

1 A bill to be entitled
2 An act relating to money laundering; amending s. 560.103,
3 F.S.; defining the term "proceeds" for purposes of
4 provisions relating to money services businesses; amending
5 s. 560.125, F.S.; revising provisions relating to criminal
6 penalties for violations relating to money services
7 businesses; providing for aggregating transactions for the
8 purposes of determining the grade of offenses; amending s.
9 655.50, F.S.; defining the term "proceeds" for purposes of
10 provisions relating to money laundering; revising
11 provisions relating to criminal penalties for violations
12 relating to money laundering; providing for aggregating
13 transactions for the purposes of determining the grade of
14 offenses; creating s. 895.011, F.S.; providing legislative
15 intent concerning construction of provisions relating to
16 offenses concerning racketeering and illegal debts;
17 amending s. 895.02, F.S.; defining the term "prosecuting
18 authority" for purposes of Florida RICO Act; creating s.
19 895.041, F.S.; providing for criminal forfeitures for
20 violations of the Florida RICO Act; specifying property
21 and interests subject to forfeiture; authorizing a fine in
22 lieu of forfeiture; providing that title to property
23 subject to forfeiture vests in the state upon the
24 commission of the act giving rise to forfeiture; providing
25 that subsequent transfer of the property may be subject to
26 a special verdict of forfeiture; providing an exception;
27 providing for certain actions to preserve property for
28 forfeiture; providing for judgments of forfeiture;

29 providing for seizure of forfeited property; authorizing a
30 prosecuting authority to take specified actions in a
31 forfeiture proceeding; authorizing rulemaking by the
32 Attorney General; prohibiting certain actions by parties
33 claiming an interest in property subject to forfeiture;
34 providing exceptions; providing for discovery depositions;
35 providing for notice of orders of forfeiture; providing
36 for determination of claims of interest in forfeited
37 property; providing for forfeiture of other property of
38 the defendant up to the value of any property that is
39 protected or unavailable; amending s. 896.101, F.S.;
40 defining the term "proceeds" for purposes of Florida Money
41 Laundering Act; revising provisions relating to criminal
42 penalties for violations of the act; providing for
43 aggregating transactions for the purposes of determining
44 the grade of offenses; revising provisions relating to
45 subpoenas issued under specified provisions to prohibit,
46 if the subpoena contains a nondisclosure provision,
47 notification concerning the subpoena other than to an
48 attorney consulted by the person or entity whose testimony
49 is sought; providing for fines for violations of such
50 disclosure provisions; amending s. 923.03, F.S.; providing
51 that a judgment of forfeiture may not be entered in a
52 criminal proceeding unless the indictment or the
53 information provides notice that the defendant has an
54 interest in property that is subject to forfeiture;
55 amending s. 921.0022, F.S.; conforming cross-references;
56 providing an effective date.

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

Section 1. Subsections (28) through (30) of section 560.103, Florida Statutes, are renumbered as subsections (29) through (31), respectively, and a new subsection (28) is added to that section to read:

560.103 Definitions.—As used in this chapter, the term:
(28) "Proceeds" means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.

Section 2. Subsection (5) of section 560.125, Florida Statutes, is amended to read:

560.125 Unlicensed activity; penalties.—

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

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

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

3.(c) Currency or payment instruments valued at totaling ~~or exceeding~~ \$100,000 or more ~~in any 12-month period~~, commits a felony of the first degree, punishable as provided in s.

85 775.082, s. 775.083, or s. 775.084.

86 (b) Amounts of value of separate transactions committed
 87 pursuant to one scheme or course of conduct, whether the
 88 transactions involve the same person or several persons, may be
 89 aggregated in determining the grade of the offense.

90 Section 3. Paragraphs (f) and (g) of subsection (3) of
 91 section 655.50, Florida Statutes, are redesignated as paragraphs
 92 (g) and (h), respectively, a new paragraph (f) is added to that
 93 subsection, and paragraph (b) of subsection (10) of that section
 94 is amended, to read:

95 655.50 Florida Control of Money Laundering in Financial
 96 Institutions Act; reports of transactions involving currency or
 97 monetary instruments; when required; purpose; definitions;
 98 penalties.—

99 (3) As used in this section, the term:

100 (f) "Proceeds" means any property derived from or obtained
 101 or retained, directly or indirectly, through some form of
 102 unlawful activity, including the gross receipts of such
 103 activity.

