, or has violated or~~
7 ~~is violating any provision of the code, the department may~~
8 ~~make an examination of such money transmitter or authorized~~
9 ~~vendor without providing advance notice.~~ The department may
10 accept an audit or examination from any appropriate regulatory
11 agency or from an independent third party with respect to the
12 operations of a money transmitter or an authorized vendor. The
13 department may also make a joint or concurrent examination
14 with any state or federal ~~appropriate~~ regulatory agency. The
15 department may furnish a copy of all examinations made of such
16 money transmitter or authorized vendor to the money
17 transmitter and any appropriate regulatory agency provided
18 that such agency agrees to abide by the confidentiality
19 provisions as set forth in chapter 119.

20 (b) Persons subject to this chapter who are examined
21 shall make available to the department or its examiners the
22 accounts, records, documents, files, information, assets, and
23 matters which are in their immediate possession or control and
24 which relate to the subject of the examination. Those
25 accounts, records, documents, files, information, assets, and
26 matters not in their immediate possession shall be made
27 available to the department or the department's examiners
28 within 10 days after actual notice is served on such persons.

29 ~~(c)(b)~~ ~~The department may require an examination or~~
30 ~~audit of a money transmitter~~ required under this section may
31 be performed ~~or authorized vendor~~ by an independent third

1 party that has been approved by the department or by a
2 certified public accountant authorized to do business in the
3 United States. The examination of a money transmitter or
4 authorized vendor required under this section may be performed
5 by an independent third party that has been approved by the
6 department or by a certified public accountant authorized to
7 do business in the United States. The cost of such an
8 independent examination or audit shall be directly borne by
9 the money transmitter or authorized vendor.

10 (d)~~(c)~~ The department may recover the costs of a
11 regular examination and supervision of a money transmitter or
12 authorized vendor; however, the department may not recover the
13 costs of more than one examination in any 12-month period
14 unless the department has determined that the money
15 transmitter or authorized vendor is operating in an unsafe or
16 unsound or unlawful manner.

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

1 payment penalty, the department may consider the prior payment
2 history of the money transmitter or authorized vendor.

3 (2)(a) Annual financial reports that are required to
4 be filed under the code or any rules adopted thereunder must
5 be audited by an independent third party that has been
6 approved by the department or by a certified public accountant
7 authorized to do business in the United States. The money
8 transmitter or authorized vendor shall directly bear the cost
9 of the audit. This paragraph does not apply to any seller of
10 payment instruments who can prove to the satisfaction of the
11 department that it has a combined total of fewer than 50
12 employees and authorized vendors or that its annual payment
13 instruments issued from its activities as a payment instrument
14 seller are less than \$200,000.

15 (b)(a) The department may, by rule, require each money
16 transmitter or authorized vendor to submit quarterly reports
17 to the department. The department may require that each report
18 contain a declaration by an officer, or any other responsible
19 person authorized to make such declaration, that the report is
20 true and correct to the best of her or his knowledge and
21 belief. Such report must include such information as the
22 department by rule requires for that type of money
23 transmitter.

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

29 (3) Any person who willfully violates this section or
30 fails to comply with any lawful written demand or order of the
31 department made under this section commits a felony of the

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

3 Section 8. Subsection (8) of section 560.123, Florida
4 Statutes, is amended, and subsection (9) is added to said
5 section, to read:

6 560.123 Florida control of money laundering in the
7 Money Transmitters' Code; reports of transactions involving
8 currency or monetary instruments; when required; purpose;
9 definitions; penalties.--

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

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

16 1. Currency or payment instruments committed in
17 ~~furtherance of the commission of any other violation of any~~
18 ~~law of this state or committed as part of a pattern of illegal~~
19 ~~activity involving financial transactions~~ exceeding \$300 but
20 less than \$20,000 in any 12-month period, commits a felony of
21 the third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 2. Currency or payment instruments totaling or
24 ~~committed as part of a pattern of illegal activity involving~~
25 ~~financial transactions~~ exceeding \$20,000 but less than
26 \$100,000 in any 12-month period, commits a felony of the
27 second degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084.

