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1 A bill to be entitled
2 An act relating to money laundering; amending s.
3 895.02, F.S.; defining the term "prosecuting
4 authority" for purposes of the Florida RICO Act;
5 creating s. 895.025, F.S.; providing that the act be
6 liberally construed to achieve the remedial purposes
7 of curtailing racketeering activities and lessening
8 the economic power of criminal organizations engaged
9 in patterns of racketeering activities in this state;
10 creating s. 895.041, F.S.; providing that in addition
11 to any criminal penalties imposed on a person due to a
12 pattern of racketeering activities, the person shall
13 forfeit to the state any interest in property that he
14 or she has acquired in violation of the racketeering
15 laws, including property of an enterprise that the
16 person has established, operated, or controlled, and
17 property derived from proceeds that the person
18 obtained, directly or indirectly, from racketeering
19 activities or unlawful debt collection practices;
20 providing that property subject to forfeiture vests in
21 the state when the person commits the act that
22 violates the racketeering laws; authorizing a court to
23 issue a temporary injunction, require the execution of
24 a satisfactory performance bond, or to take any other
25 action to preserve the availability and quality of the
26 property that is subject to forfeiture; providing that
27 the state may apply for a temporary restraining order,
28 without notice or opportunity for a hearing by the
29 defendant, under certain circumstances; requiring the

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30 temporary restraining order to expire within a
31 specified period, unless extended for good cause
32 shown; requiring the court, upon the conviction of the
33 defendant, to enter an order forfeiting the property
34 to the state and authorizing the prosecuting authority
35 to seize all forfeited property upon such terms and
36 conditions as the court deems proper; requiring the
37 prosecuting authority to dispose of the forfeited
38 property by sale or any other commercially feasible
39 means, making due provision for the rights of any
40 innocent persons; authorizing the prosecuting
41 authority to dispose of forfeited property by
42 specified means; authorizing the Attorney General to
43 adopt rules; prohibiting a party claiming an interest
44 in property that is subject to forfeiture from
45 intervening in a trial or appeal of a criminal case
46 involving the forfeited property or commencing an
47 action at law or equity against the state concerning
48 the validity of his or her claimed interest in the
49 forfeited property; providing an exception; requiring
50 the state to publish notice of the forfeiture order
51 and of its intent to dispose of the forfeited
52 property; providing that the state may also, to the
53 extent practicable, provide direct written notice to
54 any person who is known to claim an interest in the
55 forfeited property; providing that any person, other
56 than the defendant, who asserts a claim to the
57 forfeited property may petition the court for a
58 hearing to adjudicate the validity of his or her claim

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59 to the forfeited property; providing that the hearing
60 be conducted without a jury; permitting the petitioner
61 to testify and present evidence and witnesses on his
62 or her own behalf and cross-examine witnesses who
63 appear at the hearing; requiring the petitioner to
64 prove by a preponderance of the evidence that he or
65 she has a legal claim or interest in the forfeited
66 property superior to the state or any other person or
67 that the petitioner is a bona fide purchaser; amending
68 s. 896.101, F.S.; defining the term "proceeds" for
69 purposes of the Florida Money Laundering Act;
70 providing that a person who, without permission,
71 notifies another person of certain specified
72 forfeiture information is subject to a fine for each
73 unauthorized disclosure; amending s. 560.103, F.S.;
74 revising definitions relating to money services
75 businesses; amending s. 560.123, F.S.; revising
76 criminal penalties under the Florid Control of Money
77 Laundering in Money Services Business Act; amending s.
78 560.125, F.S., relating to penalties for unlicensed
79 activities; conforming provisions to changes made by
80 the act; amending s. 560.204, F.S.; prohibiting a
81 natural person from being licensed as a sole
82 proprietorship or engaging in certain activities;
83 amending s. 665.50, F.S.; defining the term "proceeds"
84 for purposes of the Florida Control of Money
85 Laundering in Financial Institutions Act; conforming
86 provisions to changes made by the act; amending s.
87 923.03, F.S.; providing that a judgment of forfeiture

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88 may not be entered in a criminal proceeding unless the
89 indictment or the information provides notice that the
90 defendant has an interest in property that is subject
91 to forfeiture in accordance with the applicable
92 statute; amending s. 921.0022, F.S., relating to the
93 offense severity ranking chart of the Criminal
94 Punishment Code; conforming provisions to changes made
95 by the act; providing an effective date.