104 (10)

105 (b)1. A person who willfully violates or knowingly causes
 106 another to violate any provision of this section, when the
 107 violation involves:

108 ~~a.1.~~ Financial transactions valued at ~~totaling or~~
 109 ~~exceeding~~ \$300 or more but less than \$20,000 ~~in any 12-month~~
 110 ~~period, commits is guilty of~~ a felony of the third degree,
 111 punishable as provided in s. 775.082 or s. 775.083; or

112 ~~b.2.~~ Financial transactions valued at ~~totaling or~~

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113 ~~exceeding \$20,000 or more but less than \$100,000 commits in any~~
114 ~~12-month period is guilty of a felony of the second degree,~~
115 ~~punishable as provided in s. 775.082 or s. 775.083; or~~

116 c.3. ~~Financial transactions valued at totaling or~~
117 ~~exceeding \$100,000 or more commits in any 12-month period is~~
118 ~~guilty of a felony of the first degree, punishable as provided~~
119 ~~in s. 775.082 or s. 775.083.~~

120 2. Amounts of value of separate transactions committed
121 pursuant to one scheme or course of conduct, whether the
122 transactions involve the same person or several persons, may be
123 aggregated in determining the grade of the offense.

124 Section 4. Section 895.011, Florida Statutes, is created
125 to read:

126 895.011 Construction.—The provisions of this chapter shall
127 be liberally construed to achieve their remedial purposes of
128 curtailing racketeering activities and controlled substance
129 crimes and lessening the economic power of criminal
130 organizations engaged in patterns of racketeering activities in
131 this state.

132 Section 5. Subsection (13) is added to section 895.02,
133 Florida Statutes, to read:

134 895.02 Definitions.—As used in ss. 895.01-895.08, the
135 term:

136 (13) "Prosecuting authority" means the Attorney General,
137 any state attorney, or the statewide prosecutor.

138 Section 6. Section 895.041, Florida Statutes, is created
139 to read:

140 895.041 Criminal forfeiture.—

141 (1) (a) Upon conviction of a violation of s. 895.03, in
 142 addition to any other sanction, the defendant shall forfeit to
 143 the state, irrespective of any other provision of law, the
 144 following:

145 1. Any interest the person has acquired or maintained in
 146 violation of s. 895.03.

147 2. Any interest in, security of, claim against, or
 148 property or contractual right of any kind affording a source of
 149 influence over any enterprise that the person has established,
 150 operated, controlled, or conducted, or participated in the
 151 conduct of, in violation of s. 895.03.

152 3. Any property constituting, or derived from, any
 153 proceeds that the person obtained, directly or indirectly, from
 154 racketeering activity or unlawful debt collection in violation
 155 of s. 895.03.

156 (b) In imposing sentence on a person convicted of a
 157 violation of s. 895.03, the court shall order, in addition to
 158 any other sentence imposed, that the person forfeit all property
 159 described in this subsection. In lieu of a forfeiture otherwise
 160 authorized by this section, a defendant convicted of such a
 161 violation who derives profits or other proceeds from the offense
 162 may, in addition to any other fine authorized by law, be fined
 163 not more than three times the gross profits or other proceeds.

164 (2) Property subject to criminal forfeiture under this
 165 section includes:

166 (a) Real property, including things growing on, affixed
 167 to, and found in land.

168 (b) Tangible and intangible personal property, including
169 rights, privileges, interests, claims, and securities.

170 (3) All right, title, and interest in property described
171 in subsection (1) vests in the state upon the commission of the
172 act giving rise to forfeiture under this section. Any such
173 property that is subsequently transferred to a person other than
174 the defendant may be the subject of a special verdict of
175 forfeiture and thereafter shall be ordered forfeited to the
176 state, unless the transferee establishes in a hearing pursuant
177 to subsection (1) that he or she is a bona fide purchaser for
178 value of such property who at the time of purchase was
179 reasonably without cause to believe that the property was
180 subject to forfeiture under this section.