29 3. Currency or payment instruments totaling or
30 ~~committed as part of a pattern of illegal activity involving~~
31 ~~financial transactions~~ exceeding \$100,000 in any 12-month

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

3 (c) In addition to the penalties otherwise authorized
4 by s. 775.082, s. 775.083, or s. 775.084, a person who has
5 been convicted of or who has pleaded guilty or nolo contendere
6 to having violated paragraph (b) may be sentenced to pay a
7 fine not exceeding \$250,000 or twice the value of the currency
8 or payment instruments ~~financial transaction~~, whichever is
9 greater, except that on a second or subsequent conviction for
10 or plea of guilty or nolo contendere to a violation of
11 paragraph (b), the fine may be up to \$500,000 or quintuple the
12 value of the currency or payment instruments ~~financial~~
13 ~~transaction~~, whichever is greater.

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

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

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

3 Section 9. Section 560.125, Florida Statutes, is
4 amended to read:

5 560.125 Money transmitter business by unauthorized
6 persons; penalties.--

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

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

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

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

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

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

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

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

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

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

31

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

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

20 Section 10. Section 560.205, Florida Statutes, is
21 amended to read:

22 560.205 Qualifications of applicant for registration;
23 contents.--

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

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

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

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

29 (b) The history of the applicant's material
30 litigation, criminal convictions, pleas of nolo contendere,
31 and cases of adjudication withheld.

1 (c) A description of the activities conducted by the
2 applicant, the applicant's history of operations, and the
3 business activities in which the applicant seeks to engage in
4 this state.

5 (d) A list identifying the applicant's proposed
6 authorized vendors in this state, including the location or
7 locations in this state at which the applicant and its
8 authorized vendors propose to conduct registered activities.

9 (e) A sample authorized vendor contract, if
10 applicable.

11 (f) A sample form of payment instrument, if
12 applicable.

13 (g) The name and address of the clearing financial
14 institution or financial institutions through which the
15 applicant's payment instruments will be drawn or through which
16 such payment instruments will be payable.

17 (h) Documents revealing that the net worth and bonding
18 requirements specified in s. 560.209 have been or will be
19 fulfilled.

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

24 (a) The date of the applicant's incorporation and
25 state of incorporation.

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

28 (c) A description of the corporate structure of the
29 applicant, including the identity of any parent or subsidiary
30 of the applicant, and the disclosure of whether any parent or
31 subsidiary is publicly traded on any stock exchange.

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

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

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

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

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

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

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

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

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

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

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

27 Section 11. Subsection (5) is added to section
28 560.211, Florida Statutes, to read:

29 560.211 Records.--
30
31

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

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

6 560.306 Standards.--

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

31

1 Department of Law Enforcement or the Federal Bureau of
2 Investigation.

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

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

28 (4)~~(3)~~ Each registration application and renewal
29 application must specify the location at which the applicant
30 proposes to establish its principal place of business and any
31 other location, including authorized vendors operating in this

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

8 (5)~~(4)~~ Each applicant shall designate and maintain an
9 agent in this state for service of process.

10 Section 13. Subsection (5) is added to section
11 560.310, Florida Statutes, to read:

12 560.310 Records of check cashers and foreign currency
13 exchangers.--

14 (5) Any person who willfully violates this section or
15 fails to 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 said
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 willfully violates or knowingly
2 causes another to violate any provision of this section,
3 ~~chapter 896, or any similar state or federal law,~~ when the
4 violation involves is:

