

By the Committee on Crime & Punishment and Representative
Ball

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

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

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

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 311.12, Florida Statutes, is
20 created to read:

21 311.12 Seaport security.--

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

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

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

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

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

7 (e) Signs designating restricted areas.

8 (f) Securely controlled parking access.

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

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

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

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

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

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

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

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

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

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

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

12 560.111 Prohibited acts and practices.--

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

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

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

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

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

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

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

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

25 560.114 Disciplinary actions.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (t) Failure to timely pay any judgment entered by any
7 court within 30 days after the judgment becomes final.

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

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

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

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

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

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

7 560.117 Administrative fines; enforcement.--

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

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

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

22 (c) Failure to timely notify the department of a
23 change of control of a money transmitter as required by s.
24 560.127; or

25 (d) Failure to timely notify the department of any
26 change of address or fictitious name as required by s.
27 ~~560.205. No such proceeding shall be initiated and no fine~~
28 ~~shall accrue pursuant to this section until after such person~~
29 ~~has been notified in writing of the nature of the violation~~
30 ~~and has been afforded a reasonable period of time, as set~~
31

1 ~~forth in the notice, to correct the violation and has failed~~
2 ~~to do so.~~

3

4 Except as provided in this section, such fine may not exceed
5 \$100 a day for each violation. The department may excuse any
6 such fine with a showing of good cause by the person being
7 fined.

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

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

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

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

1 560.118 Examinations, reports, and internal audits;
2 penalty.--
3 (1)(a) The department may conduct an examination of a
4 money transmitter or authorized vendor by providing not less
5 than 15 days' advance notice to the money transmitter or
6 authorized vendor. However, if the department suspects that
7 the money transmitter or authorized vendor has violated any
8 provisions of this code or any criminal laws of this state or
9 of the United States or is engaging in an unsafe and unsound
10 practice, the department may, at any time without advance
11 notice, conduct an examination of all affairs, activities,
12 transactions, accounts, business records, and assets of any
13 money transmitter or any money transmitter-affiliated party
14 for the protection of the public. For the purpose of
15 examinations, the department may administer oaths and examine
16 the directors, officers, principal shareholders, employees,
17 and vendors of a money transmitter or any of its affiliated
18 parties concerning their operations and business activities
19 and affairs. ~~however, whenever the department has reason to~~
20 ~~believe that a money transmitter or authorized vendor is~~
21 ~~engaging in an unsafe and unsound practice, or has violated or~~
22 ~~is violating any provision of the code, the department may~~
23 ~~make an examination of such money transmitter or authorized~~
24 ~~vendor without providing advance notice.~~The department may
25 accept an audit or examination from any appropriate regulatory
26 agency or from an independent third party with respect to the
27 operations of a money transmitter or an authorized vendor. The
28 department may also make a joint or concurrent examination
29 with any state or federal appropriate regulatory agency. The
30 department may furnish a copy of all examinations made of such
31 money transmitter or authorized vendor to the money

1 transmitter and any appropriate regulatory agency provided
2 that such agency agrees to abide by the confidentiality
3 provisions as set forth in chapter 119.

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

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

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

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

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

30 ~~(b)(a)~~ The department may, by rule, require each money
31 transmitter or authorized vendor to submit quarterly reports

1 to the department. The department may require that each report
2 contain a declaration by an officer, or any other responsible
3 person authorized to make such declaration, that the report is
4 true and correct to the best of her or his knowledge and
5 belief. Such report must include such information as the
6 department by rule requires for that type of money
7 transmitter.

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

13 (3) Any person who willfully violates this section or
14 fails to comply with any lawful written demand or order of the
15 department made under this section commits a felony of the
16 third degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

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

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

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

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

31

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

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

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

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

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

1 than the greater of the value of the currency or payment
2 instruments ~~financial transaction~~ involved or \$25,000.
3 ~~However, such civil penalty shall not exceed \$100,000.~~

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

6 Section 9. Section 560.125, Florida Statutes, is
7 amended to read:

8 560.125 Money transmitter business by unauthorized
9 persons; penalties.--

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

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

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

1 ~~(4) Any person who violates the provisions of 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.~~The
4 department may issue and serve upon any person who violates
5 any of the provisions of this section a complaint seeking a
6 cease and desist order in accordance with the procedures and
7 in the manner prescribed by s. 560.112. The department may
8 also impose an administrative fine pursuant to s.
9 560.117~~(3)~~(2) against any person who violates any of the
10 provisions of this section.