181 (4) (a) Upon application of the state, the court may enter
182 a restraining order or injunction, require the execution of a
183 satisfactory performance bond, or take any other action to
184 preserve the availability of property described in subsection
185 (1) for forfeiture under this section:

186 1. Upon the filing of an indictment or information
187 charging a violation of s. 895.03(3) and alleging that the
188 property with respect to which the order is sought would, in the
189 event of conviction, be subject to forfeiture under this
190 section; or

191 2. Prior to the filing of such an indictment or
192 information, if, after notice to persons appearing to have an
193 interest in the property and opportunity for a hearing, the
194 court determines that:

195 a. There is a substantial probability that the state will
 196 prevail on the issue of forfeiture and that failure to enter the
 197 order will result in the property being destroyed, removed from
 198 the jurisdiction of the court, or otherwise made unavailable for
 199 forfeiture; and

200 b. The need to preserve the availability of the property
 201 through the entry of the requested order outweighs the hardship
 202 on any party against whom the order is to be entered.

203
 204 An order entered pursuant to this subparagraph may be effective
 205 for no more than 90 days unless extended by the court for good
 206 cause shown or unless an indictment or information described in
 207 subparagraph 1. has been filed.

208 (b) A temporary restraining order under this subsection
 209 may be entered upon application of the state without notice or
 210 opportunity for a hearing when an information or indictment has
 211 not yet been filed with respect to the property, if the state
 212 demonstrates that there is probable cause to believe that the
 213 property with respect to which the order is sought would, in the
 214 event of conviction, be subject to forfeiture under this section
 215 and that provision of notice will jeopardize the availability of
 216 the property for forfeiture. Such a temporary order shall expire
 217 not more than 10 days after the date on which it is entered,
 218 unless extended for good cause shown or the party against whom
 219 it is entered consents to an extension for a longer period. A
 220 hearing requested concerning an order entered under this
 221 paragraph shall be held at the earliest possible time and prior
 222 to the expiration of the temporary order.

223 (c) At a hearing held pursuant to this subsection, the
 224 court may receive and consider evidence and information that
 225 would be inadmissible under the Florida Rules of Evidence.

226 (5) Upon finding that the state is entitled to forfeiture
 227 of property under this section, the court shall enter a judgment
 228 of forfeiture of the property to the state and shall also
 229 authorize the prosecuting authority to seize all property
 230 ordered forfeited upon such terms and conditions as the court
 231 deems proper. Following the entry of an order declaring the
 232 property forfeited, the court may, upon application of the
 233 state, enter such appropriate restraining orders or injunctions,
 234 require the execution of satisfactory performance bonds, appoint
 235 receivers, conservators, appraisers, accountants, or trustees,
 236 or take any other action to protect the interest of the state in
 237 the property ordered forfeited. Any income accruing to, or
 238 derived from, an enterprise or an interest in an enterprise
 239 which has been ordered forfeited under this section may be used
 240 to offset ordinary and necessary expenses to the enterprise
 241 which are required by law or are necessary to protect the
 242 interests of the state or of third parties.

243 (6) Following the seizure of property ordered forfeited
 244 under this section, the prosecuting authority shall direct the
 245 disposition of the property by sale or any other commercially
 246 feasible means, making due provision for the rights of any
 247 innocent persons. Any property right or interest not exercisable
 248 by, or transferable for value to, the state shall expire and
 249 shall not revert to the defendant, nor shall the defendant or
 250 any person acting in concert with or on behalf of the defendant

251 be eligible to purchase forfeited property at any sale held by
 252 the state. Upon application of a person, other than the
 253 defendant or a person acting in concert with or on behalf of the
 254 defendant, the court may restrain or stay the sale or
 255 disposition of the property pending the conclusion of any appeal
 256 of the criminal case giving rise to the forfeiture, if the
 257 applicant demonstrates that proceeding with the sale or
 258 disposition of the property will result in irreparable injury,
 259 harm, or loss to him or her. The proceeds of any sale or other
 260 disposition of property forfeited under this section and any
 261 moneys forfeited shall be used to pay all proper expenses for
 262 the forfeiture and the sale, including expenses of seizure,
 263 maintenance, and custody of the property pending its
 264 disposition, advertising, and court costs. The prosecuting
 265 authority shall deposit in the General Revenue Fund any amounts
 266 of such proceeds or moneys remaining after the payment of such
 267 expenses.