96
97 Be It Enacted by the Legislature of the State of Florida:

98
99 Section 1. Subsection (13) is added to section 895.02,
100 Florida Statutes, to read:

101 895.02 Definitions.—As used in ss. 895.01-895.08, the term:
102 (13) "Prosecuting authority" means the Attorney General,
103 any state attorney, or the statewide prosecutor.

104 Section 2. Section 895.025, Florida Statutes, is created to
105 read:

106 895.025 Construction of law.—The provisions of this chapter
107 shall be liberally construed to achieve the remedial purposes of
108 curtailing racketeering activities and crimes involving
109 controlled substance and lessening the economic power of
110 criminal organizations engaged in patterns of racketeering
111 activities in this state.

112 Section 3. Section 895.041, Florida Statutes, is created to
113 read:

114 895.041 Criminal forfeiture.—
115 (1) In addition to any criminal penalties imposed, a person
116 convicted of engaging in a pattern of racketeering activity or

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117 collecting an unlawful debt shall forfeit to the state,
118 irrespective of any other provision of law, any:

119 (a) Interest acquired or maintained in property in
120 violation of s. 895.03;

121 (b) Interest in, security of, claim against, or property or
122 contractual right of any kind affording a source of influence
123 over an enterprise that the person has established, operated,
124 controlled, or conducted, or in which the person participated,
125 all in violation of s. 895.03; or

126 (c) Property derived from any proceeds obtained, directly
127 or indirectly, from a pattern of racketeering activity or
128 through collecting an unlawful debt in violation of s. 895.03.

129
130 When imposing sentence, the court shall order that the person
131 forfeit all property described in this section. In lieu of a
132 fine otherwise authorized by this chapter, a person who derives
133 proceeds from a violation of this chapter may be fined not more
134 than three times the amount of the gross profits or other
135 proceeds received by the person.

136 (2) Property subject to forfeiture under this section
137 includes:

138 (a) Real property, including things growing on, affixed to,
139 and found in the land; and

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

142 (3) All right, title, and interest in property described in
143 subsection (1) vests in the state at the time the person commits
144 the act that violates s. 895.03. Any property vested in the
145 state which is subsequently transferred to a person other than

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146 the defendant may be ordered forfeited to the state. However, if
147 at the time of purchase the person was reasonably without cause
148 to believe that the property was subject to forfeiture and if
149 the person purchased the property for value, he or she is a bona
150 fide purchaser and the property is not subject to forfeiture.

151 (4) The court may order an injunction, require the
152 execution of a satisfactory performance bond, or take any other
153 action to preserve the availability and quality of the property
154 that is subject to forfeiture under this section.

155 (a) Upon the filing of an indictment or information
156 charging a violation of s. 895.03, or before the filing of an
157 indictment or information, the court may enter a temporary
158 injunction ordering that the property be protected and
159 sequestered if, after notice to persons appearing to have an
160 interest in the property and an opportunity for a hearing, the
161 prosecuting authority demonstrates that:

162 1. There is a substantial probability that the state will
163 prevail on the matter of forfeiture and that a failure to enter
164 a temporary injunction against the defendant will result in the
165 property being degraded or destroyed, removed from the
166 jurisdiction of the court, or otherwise made unavailable for
167 forfeiture; and

168 2. The need to preserve the quality and availability of the
169 property through the entry of a court order outweighs the
170 hardship on any party against whom the order is to be entered.

171
172 An order entered under this paragraph expires no later than 90
173 days after the injunction is issued, unless extended by the
174 court for good cause shown or unless an indictment or

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175 information is filed.