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

13 (a) Currency or payment instruments exceeding \$300 but
14 less than \$20,000 in any 12-month period, commits a felony of
15 the third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

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

21 (c) Currency or payment instruments totaling or
22 exceeding \$100,000 in any 12-month period, commits a felony of
23 the first degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084.

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

1 be up to \$500,000 or quintuple the value of the currency or
2 payment instruments, whichever is greater.

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

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

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

11 560.205 Qualifications of applicant for registration;
12 contents.--

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

1 Such fingerprints must be submitted to the Department of Law
2 Enforcement or the Federal Bureau of Investigation for state
3 and federal processing. The department may waive by rule the
4 requirement that applicants file a set of fingerprints or the
5 requirement that such fingerprints be processed by the
6 Department of Law Enforcement or the Federal Bureau of
7 Investigation.

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

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

18 (b) The history of the applicant's material
19 litigation, criminal convictions, pleas of nolo contendere,
20 and cases of adjudication withheld.

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

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

29 (e) A sample authorized vendor contract, if
30 applicable.

31

1 (f) A sample form of payment instrument, if
2 applicable.

3 (g) The name and address of the clearing financial
4 institution or financial institutions through which the
5 applicant's payment instruments will be drawn or through which
6 such payment instruments will be payable.

7 (h) Documents revealing that the net worth and bonding
8 requirements specified in s. 560.209 have been or will be
9 fulfilled.

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

14 (a) The date of the applicant's incorporation and
15 state of incorporation.

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

18 (c) A description of the corporate structure of the
19 applicant, including the identity of any parent or subsidiary
20 of the applicant, and the disclosure of whether any parent or
21 subsidiary is publicly traded on any stock exchange.

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

27 (e) The history of material litigation and criminal
28 convictions, pleas of nolo contendere, and cases of
29 adjudication withheld for each executive officer, each
30 director, each controlling shareholder, and the responsible
31

1 person who will be in charge of the applicant's registered
2 activities.

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

13 (g) An applicant who is not required to file audited
14 financial statements may file copies of the applicant's
15 unconsolidated, unaudited financial statements for the current
16 year and, if available, for the immediately preceding 2-year
17 period.

18 (h) If the applicant is a publicly traded company,
19 copies of all filings made by the applicant with the United
20 States Securities and Exchange Commission, or with a similar
21 regulator in a country other than the United States, within
22 the year preceding the date of filing of the application.

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

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

29 (b) The name, business and residence addresses,
30 personal financial statement and employment history for the
31 past 5 years for each individual having a controlling

1 ownership interest in the applicant, and each responsible
2 person who will be in charge of the applicant's registered
3 activities.

4 (c) The history of material litigation and criminal
5 convictions, pleas of nolo contendere, and cases of
6 adjudication withheld for each individual having a controlling
7 ownership interest in the applicant and each responsible
8 person who will be in charge of the applicant's registered
9 activities.

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

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

18 Section 11. Subsection (5) is added to section
19 560.211, Florida Statutes, to read:

20 560.211 Records.--

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

24 Section 12. Section 560.306, Florida Statutes, is
25 amended to read:

26 560.306 Standards.--

27 (1) In order to qualify for registration under this
28 part, an applicant must demonstrate to the department that he
29 or she has such character and general fitness as will command
30 the confidence of the public and warrant the belief that the
31 registered business will be operated lawfully and fairly. The

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

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

1 irrespective of the pronouncement of sentence or the
2 suspension thereof. The department may take into consideration
3 the fact that such plea of guilty, or such decision, judgment,
4 or verdict, has been set aside, reversed, or otherwise
5 abrogated by lawful judicial process or that the person
6 convicted of the crime received a pardon from the jurisdiction
7 where the conviction was entered or received a certificate
8 pursuant to any provision of law which removes the disability
9 under this part because of such conviction.