268 (7) With respect to property ordered forfeited under this
 269 section, the prosecuting authority is authorized to do the
 270 following:

271 (a) Grant petitions for mitigation or remission of
 272 forfeiture, restore forfeited property to victims of a violation
 273 of this chapter, or take any other action to protect the rights
 274 of innocent persons which is in the interest of justice and
 275 which is not inconsistent with the provisions of this chapter.

276 (b) Compromise claims arising under this section.

277 (c) Award compensation to persons providing information
 278 resulting in a forfeiture under this section.

279 (d) Direct the disposition by the state of all property
 280 ordered forfeited under this section by public sale or any other
 281 commercially feasible means, making due provision for the rights
 282 of innocent persons.

283 (e) Take appropriate measures necessary to safeguard and
 284 maintain property ordered forfeited under this section pending
 285 its disposition.

286 (8) The Attorney General may adopt rules with respect to
 287 the following:

288 (a) Making reasonable efforts to provide notice to persons
 289 who may have an interest in property ordered forfeited under
 290 this section.

291 (b) Granting petitions for remission or mitigation of
 292 forfeiture.

293 (c) The restitution of property to victims of an offense
 294 petitioning for remission or mitigation of forfeiture under this
 295 section.

296 (d) The disposition by the state of forfeited property by
 297 public sale or other commercially feasible means.

298 (e) The maintenance and safekeeping of any property
 299 forfeited under this section pending its disposition.

300 (f) The compromise of claims arising under this section.

301
 302 Pending the adoption of such rules, all provisions of law
 303 relating to the disposition of property, or the proceeds from
 304 the sale of such property, or the remission or mitigation of
 305 forfeitures for violation of the laws, and the compromise of
 306 claims and the award of compensation to persons providing

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307 information in respect of such forfeitures shall apply to
308 forfeitures incurred, or alleged to have been incurred, under
309 the provisions of this section, as applicable and not
310 inconsistent with the provisions of this section.

311 (9) Except as provided in subsection (12), a party
312 claiming an interest in property subject to forfeiture under
313 this section may not:

314 (a) Intervene in a trial or appeal of a criminal case
315 involving the forfeiture of such property under this section; or

316 (b) Commence an action at law or equity against the state
317 concerning the validity of his alleged interest in the property
318 subsequent to the filing of an indictment or information
319 alleging that the property is subject to forfeiture under this
320 section.

321 (10) The circuit courts shall have jurisdiction to enter
322 orders as provided in this section without regard to the
323 location of any property that may be subject to forfeiture under
324 this section or that has been ordered forfeited under this
325 section.

326 (11) In order to facilitate the identification or location
327 of property declared forfeited and to facilitate the disposition
328 of petitions for remission or mitigation of forfeiture, after
329 the entry of an order declaring property forfeited to the state,
330 the court may, upon the state's application, order that the
331 testimony of any witness relating to the property forfeited be
332 taken by deposition and that any designated book, paper,
333 document, record, recording, or other material not privileged be
334 produced at the same time and place, in the same manner as

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335 provided for the taking of depositions under Rule 3.220, Florida
336 Rules of Criminal Procedure.

337 (12) (a) Following the entry of an order of forfeiture
338 under this section, the state shall publish notice of the order
339 and of its intent to dispose of the property in such manner as
340 the prosecuting authority may direct. The state may also, to the
341 extent practicable, provide direct written notice to any person
342 known to have alleged an interest in the property that is the
343 subject of the order of forfeiture as a substitute for published
344 notice as to those persons so notified.

345 (b) Any person, other than the defendant, asserting a
346 legal interest in property which has been ordered forfeited to
347 the state to this section may, within 30 days after the final
348 publication of notice or his or her receipt of notice under
349 subsection (1), whichever is earlier, petition the court for a
350 hearing to adjudicate the validity of his or her alleged
351 interest in the property. The hearing shall be held before the
352 court alone, without a jury.

353 (c) The petition shall be signed by the petitioner under
354 penalty of perjury and shall set forth the nature and extent of
355 the petitioner's right, title, or interest in the property, the
356 time and circumstances of the petitioner's acquisition of the
357 right, title, or interest in the property, any additional facts
358 supporting the petitioner's claim, and the relief sought.

359 (d) The hearing on the petition shall, to the extent
360 practicable and consistent with the interests of justice, be
361 held within 30 days after the filing of the petition. The court
362 may consolidate the hearing on the petition with a hearing on

363 any other petition filed by a person other than the defendant
364 under this subsection.