176 (b) If, before an information or indictment has been filed,
177 the prosecuting authority demonstrates that there is probable
178 cause to believe that the property with respect to which the
179 temporary restraining order is sought would, in the event of
180 conviction, be subject to forfeiture and that providing notice
181 to the defendants before forfeiture of the property will
182 jeopardize the quality and availability of the property for
183 forfeiture, a court may issue a temporary restraining order
184 without notice or opportunity for a hearing. The temporary
185 restraining order expires no later than 10 days after the date
186 the temporary restraining order is issued unless extended for
187 good cause shown or unless the party against whom the temporary
188 restraining order is entered consents to an extension for a
189 longer period. If a hearing is requested concerning a temporary
190 restraining order entered under this paragraph, it shall be held
191 before the expiration of the temporary restraining order.

192
193 At a hearing held pursuant to this paragraph, the court may
194 receive and consider evidence and information that would be
195 inadmissible under the Florida Rules of Evidence.

196 (5) Upon the conviction of a person under s. 895.03, the
197 court shall:

198 (a)1. Enter an order forfeiting the property of the
199 defendant to the state; and

200 2. Order the prosecuting authority to seize all property of
201 the defendant upon such terms and conditions as the court deems
202 proper.

203 (b) After ordering the property forfeited, the court may,

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204 at the request of the prosecuting authority, enter other orders
205 necessary to protect the property, including requiring the
206 execution of satisfactory performance bonds, appointing
207 receivers, conservators, appraisers, accountants, or trustees,
208 or taking any other appropriate action to protect the forfeited
209 property. Any income accruing to, or derived from, an enterprise
210 or an interest in an enterprise that has been ordered forfeited
211 under this section may be used to offset ordinary and necessary
212 expenses of the enterprise which are required by law, or which
213 are necessary to protect the interests of the state or of third
214 parties.

215 (c) The prosecuting authority shall take title to property
216 ordered forfeited subject to all mortgages, liens, and security
217 interests perfected before the date of indictment of the
218 defendant. Notwithstanding the foregoing, the prosecuting
219 authority may petition the court to void any mortgage, lien, or
220 security interest asserted by or on behalf of defendant or any
221 affiliated or related person.

222 (6) (a) After seizing the property ordered forfeited under
223 this section, the prosecuting authority shall dispose of the
224 property by sale or any other commercially feasible means,
225 making due provision for the rights of innocent persons.

226 (b) Any property right or interest not exercisable by, or
227 transferable for value to, the state shall expire and does not
228 revert to the defendant. The defendant and any person acting in
229 concert with or on behalf of the defendant, is not eligible to
230 purchase forfeited property at any sale held by the state. If a
231 person other than the defendant or a person acting in concert
232 with or on behalf of the defendant demonstrates that continuing

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233 with the sale or disposition of the property will result in
234 irreparable injury, harm, or loss to that person, the court may
235 restrain or stay the sale or disposition of the property pending
236 the conclusion of any appeal of the criminal case giving rise to
237 the forfeiture. The proceeds of any sale or disposition of
238 property forfeited under this section and any moneys forfeited
239 shall be used to pay all proper expenses for the forfeiture and
240 the sale, including expenses of seizure, maintenance and custody
241 of the property pending its disposition, advertising, and court
242 costs. The prosecuting authority shall deposit any amount of
243 such proceeds or moneys remaining after the payment of such
244 expenses into the General Revenue Fund.

245 (7) With respect to forfeited property, the prosecuting
246 authority may:

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

252 (b) Compromise claims arising under this section.

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

255 (d) Direct the disposition by the state of all forfeited
256 property by public sale or any other commercially feasible
257 means, making due provision for the rights of innocent persons.

258 (e) Take appropriate measures necessary to safeguard and
259 maintain property ordered forfeited under this section pending
260 its disposition.

261 (8) The Attorney General may adopt rules relating to:

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262 (a) Making reasonable efforts to provide notice to persons
263 who may have an interest in property ordered forfeited under
264 this section;

265 (b) Granting petitions for remission or mitigation of
266 forfeiture;

267 (c) Returning property to victims of an offense petitioning
268 for remission or mitigation of forfeiture under this chapter;

269 (d) Disposing the forfeited property by public sale or
270 other commercially feasible means;

271 (e) Maintaining and safekeeping forfeited property pending
272 its disposition; and

273 (f) Compromising claims arising under this chapter.