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

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

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

17 3.4. ~~Committed as part of a pattern of illegal~~
18 ~~activity involving~~ Financial transactions totaling or
19 exceeding \$100,000 in any 12-month period is guilty of a
20 felony of the first degree, punishable as provided in s.
21 775.082 or s. 775.083.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (8) Blenders, bowls, containers, spoons, and mixing
2 devices used, intended for use, or designed for use in
3 compounding controlled substances.
- 4 (9) Capsules, balloons, envelopes, and other
5 containers used, intended for use, or designed for use in
6 packaging small quantities of controlled substances.
- 7 (10) Containers and other objects used, intended for
8 use, or designed for use in storing, ~~or~~ concealing, or
9 transporting controlled substances.
- 10 (11) Hypodermic syringes, needles, and other objects
11 used, intended for use, or designed for use in parenterally
12 injecting controlled substances into the human body.
- 13 (12) Objects used, intended for use, or designed for
14 use in ingesting, inhaling, or otherwise introducing cannabis,
15 cocaine, hashish, or hashish oil into the human body, such as:
- 16 (a) Metal, wooden, acrylic, glass, stone, plastic, or
17 ceramic pipes, with or without screens, permanent screens,
18 hashish heads, or punctured metal bowls.
- 19 (b) Water pipes.
- 20 (c) Carburetion tubes and devices.
- 21 (d) Smoking and carburetion masks.
- 22 (e) Roach clips: meaning objects used to hold burning
23 material, such as a cannabis cigarette, that has become too
24 small or too short to be held in the hand.
- 25 (f) Miniature cocaine spoons, and cocaine vials.
- 26 (g) Chamber pipes.
- 27 (h) Carburetor pipes.
- 28 (i) Electric pipes.
- 29 (j) Air-driven pipes.
- 30 (k) Chillums.
- 31 (l) Bongs.

1 (m) Ice pipes or chillers.

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

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

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

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

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

16

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 petitioner's need to preserve the monetary instruments or
2 funds.

3 (b) A temporary injunction must be granted without
4 bond to the petitioner. However, the court may authorize a
5 respondent to post a bond equal to the amount to be enjoined
6 and to have the injunction dissolved.

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

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

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

19 (f) At the termination of the temporary injunction or
20 at any time before the termination of the temporary
21 injunction, the petitioner may:

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

25 2. Obtain a warrant or other court order and seize the
26 monetary instruments or funds for any subsequent criminal
27 prosecution; or

28 3. Petition the court to extend the order for a period
29 not longer than 10 days from the original order's termination
30 date. At the end of the termination of the 10-day extension,
31 the petitioner may take either of the steps outlined in

1 subparagraph 1. or subparagraph 2. However, the petitioner may
2 not be granted any additional extensions.

3 (g)1. Upon service of the temporary order served
4 pursuant to this section, the petitioner shall immediately
5 notify by certified mail, return receipt requested or by
6 personal service, both the person or entity in possession of
7 the monetary instruments or funds and the owner of the
8 monetary instruments or funds if known, of the order entered
9 pursuant to this section and that the lawful owner of the
10 monetary instruments or funds being enjoined may request a
11 hearing to contest and modify the order entered pursuant to
12 this section by petitioning the court that issued the order,
13 so that such notice is received within 72 hours.

14 2. The notice shall advise that the hearing shall be
15 held within 3 days of the request and the notice must state
16 that the hearing will be set and noticed by the person against
17 whom the order is served.

18 3. The notice shall specifically state that the lawful
19 owner has the right to produce evidence of legitimate business
20 expenses, obligations and liabilities, including but not
21 limited to, employee payroll expenses verified by current
22 Department of Labor unemployment compensation rolls, employee
23 workers' compensation insurance, employee health insurance,
24 state and federal taxes, and regulatory or licensing fees only
25 as may become due before the expiration of the temporary
26 order.

27 4. Upon determination by the court that the such
28 expenses are valid, payment of such expenses may be effected
29 by the owner of the enjoined monetary instruments or funds
30 only to the court ordered payees through court reviewed
31 checks, issued by the owner of and the person or entity in

1 possession of the enjoined monetary instruments or funds.
2 Upon presentment, the person or entity in possession of the
3 enjoined funds or monetary instruments shall only honor the
4 payment of the check to the court ordered payee.