365 (e) At the hearing, the petitioner may testify and present
366 evidence and witnesses on his or her own behalf and cross-
367 examine witnesses who appear at the hearing. The state may
368 present evidence and witnesses in rebuttal and in defense of its
369 claim to the property and cross-examine witnesses who appear at
370 the hearing. In addition to testimony and evidence presented at
371 the hearing, the court shall consider the relevant portions of
372 the record of the criminal case which resulted in the order of
373 forfeiture.

374 (f) If, after the hearing, the court determines that the
375 petitioner has established by a preponderance of the evidence
376 that:

377 1. The petitioner has a legal right, title, or interest in
378 the property and such right, title, or interest renders the
379 order of forfeiture invalid in whole or in part because the
380 right, title, or interest was vested in the petitioner rather
381 than the defendant or was superior to any right, title, or
382 interest of the defendant at the time of the commission of the
383 acts which gave rise to the forfeiture of the property under
384 this section; or

385 2. The petitioner is a bona fide purchaser for value of
386 the right, title, or interest in the property and was at the
387 time of purchase reasonably without cause to believe that the
388 property was subject to forfeiture under this section,
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390 the court shall amend the order of forfeiture in accordance with
 391 its determination.

392 (g) Following the court's disposition of all petitions
 393 filed under this subsection, or if no such petitions are filed
 394 following the expiration of the period provided in subsection
 395 (2) for the filing of such petitions, the state shall have clear
 396 title to property that is the subject of the order of forfeiture
 397 and may warrant good title to any subsequent purchaser or
 398 transferee.

399 (13) If any of the property described in subsection (1) is
 400 protected by s. 6, Art. VII of the Florida Constitution or, as a
 401 result of any act or omission of the defendant, is otherwise
 402 unreachable because it:

- 403 (a) Cannot be located upon the exercise of due diligence;
- 404 (b) Has been transferred or sold to, or deposited with, a
 405 third party;
- 406 (c) Has been placed beyond the jurisdiction of the court;
- 407 (d) Has been substantially diminished in value; or
- 408 (e) Has been commingled with other property which cannot
 409 be divided without difficulty,

410
 411 the court shall order the forfeiture of any other property of
 412 the defendant up to the value of any such protected or
 413 unavailable property.

414 Section 7. Paragraphs (g), (h), and (i) of subsection (2)
 415 of section 896.101, Florida Statutes, are redesignated as
 416 paragraphs (h), (i), and (j), respectively, a new paragraph (g)
 417 is added to that subsection, and paragraph (a) of subsection (2)

418 and subsections (5) and (10) of that section are amended, to
 419 read:

420 896.101 Florida Money Laundering Act; definitions;
 421 penalties; injunctions; seizure warrants; immunity.—

422 (2) As used in this section, the term:

423 (a) "Knowing that the property involved in a financial
 424 transaction represents the proceeds of some form of unlawful
 425 activity" means that the person knew the property involved in
 426 the transaction represented proceeds from some form, though not
 427 necessarily which form, of activity that constitutes a felony
 428 under state or federal law, regardless of whether or not such
 429 activity is specified in paragraph (h) ~~(g)~~.

430 (g) "Proceeds" means any property derived from or obtained
 431 or retained, directly or indirectly, through some form of
 432 unlawful activity, including the gross receipts of such
 433 activity.

434 (5) (a) A person who violates this section, if the
 435 violation involves:

436 1.(a) Financial transactions valued at ~~exceeding \$300 but~~
 437 ~~less than \$20,000 in any 12-month period~~, commits a felony of
 438 the third degree, punishable as provided in s. 775.082, s.
 439 775.083, or s. 775.084.

440 2.(b) Financial transactions valued at ~~totaling or~~
 441 ~~exceeding \$20,000 or more~~ but less than \$100,000 ~~in any 12-month~~
 442 ~~period~~, commits a felony of the second degree, punishable as
 443 provided in s. 775.082, s. 775.083, or s. 775.084.

444 3.(c) Financial transactions valued at ~~totaling or~~
 445 ~~exceeding \$100,000 or more in any 12-month period~~, commits a

446 felony of the first degree, punishable as provided in s.
 447 775.082, s. 775.083, or s. 775.084.