274 (9) Except as provided in subsection (12), a person
275 claiming an interest in property subject to forfeiture under
276 this section may not:

277 (a) Intervene in a trial or appeal of a criminal case
278 involving the forfeiture of property under this section; or

279 (b) Commence an action against the state concerning the
280 validity of a person's claim in the property after the filing of
281 an indictment or information alleging that the property is
282 subject to forfeiture.

283 (10) A circuit court has jurisdiction to enter orders as
284 provided in this section without regard to the location of any
285 property that may be subject to forfeiture or that has been
286 ordered forfeited under this section.

287 (11) In order to facilitate the identification or location
288 of property that has been ordered forfeited and to facilitate
289 the disposition of petitions for remission or mitigation of
290 forfeiture, a court that orders the forfeiture of property to

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291 the state may order that the testimony of any witness relating
292 to the property be taken by deposition and that any designated
293 book, paper, document, record, recording, or other material that
294 is not subject to privilege be produced at the time and place of
295 the deposition, in the same manner as provided for the taking of
296 depositions under Rule 3.220, Florida Rules of Criminal
297 Procedure.

298 (12) (a) After the court enters an order forfeiting property
299 under this section, the state shall publish notice of the order
300 and of its intent to dispose of the property in such manner as
301 the prosecuting authority may direct. The state may also, to the
302 extent practicable, provide direct written notice to any person
303 known to have claimed an interest in the property that is the
304 subject of the order of forfeiture as a substitute for published
305 notice as to those persons so notified.

306 (b) Any person, other than the defendant, who claims a
307 legal interest in property that has been ordered forfeited to
308 the state may, within 30 days after the final publication of
309 notice or his or her receipt of notice under paragraph (a),
310 whichever occurs sooner, petition the court for a hearing to
311 adjudicate the validity of his or her claim to the forfeited
312 property. The hearing shall be held before the court alone,
313 without a jury.

314 (c) The petition must be signed by the petitioner under
315 penalty of perjury and shall set forth the nature and extent of
316 the petitioner's right, title, or interest in the property, the
317 time and circumstances of the petitioner's acquisition of the
318 right, title, or interest in the property, any additional facts
319 supporting the petitioner's claim, and the relief sought.

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320 (d) The hearing on the petition shall, to the extent
321 practicable, be held within 30 days after the petition is filed.
322 The court may consolidate the hearing on the petition with a
323 hearing on any other petition filed by a person other than the
324 defendant.

325 (e) At the hearing, the petitioner may testify, present
326 evidence and witnesses on his or her behalf, and cross-examine
327 witnesses who appear at the hearing. The state may present
328 evidence and witnesses in rebuttal and in defense of its claim
329 to the property and may cross-examine witnesses who appear at
330 the hearing. In addition to testimony and evidence presented at
331 the hearing, the court shall consider the relevant portions of
332 the record of the criminal case that resulted in the order of
333 forfeiture.

334 (f) After the hearing, the court shall determine whether
335 the petitioner has proven by a preponderance of the evidence
336 that:

337 1. The petitioner has a legal right, title, or interest in
338 the property, and that the petitioner's right, title, or
339 interest renders the order of forfeiture invalid in whole or in
340 part because it was vested in the petitioner rather than in the
341 defendant or was superior to any right, title, or interest of
342 the defendant at the time of the commission of the acts that
343 gave rise to the forfeiture of the property under this section;
344 or

345 2. The petitioner is a bona fide purchaser for value of the
346 right, title, or interest in the property and was at the time of
347 purchase reasonably without cause to believe that the property
348 was subject to forfeiture,

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350 and the court shall amend the order of forfeiture according to
351 its determination.

352 (g) Following the court's disposition of all petitions
353 filed under this subsection, or if no such petition is timely
354 filed, the state shall have clear title to the forfeited
355 property and may warrant good title to any subsequent purchaser
356 or transferee.