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

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

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

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

26 (11) In any prosecution brought pursuant to chapter
27 896, the common law corpus delicti rule does not apply. The
28 defendant's confession or admission is admissible during trial
29 without the state having to prove the corpus delicti if the
30 court finds in a hearing conducted outside the presence of the
31 jury that the defendant's confession or admission is

1 trustworthy. Before the court admits the defendant's
2 confession or admission, the state must prove by a
3 preponderance of the evidence that there is sufficient
4 corroborating evidence that tends to establish the
5 trustworthiness of the statement by the defendant. Hearsay
6 evidence is admissible during the presentation of evidence at
7 the hearing. In making its determination, the court may
8 consider all relevant corroborating evidence, including the
9 defendant's statements.

10 Section 19. Section 896.103, Florida Statutes, is
11 amended to read:

12 896.103 Transaction which constitutes separate
13 offense.--Notwithstanding any other provision of law, for
14 purposes of this section and ss. 896.101 and 896.102, each
15 individual currency transaction exceeding \$10,000 which is
16 made in violation of the provisions of s. 896.102(1) or each
17 financial transaction in violation of the provisions of s.
18 896.101(3)~~(2)~~which involves the movement of funds in excess
19 of \$10,000 shall constitute a separate, punishable offense.

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

22 896.104 Structuring transactions to evade reporting or
23 registration requirements prohibited.--

24 (1) DEFINITIONS.--For purposes of this section, the
25 terms "structure" or "structuring" mean that a person, acting
26 alone, or in conjunction with, or on behalf of, other persons,
27 conducts or attempts to conduct one or more transactions in
28 currency, in any amount, at one or more financial
29 institutions, on one or more days, in any manner, for the
30 purpose of evading currency transaction reporting requirements
31 provided by state or federal law. "In any manner" includes,

1 but is not limited to, the breaking down of a single sum of
2 currency exceeding \$10,000 into smaller sums, including sums
3 at or below \$10,000, or the conduct of a transaction, or
4 series of currency transactions, at or below \$10,000. The
5 transaction or transactions need not exceed the \$10,000
6 reporting threshold at any single financial institution on any
7 single day in order to meet the definition of "structure" or
8 "structuring" provided in this subsection.

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

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

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

26 (c) Structure or assist in structuring, or attempt to
27 structure or assist in structuring, any financial transaction
28 with or involving one or more financial institutions in this
29 state.

30 (3) INTERNATIONAL MONETARY INSTRUMENT TRANSACTIONS.--A
31 person may not, for the purpose of evading the reporting or

1 registration requirements of chapter 896, chapter 655, or
2 chapter 560, or s. 5316 of Title 31, United States Code, when
3 some portion of the activity by that person occurs in this
4 state:

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

8 (b) File or cause or attempt to cause a person to file
9 an applicable registration or report required under those
10 chapters and sections which contains a material omission or
11 misstatement of fact; or

12 (c) Structure or assist in structuring, or attempt to
13 structure or assist in structuring, any importation or
14 exportation of currency or monetary instruments or funds to,
15 from, or through financial institutions in this state.

16 (4) CRIMINAL PENALTIES.--

17 (a) A person who violates this section, if the
18 violation involves:

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

23 2. Financial transactions totaling or exceeding
24 \$20,000 but less than \$100,000 in any 12-month period, commits
25 a felony of the second degree, punishable as provided in s.
26 775.082, s. 775.083, or s. 775.084.

27 3. Financial transactions totaling or exceeding
28 \$100,000 in any 12-month period, commits a felony of the first
29 degree, punishable as provided in s. 775.082, s. 775.083, or
30 s. 775.084.