448 (b) Amounts of value of separate transactions committed
 449 pursuant to one scheme or course of conduct, whether the
 450 transactions involve the same person or several persons, may be
 451 aggregated in determining the grade of the offense.

452 (10) (a) Any financial institution, licensed money services
 453 business, or other person served with and complying with the
 454 terms of a warrant, temporary injunction, or other court order,
 455 including any subpoena issued under s. 16.56 or s. 27.04,
 456 obtained in furtherance of an investigation of any crime in this
 457 section, including any crime listed as specified unlawful
 458 activity under this section or any felony violation of chapter
 459 560, has immunity from criminal liability and is not liable to
 460 any person for any lawful action taken in complying with the
 461 warrant, temporary injunction, or other court order, including
 462 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
 463 issued under s. 16.56 or s. 27.04 contains a nondisclosure
 464 provision, any financial institution, licensed money services
 465 business, employee or officer of a financial institution or
 466 licensed money services business, or any other person may not
 467 notify, directly or indirectly, any customer of that financial
 468 institution or money services business whose records are being
 469 sought by the subpoena, or any other person, other than an
 470 attorney consulted by the person or entity whose testimony is
 471 sought in the matter ~~named in the subpoena~~, about the existence
 472 or the contents of that subpoena, or of the investigation, or
 473 about information that has been furnished to the state attorney

474 or statewide prosecutor who issued the subpoena or any other law
 475 enforcement officer named in the subpoena in response to the
 476 subpoena.

477 (b) Any person who, having received or been served with
 478 such a warrant, temporary injunction, or other court order,
 479 including any subpoena issued under s. 16.56 or s. 27.04,
 480 containing a nondisclosure provision as described in paragraph
 481 (a) who thereafter notifies any person of information in
 482 violation of paragraph (a) shall be fined \$5,000 for each such
 483 unauthorized notification.

484 Section 8. Subsection (3) is added to section 923.03,
 485 Florida Statutes, to read:

486 923.03 Indictment and information.—

487 (3) A judgment of forfeiture may not be entered in a
 488 criminal proceeding unless the indictment or the information
 489 provides notice that the defendant has an interest in property
 490 that is subject to forfeiture in accordance with the applicable
 491 statute.

492 Section 9. Paragraphs (g), (h), and (i) of subsection (3)
 493 of section 921.0022, Florida Statutes, are amended to read:

494 921.0022 Criminal Punishment Code; offense severity
 495 ranking chart.—

496 (3) OFFENSE SEVERITY RANKING CHART

497 (g) LEVEL 7

498

Florida	Felony	
Statute	Degree	Description

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500	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
501	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
502	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
503	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
504	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
505	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.

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506	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
507	456.065 (2)	3rd	Practicing a health care profession without a license.
508	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
509	458.327 (1)	3rd	Practicing medicine without a license.
510	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
511	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
512	461.012 (1)	3rd	Practicing podiatric medicine without a license.
513	462.17	3rd	Practicing naturopathy without a license.

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514	463.015 (1)	3rd	Practicing optometry without a license.
515	464.016 (1)	3rd	Practicing nursing without a license.
516	465.015 (2)	3rd	Practicing pharmacy without a license.
517	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
518	467.201	3rd	Practicing midwifery without a license.
519	468.366	3rd	Delivering respiratory care services without a license.
520	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
521	483.901 (9)	3rd	Practicing medical physics without a license.
522	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

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523	484.053	3rd	Dispensing hearing aids without a license.
524	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
525	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
526	560.125(5)(a) <u>1.</u>	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
527	655.50(10)(b)1. <u>a.</u>	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to

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register; failure to renew
 driver's license or
 identification card; other
 registration violations.

528

775.21(10)(b) 3rd Sexual predator working where
 children regularly congregate.

529

775.21(10)(g) 3rd Failure to report or providing
 false information about a
 sexual predator; harbor or
 conceal a sexual predator.

530

782.051(3) 2nd Attempted felony murder of a
 person by a person other than
 the perpetrator or the
 perpetrator of an attempted
 felony.

531

782.07(1) 2nd Killing of a human being by the
 act, procurement, or culpable
 negligence of another
 (manslaughter).