357 (13) If any of the property described in subsection (1) is
358 protected by s. 6, Art. VII of the State Constitution; cannot be
359 located upon the exercise of due diligence as a result of any
360 act or omission of the defendant; has been transferred, sold to,
361 or deposited with a third party; has been placed beyond the
362 jurisdiction of the court; has been substantially diminished in
363 value; or has been commingled with other property that cannot be
364 divided without difficulty, the court shall order the forfeiture
365 of any other property of the defendant up to the value of any
366 such protected or unavailable property.

367 (14) This section shall not be deemed to have altered the
368 enforceability or priority of perfected, arms-length security
369 interests in the forfeited property or of liens against the
370 property created by judgment or by operation of law.

371 Section 4. Paragraph (j) is added to subsection (2) of
372 section 896.101, Florida Statutes, and subsections (5) and (10)
373 of that section are amended, to read:

374 896.101 Florida Money Laundering Act; definitions;
375 penalties; injunctions; seizure warrants; immunity.-

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

377 (j) "Proceeds" means any property derived from or obtained

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378 or retained, directly or indirectly, through some form of
379 unlawful activity, including the gross receipts of such
380 activity.

381 (5) A person who violates or causes another to violate this
382 section, if the violation involves:

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

387 (b) Financial transactions valued at ~~totaling or exceeding~~
388 \$20,000 or more but less than \$100,000 ~~in any 12-month period,~~
389 commits a felony of the second degree, punishable as provided in
390 s. 775.082, s. 775.083, or s. 775.084.

391 (c) Financial transactions valued at ~~totaling or exceeding~~
392 \$100,000 or more ~~in any 12-month period,~~ commits a felony of the
393 first degree, punishable as provided in s. 775.082, s. 775.083,
394 or s. 775.084.

395 (10) Any financial institution, licensed money services
396 business, or other person served with and complying with the
397 terms of a warrant, temporary injunction, or other court order,
398 including any subpoena issued under s. 16.56 or s. 27.04,
399 obtained in furtherance of an investigation of any crime in this
400 section, including any crime specified ~~listed~~ as ~~specified~~
401 unlawful activity under this section or any felony violation of
402 chapter 560, has immunity from criminal liability and is not
403 liable to any person for any lawful action taken in complying
404 with the warrant, temporary injunction, or other court order,
405 including any subpoena issued under s. 16.56 or s. 27.04. If a
406 ~~any~~ subpoena issued under s. 16.56 or s. 27.04 contains a

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407 nondisclosure provision, it is unlawful for any financial
408 institution ~~or~~, licensed money services business, ~~employee or~~
409 ~~officer of a financial institution or licensed money services~~
410 ~~business~~, or any ~~other~~ person to ~~may not~~ notify, directly or
411 indirectly, any customer of that financial institution or money
412 services business whose records are being sought by the
413 subpoena, or any other person named in the subpoena, about the
414 existence or the contents of that subpoena, or of the
415 investigation, or ~~about~~ information that has been furnished in
416 response to the subpoena to the state attorney, the ~~or~~ statewide
417 prosecutor who issued the subpoena, or other law enforcement
418 officer named in the subpoena in response to the subpoena.
419 However, an entity or person whose testimony is sought in the
420 matter is not precluded from consulting with an attorney
421 regarding that testimony. Any person who violates a
422 nondisclosure provision contained in a warrant, temporary
423 injunction, or other court order, including a subpoena issued
424 under s. 16.56 or s. 27.04, shall be fined \$5,000 for each
425 unauthorized notification.

426 Section 5. Subsections (19) and (26) of section 560.103,
427 Florida Statutes, are amended, present subsections (28) through
428 (30) of that section are redesignated as subsections (29)
429 through (31), respectively, and a new subsection (28) is added
430 to that section, to read:

431 560.103 Definitions.—As used in this chapter, the term:
432 (19) "Money transmitter" means a person who ~~corporation,~~
433 ~~limited liability company, limited liability partnership, or~~
434 ~~foreign entity qualified to do business in this state which~~
435 receives currency, monetary value, or payment instruments for

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436 the purpose of transmitting the same by any means, including
437 transmission by wire, facsimile, electronic transfer, courier,
438 the Internet, or through bill payment services or other
439 businesses that facilitate such transfer within this country, or
440 to or from this country.