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

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

27 (5)~~(4)~~ Each applicant shall designate and maintain an
28 agent in this state for service of process.

29 Section 13. Subsection (5) is added to section
30 560.310, Florida Statutes, to read:

31

1 560.310 Records of check cashers and foreign currency
2 exchangers.--

3 (5) Any person who willfully violates this section or
4 fails to comply with any lawful written demand or order of the
5 department made pursuant to this section commits a felony of
6 the third degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084.

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

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

15 ~~(10)(a) Except as provided in paragraph (b), a person~~
16 ~~who willfully violates any provision of this section, chapter~~
17 ~~896, or any similar state or federal law is guilty of a~~
18 ~~misdemeanor of the first degree, punishable as provided in s.~~
19 ~~775.082 or s. 775.083.~~

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

24 1. Monetary instruments ~~Committed in furtherance of~~
25 ~~the commission of any other violation of Florida law; or~~

26 2. ~~Committed as part of a pattern of illegal activity~~
27 ~~involving financial transactions~~ exceeding \$300 but less than
28 \$20,000 in any 12-month period, is guilty of a felony of the
29 third degree, punishable as provided in s. 775.082 or 775.083;

30 or

31

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

6 ~~3.4. Monetary instruments totaling or~~ Committed as
7 ~~part of a pattern of illegal activity involving financial~~
8 ~~transactions exceeding \$100,000 in any 12-month period is~~
9 guilty of a felony of the first degree, punishable as provided
10 in s. 775.082 or s. 775.083.

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

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

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

30 Section 15. Section 893.145, Florida Statutes, is
31 amended to read:

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

1 intended for use, or designed for use in cutting controlled
2 substances.

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

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

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

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

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

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

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

24 (b) Water pipes.

25 (c) Carburetion tubes and devices.

26 (d) Smoking and carburetion masks.

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

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

31 (g) Chamber pipes.

1 (h) Carburetor pipes.

2 (i) Electric pipes.

3 (j) Air-driven pipes.

4 (k) Chillums.

5 (l) Bongs.

6 (m) Ice pipes or chillers.

7 Section 16. Section 893.147, Florida Statutes, is
8 amended to read:

9 893.147 Use, possession, manufacture, delivery,
10 transportation, or advertisement of drug paraphernalia.--

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

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

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

21

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

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

30 (a) To plant, propagate, cultivate, grow, harvest,
31 manufacture, compound, convert, produce, process, prepare,

1 test, analyze, pack, repack, store, contain, or conceal a
2 controlled substance in violation of this act; or

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

6
7 Any person who violates this subsection is guilty of a felony
8 of the third degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

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

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

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

28 (4) TRANSPORTATION OF DRUG PARAPHERNALIA.--It is
29 unlawful to use, possess with the intent to use, or
30 manufacture with the intent to use drug paraphernalia, knowing
31

1 or under circumstances in which one reasonably should know
2 that it will be used to transport:

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

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

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

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

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

21 895.02 Definitions.--As used in ss. 895.01-895.08, the
22 term:

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

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

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

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

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

1 ~~35.34~~ Section 847.011, s. 847.012, s. 847.013, s.
2 847.06, or s. 847.07, relating to obscene literature and
3 profanity.
4 ~~36.35~~ Section 849.09, s. 849.14, s. 849.15, s.
5 849.23, or s. 849.25, relating to gambling.
6 ~~37.36~~ Chapter 874, relating to criminal street gangs.
7 ~~38.37~~ Chapter 893, relating to drug abuse prevention
8 and control.
9 ~~39.38~~ Chapter 896, relating to offenses related to
10 financial transactions.
11 ~~40.39~~ Sections 914.22 and 914.23, relating to
12 tampering with a witness, victim, or informant, and
13 retaliation against a witness, victim, or informant.
14 ~~41.40~~ Sections 918.12 and 918.13, relating to
15 tampering with jurors and evidence.
16 Section 18. Section 896.101, Florida Statutes, is
17 amended to read:
18 896.101 Florida Money Laundering Act; definitions;
19 penalties; injunctions; seizure warrants; immunity ~~Offense of~~
20 ~~conduct of financial transaction involving proceeds of~~
21 ~~unlawful activity; penalties.--~~
22 (1) This section may be cited as the "Florida Money
23 Laundering Act."
24 ~~(2)(1) DEFINITIONS.--~~As used in this section, the
25 term:
26 (a) "Knowing that the property involved in a financial
27 transaction represents the proceeds of some form of unlawful
28 activity" means that the person knew the property involved in
29 the transaction represented proceeds from some form, though
30 not necessarily which form, of activity that constitutes a
31

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

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

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

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

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

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

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

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

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

14 ~~(3)(2) It is unlawful a felony of the second degree,~~
15 ~~punishable as provided in s. 775.082, s. 775.083, or s.~~
16 ~~775.084, for a person:~~

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

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

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

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

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

31

1 (b) To transport or attempt to transport a monetary
2 instrument or funds:

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

5 2. Knowing that the monetary instrument or funds
6 involved in the transportation represent the proceeds of some
7 form of unlawful activity and knowing that such transportation
8 is designed in whole or in part:

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

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

14 (c) To conduct or attempt to conduct a financial
15 transaction which involves property or proceeds which an
16 investigative or law enforcement officer, or someone acting
17 under such officer's direction, represents as being derived
18 from, or as being used to conduct or facilitate, specified
19 unlawful activity, when the person's conduct or attempted
20 conduct is undertaken with the intent:

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

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

27 3. To avoid a transaction reporting requirement under
28 state law.

29 ~~(d) A person who violates this subsection is also~~
30 ~~liable for a civil penalty of not more than the greater of the~~
31

1 ~~value of the property, funds, or monetary instruments involved~~
2 ~~in the transaction or \$10,000.~~

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

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

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

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

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

25
26 This subsection does not preclude the defense of entrapment.

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

29 (a) Monetary instruments exceeding \$300 but less than
30 \$20,000 in any 12-month period, commits a felony of the third
31

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

3 (b) Monetary instruments totaling \$20,000 but less
4 than \$100,000 in any 12-month period, commits a felony of the
5 second degree, punishable as provided in s. 775.082, s.
6 775.083, or s. 775.084.

7 (c) Monetary instruments totaling or exceeding
8 \$100,000 in any 12-month period, commits a felony of the first
9 degree, punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084.

11 (6) In addition to the penalties authorized by s.
12 775.082, s. 775.083, or s. 775.084, a person who has been
13 found guilty of or who has pleaded guilty or nolo contendere
14 to having violated this section may be sentenced to pay a fine
15 not exceeding \$250,000 or twice the value of the monetary
16 instruments, whichever is greater, except that for a second or
17 subsequent violation of this section, the fine may be up to
18 \$500,000 or quintuple the value of the monetary instruments,
19 whichever is greater.

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

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

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

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

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

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

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

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

31

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

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

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

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

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

1 be held within 3 days after the request or as soon as
2 practicable thereafter and before the expiration of the
3 temporary order. The hearing must be set and noticed by the
4 lawful owner of the monetary instruments or his or her
5 attorney. Notice of the hearing must be provided to the
6 petitioner who procured the temporary injunction pursuant to
7 the Florida Rules of Civil Procedure but not less than 24
8 hours before the scheduled hearing. The court may receive and
9 consider at a hearing held pursuant to this subsection,
10 evidence and information that would be inadmissible under the
11 Florida Rules of Evidence. A proceeding under this subsection
12 is governed by the Florida Rules of Civil Procedure.

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

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

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

1 other court order, including any subpoena issued under the
2 authority granted by s. 27.04.

3 (11) In any prosecution brought pursuant to chapter
4 896, the common law corpus delicti rule does not apply.