532

782.071 2nd Killing of a human being or
 viable fetus by the operation
 of a motor vehicle in a

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541	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
542	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
543	784.081 (1)	1st	Aggravated battery on specified official or employee.
544	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
545	784.083 (1)	1st	Aggravated battery on code inspector.
546	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
547	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
548	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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549	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
550	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
551	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
552	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
553	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
	796.03	2nd	Procuring any person under 16

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years for prostitution.

554

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;
victm less than 12 years of
age; offender less than 18
years.

555

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation;
victm 12 years of age or older
but less than 16 years;
offender 18 years or older.

556

806.01 (2) 2nd Maliciously damage structure by
fire or explosive.

557

810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

558

810.02 (3) (b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

559

810.02 (3) (d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

560

810.02 (3) (e) 2nd Burglary of authorized

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emergency vehicle.

561

812.014 (2) (a) 1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

562

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

563

812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

564

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

565

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

566

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the

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theft of property and traffics
in stolen property.

567

812.131 (2) (a) 2nd Robbery by sudden snatching.

568

812.133 (2) (b) 1st Carjacking; no firearm, deadly
weapon, or other weapon.

569

817.234 (8) (a) 2nd Solicitation of motor vehicle
accident victims with intent to
defraud.

570

817.234 (9) 2nd Organizing, planning, or
participating in an intentional
motor vehicle collision.

571

817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.

572

817.2341 (2) (b) & 1st Making false entries of
(3) (b) material fact or false
statements regarding property
values relating to the solvency
of an insuring entity which are
a significant cause of the
insolvency of that entity.

573

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574	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
575	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
576	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
577	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
578	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
579	838.015	2nd	Bribery.
580	838.016	2nd	Unlawful compensation or reward for official behavior.

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581	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
582	838.22	2nd	Bid tampering.
583	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
584	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
585	872.06	2nd	Abuse of a dead human body.
586	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal

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park or publicly owned
recreational facility or
community center.

587

893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.,
within 1,000 feet of property
used for religious services or
a specified business site.

588

893.13(4)(a) 1st Deliver to minor cocaine (or
other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4. drugs).

589

893.135(1)(a)1. 1st Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

590

893.135(1)(b)1.a. 1st Trafficking in cocaine, more
than 28 grams, less than 200
grams.

591

893.135(1)(c)1.a. 1st Trafficking in illegal drugs,

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more than 4 grams, less than 14 grams.

592

893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

593

893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

594

893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

595

893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

596

893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

597

893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

598

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599	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
600	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
601	896.101 (5) (a) <u>1.</u>	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
602	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
603	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
604	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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610

943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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611	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
612	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
613	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
614	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
615	(h) LEVEL 8		
616	Florida Statute	Felony Degree	Description
617	316.193(3)(c)3.a.	2nd	DUI manslaughter.
618	316.1935(4)(b)	1st	Aggravated fleeing or attempted

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cluding with serious bodily
injury or death.

619

327.35 (3) (c) 3. 2nd Vessel BUI manslaughter.

620

499.0051 (7) 1st Knowing trafficking in
contraband prescription drugs.

621

499.0051 (8) 1st Knowing forgery of prescription
labels or prescription drug
labels.

622

560.123 (8) (b) 2. 2nd Failure to report currency or
payment instruments totaling or
exceeding \$20,000, but less
than \$100,000 by money
transmitter.

623

560.125 (5) (a) 2. ~~(b)~~ 2nd Money transmitter business by
unauthorized person, currency
or payment instruments
totaling or exceeding \$20,000,
but less than \$100,000.

624

655.50 (10) (b) 1.a.2. ~~2.~~ 2nd Failure to report financial
transactions totaling or
exceeding \$20,000, but less

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than \$100,000 by financial
institutions.

625

777.03(2)(a) 1st Accessory after the fact,
capital felony.

626

782.04(4) 2nd Killing of human without design
when engaged in act or attempt
of any felony other than arson,
sexual battery, robbery,
burglary, kidnapping, aircraft
piracy, or unlawfully
discharging bomb.

627

782.051(2) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony not
enumerated in s. 782.04(3).

628

782.071(1)(b) 1st Committing vehicular homicide
and failing to render aid or
give information.

629

782.072(2) 1st Committing vessel homicide and
failing to render aid or give
information.

630

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631	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
632	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
633	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
634	800.04 (4)	2nd	Lewd or lascivious battery.
635	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
636	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
637	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
	810.02 (2) (c)	1st	Burglary of a dwelling or

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structure causing structural
 damage or \$1,000 or more
 property damage.