441 (26) "Payment instrument seller" means a person who
442 ~~corporation, limited liability company, limited liability~~
443 ~~partnership, or foreign entity qualified to do business in this~~
444 ~~state which~~ sells a payment instrument.

445 (28) "Proceeds" means any property derived from or obtained
446 or retained, directly or indirectly, through some form of
447 unlawful activity, including the gross receipts of such
448 activity.

449 Section 6. Subsection (8) of section 560.123, Florida
450 Statutes, is amended to read:

451 560.123 Florida Control of Money Laundering in Money
452 Services Business Act.—

453 (8) (a) Except as provided in paragraph (b), a person who
454 willfully violates or causes another to violate ~~any provision of~~
455 this section commits a misdemeanor of the first degree,
456 punishable as provided in s. 775.082 or s. 775.083.

457 (b) A person who willfully violates or cause another to
458 violate ~~any provision of~~ this section, if the violation
459 involves:

460 1. Currency or payment instruments valued at ~~exceeding \$300~~
461 ~~but less than \$20,000 in any 12-month period~~, commits a felony
462 of the third degree, punishable as provided in s. 775.082, s.
463 775.083, or s. 775.084.

464 2. Currency or payment instruments valued at ~~totaling or~~

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465 ~~exceeding~~ \$20,000 or more but less than \$100,000 ~~in any 12-month~~
466 ~~period~~, commits a felony of the second degree, punishable as
467 provided in s. 775.082, s. 775.083, or s. 775.084.

468 3. Currency or payment instruments valued at ~~totaling or~~
469 ~~exceeding~~ \$100,000 or more ~~in any 12-month period~~, commits a
470 felony of the first degree, punishable as provided in s.
471 775.082, s. 775.083, or s. 775.084.

472 (c) In addition to the penalties authorized by s. 775.082,
473 s. 775.083, or s. 775.084, a person who has been convicted of,
474 or entered a plea of guilty or nolo contendere, regardless of
475 adjudication, to having violated paragraph (b) may be sentenced
476 to pay a fine of up to \$250,000 or twice the value of the
477 currency or payment instruments, whichever is greater, except
478 that on a second or subsequent conviction for or plea of guilty
479 or nolo contendere, regardless of adjudication, to a violation
480 of paragraph (b), the fine may be up to \$500,000 or quintuple
481 the value of the currency or payment instruments, whichever is
482 greater.

483 (d) A person who violates this section is also liable for a
484 civil penalty of not more than the greater of the value of the
485 currency or payment instruments involved or \$25,000.

486 Section 7. Subsection (5) of section 560.125, Florida
487 Statutes, is amended to read

488 560.125 Unlicensed activity; penalties.—

489 (5) A person who violates or causes another to violate this
490 section, if the violation involves:

491 (a) Currency or payment instruments valued at ~~exceeding~~
492 ~~\$300 but~~ less than \$20,000 ~~in any 12-month period~~, commits a
493 felony of the third degree, punishable as provided in s.

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494 775.082, s. 775.083, or s. 775.084.

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

499 (c) Currency or payment instruments valued at ~~totaling or~~
500 ~~exceeding~~ \$100,000 or more ~~in any 12-month period~~, commits a
501 felony of the first degree, punishable as provided in s.
502 775.082, s. 775.083, or s. 775.084.

503 Section 8. Subsection (3) is added to section 560.204,
504 Florida Statutes, to read:

505 560.204 License required.—

506 (3) A natural person who is acting as a money transmitter
507 or payment instrument issuer may not be licensed as a sole
508 proprietorship. A natural person may not act as a money
509 transmitter or payment instrument issuer, except as an employee,
510 officer, or director of a corporation, limited liability
511 company, limited liability partnership, or foreign entity
512 qualified to do business in this state and licensed under this
513 part. An natural person who violates this subsection engages in
514 unlicensed activity pursuant to s. 560.125.