31

1 (b) In addition to the penalties authorized by s.
2 775.082, s. 775.083, or s. 775.084, a person who has been
3 found guilty of or who has pleaded guilty or nolo contendere
4 to having violated this section may be sentenced to pay a fine
5 not exceeding \$250,000 or twice the value of the financial
6 transactions, whichever is greater, except that for a second
7 or subsequent violation of this section, the fine may be up to
8 \$500,000 or quintuple the value of the financial transactions,
9 whichever is greater.

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

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

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

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

28 896.105 Penalty provisions not applicable to law
29 enforcement.--The penalty provisions of this chapter,
30 including those directed at reporting violations or the
31 conduct or attempted conduct of unlawful financial

1 transactions, the unlawful transportation or attempted
2 transportation of monetary instruments, and the concealment of
3 unlawful proceeds or their ownership are not applicable to law
4 enforcement officers who engage in aspects of such activity
5 for bona fide authorized undercover law enforcement purposes
6 in the course of or in relation to an active criminal
7 investigation, active criminal intelligence gathering, or
8 active prosecution.

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

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

20 Section 23. Section 896.107, Florida Statutes, is
21 created to read:

22 896.107 Rewards for informants.--

23 (1) A law enforcement agency conducting any
24 investigation of a violation of this chapter may pay a reward
25 to an individual who provides original information that leads
26 to a recovery of a criminal fine, civil penalty, or
27 forfeiture.

28 (2) The law enforcement agency shall determine the
29 amount of a reward under this section. The law enforcement
30 agency may not pay more than the amount of reward authorized
31 for similar activity by any federal law or guideline in effect

1 at the time the information described in subsection (1) was
2 provided.

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

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

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

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.

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).
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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.

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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.
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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.
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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 \$20,000.</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.

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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>
29			
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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.

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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>instruments totaling or exceeding</u>
30			<u>\$100,000.</u>
31			

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. Section 943.032, Florida Statutes, is
7 created to read:

8 943.032 Financial Crime Analysis Center and Financial
9 Transaction Database.--

10 (1) There is created within the Florida Department of
11 Law Enforcement a Financial Crime Analysis Center and a
12 Financial Transaction Database.

13 (2) The department shall compile information and data
14 available from financial transaction reports required to be
15 submitted by state or federal law that are provided to the
16 Department of Banking and Finance, to the Department of
17 Revenue, or to which the department otherwise has access.
18 Information and data so received shall be utilized by the
19 department in the Financial Transaction Database. The
20 department shall implement a system utilizing the database
21 that allows data review and processing to reveal patterns,
22 trends and correlations that are indicative of money
23 laundering or other financial transactions indicative of
24 criminal activity. The department shall, in consultation with
25 the Department of Banking and Finance and the Department of
26 Revenue, establish the methods and parameters by which
27 information and data received by the Department of Banking and
28 Finance or the Department of Revenue are transferred to the
29 department for inclusion in the database. Information
30 developed in or through the use of the database shall be made
31 available to law enforcement agencies and prosecutors in this

1 state in a manner defined by the department and as allowed by
2 state or federal law or regulation. All information contained
3 in the database shall be considered "active criminal
4 intelligence" or "active criminal investigative information"
5 as defined in s. 119.011.

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

23 Section 26. For fiscal year 2000-2001, 15 FTE and
24 \$1,600,000 from the State Transportation Trust Fund are
25 appropriated to the Department of Transportation, Office of
26 Motor Carrier Compliance, for the purpose of creating a
27 contraband interdiction program within the Office of Motor
28 Carrier Compliance. The 15 FTE consists of seven certified
29 K-9 handlers, seven felony officers, and one support staff.
30 The teams are created to patrol major highway corridors and
31 commercial weigh stations in order to reduce the flow of

1 illicit drugs and illegal contraband on Florida's highway
2 systems. The department shall seek additional funding from
3 federal grants and forfeiture proceedings, and may amend its
4 budget in accordance with the provisions of chapter 216,
5 Florida Statutes.

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

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