5 Section 19. Section 896.103, Florida Statutes, is
6 amended to read:

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

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

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

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

26 (a) Cause or attempt to cause a person or financial
27 institution in this state to fail to file an applicable report
28 or registration required under those chapters and sections or
29 any rule or regulation adopted under any of those chapters and
30 sections;

31

1 (b) Cause or attempt to cause a person or financial
2 institution in this state to file an applicable report
3 required under those chapters and sections or any rule or
4 regulation adopted under those chapters and sections which
5 contains a material omission or misstatement of fact; or

6 (c) Structure or assist in structuring, or attempt to
7 structure or assist in structuring, any financial transaction
8 with or involving one or more financial institutions in this
9 state.

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

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

19 (b) File or cause or attempt to cause a person to file
20 an applicable registration or report required under those
21 chapters and sections which contains a material omission or
22 misstatement of fact; or

23 (c) Structure or assist in structuring, or attempt to
24 structure or assist in structuring, any importation or
25 exportation of currency or monetary instruments to, from, or
26 through financial institutions in this state.

27 (3) CRIMINAL PENALTIES.--

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

31

1 (b) Whoever commits a subsequent violation of this
2 section or violates this section while violating another law
3 of this state or of the United States or as part of a pattern
4 of any illegal activity involving more than \$100,000 in a
5 12-month period commits a felony of the second degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

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

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

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

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

1 investigation, active criminal intelligence gathering, or
2 active prosecution.

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

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

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

16 896.107 Rewards for informants.--

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

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

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

1 in subsection (1) is not eligible for a reward under this
2 section.

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

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

8 921.0022 Criminal Punishment Code; offense severity
9 ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

12 Florida	Felony	
13 Statute	Degree	Description
16		(g) LEVEL 7
17 316.193(3)(c)2.	3rd	DUI resulting in serious bodily
18		injury.
19 327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
20		bodily injury.
21 402.319(2)	2nd	Misrepresentation and negligence
22		or intentional act resulting in
23		great bodily harm, permanent
24		disfiguration, permanent
25		disability, or death.
26 409.920(2)	3rd	Medicaid provider fraud.

27
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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)(a)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)(a)1.</u>	<u>3rd</u>	<u>Failure to report monetary</u>
16			<u>instruments exceeding \$300 but</u>
17			<u>less than \$20,000 by financial</u>
18			<u>institution.</u>
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
31			

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

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

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

1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), or (2)(b) drugs).
4	893.135(1)(a)1.	1st	Trafficking in cannabis, more
5			than 50 lbs., less than 2,000
6			lbs.
7	893.135		
8	(1)(b)1.a.	1st	Trafficking in cocaine, more than
9			28 grams, less than 200 grams.
10	893.135		
11	(1)(c)1.a.	1st	Trafficking in illegal drugs,
12			more than 4 grams, less than 14
13			grams.
14	893.135		
15	(1)(d)1.	1st	Trafficking in phencyclidine,
16			more than 28 grams, less than 200
17			grams.
18	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
19			than 200 grams, less than 5
20			kilograms.
21	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
22			than 14 grams, less than 28
23			grams.
24	893.135		
25	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
26			grams or more, less than 14
27			grams.
28	<u>896.101(5)(a)</u>	<u>3rd</u>	<u>Money laundering, monetary</u>
29			<u>instruments exceeding \$300 but</u>
30			<u>less than \$20,000.</u>
31			(h) LEVEL 8