638

812.014 (2) (a) 2. 1st Property stolen; cargo valued
 at \$50,000 or more, grand theft
 in 1st degree.

639

812.13 (2) (b) 1st Robbery with a weapon.

640

812.135 (2) (c) 1st Home-invasion robbery, no
 firearm, deadly weapon, or
 other weapon.

641

817.568 (6) 2nd Fraudulent use of personal
 identification information of
 an individual under the age of
 18.

642

825.102 (2) 1st Aggravated abuse of an elderly
 person or disabled adult.

643

825.1025 (2) 2nd Lewd or lascivious battery upon
 an elderly person or disabled
 adult.

644

825.103 (2) (a) 1st Exploiting an elderly person or

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disabled adult and property is
valued at \$100,000 or more.

645

837.02 (2) 2nd Perjury in official proceedings
relating to prosecution of a
capital felony.

646

837.021 (2) 2nd Making contradictory statements
in official proceedings
relating to prosecution of a
capital felony.

647

860.121 (2) (c) 1st Shooting at or throwing any
object in path of railroad
vehicle resulting in great
bodily harm.

648

860.16 1st Aircraft piracy.

649

893.13 (1) (b) 1st Sell or deliver in excess of 10
grams of any substance
specified in s. 893.03(1) (a) or
(b) .

650

893.13 (2) (b) 1st Purchase in excess of 10 grams
of any substance specified in
s. 893.03(1) (a) or (b) .

651

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652	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
653	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
654	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
655	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
656	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
657	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
658	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.

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659	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
660	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
661	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
662	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
663	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
664	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
	895.03 (2)	1st	Acquire or maintain through

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racketeering activity any
interest in or control of any
enterprise or real property.

665

895.03 (3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

666

896.101 (5) (a) 2. ~~(b)~~ 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

667

896.104 (4) (a) 2. 2nd Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$20,000 but less than
\$100,000.

668

669 (i) LEVEL 9

670

Florida	Felony	
Statute	Degree	Description

671

316.193 (3) (c) 3.b. 1st DUI manslaughter; failing to
render aid or give information.

672

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673	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
674	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
675	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
676	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
677	560.125 (5) <u>(a) 3.</u> (e)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
678	655.50 (10) (b) <u>1.c.3.</u> 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
679	775.0844	1st	Aggravated white collar crime.

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680	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
681	782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
682	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
683	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
684	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
685	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of

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any governmental or political
function.

686

787.02 (3) (a) 1st False imprisonment; child under
age 13; perpetrator also
commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.

687

790.161 1st Attempted capital destructive
device offense.

688

790.166 (2) 1st, PBL Possessing, selling, using, or
attempting to use a weapon of
mass destruction.

689

794.011 (2) 1st Attempted sexual battery;
victim less than 12 years of
age.

690

794.011 (2) Life Sexual battery; offender
younger than 18 years and
commits sexual battery on a
person less than 12 years.

691

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692	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
693	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
694	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
695	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
696	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
697	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
698	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
	817.568 (7)	2nd, PBL	Fraudulent use of personal

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identification information of
 an individual under the age of
 18 by his or her parent, legal
 guardian, or person exercising
 custodial authority.

699

827.03(2) 1st Aggravated child abuse.

700

847.0145(1) 1st Selling, or otherwise
 transferring custody or
 control, of a minor.

701

847.0145(2) 1st Purchasing, or otherwise
 obtaining custody or control,
 of a minor.

702

859.01 1st Poisoning or introducing
 bacteria, radioactive
 materials, viruses, or chemical
 compounds into food, drink,
 medicine, or water with intent
 to kill or injure another
 person.

703

893.135 1st Attempted capital trafficking
 offense.

704

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705	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
706	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
707	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
708	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
709	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
710	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
711	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
712	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.

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713 893.135 (1) (k) 2.c. 1st Trafficking in Phenethylamines,
400 grams or more.

714 896.101 (5) (a) 3. ~~(e)~~ 1st Money laundering, financial
instruments totaling or
exceeding \$100,000.

715 896.104 (4) (a) 3. 1st Structuring transactions to
evade reporting or registration
requirements, financial
716 transactions totaling or
exceeding \$100,000.

Section 10. This act shall take effect July 1, 2010.