1	316.193		
2	(3)(c)3.a.	2nd	DUI manslaughter.
3	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
4	<u>560.123(8)(a)2.</u>	<u>2nd</u>	<u>Failure to report currency or</u>
5			<u>payment instruments exceeding</u>
6			<u>\$20,000, but less than \$100,000</u>
7			<u>by money transmitter.</u>
8	<u>560.125(5)(b)</u>	<u>2nd</u>	<u>Money transmitter business by</u>
9			<u>unauthorized person, currency or</u>
10			<u>payment instruments exceeding</u>
11			<u>\$20,000, but less than \$100,000.</u>
12	<u>655.50(10)(a)2.</u>	<u>2nd</u>	<u>Failure to report monetary</u>
13			<u>instruments exceeding \$20,000,</u>
14			<u>but less than \$100,000 by</u>
15			<u>financial institutions.</u>
16	777.03(2)(a)	1st	Accessory after the fact, capital
17			felony.
18	782.04(4)	2nd	Killing of human without design
19			when engaged in act or attempt of
20			any felony other than arson,
21			sexual battery, robbery,
22			burglary, kidnapping, aircraft
23			piracy, or unlawfully discharging
24			bomb.
25	782.051(2)	1st	Attempted felony murder while
26			perpetrating or attempting to
27			perpetrate a felony not
28			enumerated in s. 782.04(3).
29	782.071(2)	1st	Committing vehicular homicide and
30			failing to render aid or give
31			information.

1	782.072(2)	1st	Committing vessel homicide and
2			failing to render aid or give
3			information.
4	790.161(3)	1st	Discharging a destructive device
5			which results in bodily harm or
6			property damage.
7	794.011(5)	2nd	Sexual battery, victim 12 years
8			or over, offender does not use
9			physical force likely to cause
10			serious injury.
11	800.04(4)	2nd	Lewd or lascivious battery.
12	806.01(1)	1st	Maliciously damage dwelling or
13			structure by fire or explosive,
14			believing person in structure.
15	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
16	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
17			or dangerous weapon.
18	810.02(2)(c)	1st	Burglary of a dwelling or
19			structure causing structural
20			damage or \$1,000 or more property
21			damage.
22	812.13(2)(b)	1st	Robbery with a weapon.
23	812.135(2)	1st	Home-invasion robbery.
24	825.102(2)	2nd	Aggravated abuse of an elderly
25			person or disabled adult.
26	825.103(2)(a)	1st	Exploiting an elderly person or
27			disabled adult and property is
28			valued at \$100,000 or more.
29	837.02(2)	2nd	Perjury in official proceedings
30			relating to prosecution of a
31			capital felony.

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

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

1	316.193		
2	(3)(c)3.b.	1st	DUI manslaughter; failing to
3			render aid or give information.
4	<u>560.123(8)(a)3.</u>	<u>1st</u>	<u>Failure to report currency or</u>
5			<u>payment instruments exceeding</u>
6			<u>\$100,000 by money transmitter.</u>
7	<u>560.125(5)(c)</u>	<u>1st</u>	<u>Money transmitter business by</u>
8			<u>unauthorized person, currency, or</u>
9			<u>payment instruments exceeding</u>
10			<u>\$100,000.</u>
11	<u>655.50(10)(a)3.</u>	<u>1st</u>	<u>Failure to report monetary</u>
12			<u>instruments exceeding \$100,000 by</u>
13			<u>financial institution.</u>
14	782.04(1)	1st	Attempt, conspire, or solicit to
15			commit premeditated murder.
16	782.04(3)	1st,PBL	Accomplice to murder in
17			connection with arson, sexual
18			battery, robbery, burglary, and
19			other specified felonies.
20	782.051(1)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony enumerated in
23			s. 782.04(3).
24	782.07(2)	1st	Aggravated manslaughter of an
25			elderly person or disabled adult.
26	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
27			reward or as a shield or hostage.
28	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
29			or facilitate commission of any
30			felony.
31			

1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	794.011(2)	1st	Attempted sexual battery; victim
14			less than 12 years of age.
15	794.011(2)	Life	Sexual battery; offender younger
16			than 18 years and commits sexual
17			battery on a person less than 12
18			years.
19	794.011(4)	1st	Sexual battery; victim 12 years
20			or older, certain circumstances.
21	794.011(8)(b)	1st	Sexual battery; engage in sexual
22			conduct with minor 12 to 18 years
23			by person in familial or
24			custodial authority.
25	800.04(5)(b)	1st	Lewd or lascivious molestation;
26			victim less than 12 years;
27			offender 18 years or older.
28	812.13(2)(a)	1st,PBL	Robbery with firearm or other
29			deadly weapon.
30	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
31			deadly weapon.

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