515 Section 9. Paragraph (h) is added to subsection (3) of
516 section 655.50, Florida Statutes, and subsection (10) of that
517 section is amended, to read:

518 655.50 Florida Control of Money Laundering in Financial
519 Institutions Act; reports of transactions involving currency or
520 monetary instruments; when required; purpose; definitions;
521 penalties.—

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

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523 (h) "Proceeds" means any property derived from or obtained
524 or retained, directly or indirectly, through some form of
525 unlawful activity, including the gross receipts of such
526 activity.

527 (10) (a) Except as provided in paragraph (b), a person who
528 willfully violates ~~any provision of~~ this section is guilty of a
529 misdemeanor of the first degree, punishable as provided in s.
530 775.082 or s. 775.083.

531 (b) A person who willfully violates or knowingly causes
532 another to violate any provision of this section, when the
533 violation involves:

534 1. Financial transactions valued at ~~totaling or exceeding~~
535 ~~\$300 but~~ less than \$20,000 ~~in any 12-month period,~~ commits is
536 ~~guilty of~~ a felony of the third degree, punishable as provided
537 in s. 775.082 or s. 775.083; or

538 2. Financial transactions valued at ~~totaling or exceeding~~
539 ~~\$20,000 or more~~ but less than \$100,000 commits in any 12-month
540 ~~period is guilty of~~ a felony of the second degree, punishable as
541 provided in s. 775.082 or s. 775.083; or

542 3. Financial transactions valued at ~~totaling or exceeding~~
543 ~~\$100,000 or more~~ commits in any 12-month period is guilty of a
544 felony of the first degree, punishable as provided in s. 775.082
545 or s. 775.083.

546 (c) In addition to the penalties otherwise authorized by
547 ss. 775.082 and 775.083, a person who has been convicted of or
548 who has pleaded guilty or nolo contendere to having violated
549 paragraph (b) may be sentenced to pay a fine not exceeding
550 \$250,000 or twice the value of the financial transaction,
551 whichever is greater, except that on a second or subsequent

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552 conviction for or plea of guilty or nolo contendere to a
 553 violation of paragraph (b), the fine may be up to \$500,000 or
 554 quintuple the value of the financial transaction, whichever is
 555 greater.

556 (d) A financial institution as defined in s. 655.005 that
 557 willfully violates this section is also liable for a civil
 558 penalty of not more than the greater of the value of the
 559 financial transaction involved or \$25,000. However, the civil
 560 penalty may not exceed \$100,000.

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

565 Section 10. Subsection (3) is added to section 923.03,
 566 Florida Statutes, to read:

567 923.03 Indictment and information.—

568 (3) A judgment of forfeiture may not be entered in a
 569 criminal proceeding unless the indictment or the information
 570 provides notice that the defendant has an interest in property
 571 that is subject to forfeiture in accordance with the applicable
 572 statute.

573 Section 11. Paragraph (g) of subsection (3) of section
 574 921.0022, Florida Statutes, is amended to read:

575 921.0022 Criminal Punishment Code; offense severity ranking
 576 chart.—

577 (3) OFFENSE SEVERITY RANKING CHART

578 (g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

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579 316.027(1)(b) 1st Accident involving death, failure to
stop; leaving scene.

580 316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.

581 316.1935(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.

582 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily
injury.

583 402.319(2) 2nd Misrepresentation and negligence or
intentional act resulting in great
bodily harm, permanent disfiguration,
permanent disability, or death.

584 409.920(2)(b)1.a. 3rd Medicaid provider fraud; \$10,000 or
less.

585 409.920(2)(b)1.b. 2nd Medicaid provider fraud; more than
\$10,000, but less than \$50,000.

586 456.065(2) 3rd Practicing a health care profession
without a license.

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587	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
588	458.327 (1)	3rd	Practicing medicine without a license.
589	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
590	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
591	461.012 (1)	3rd	Practicing podiatric medicine without a license.
592	462.17	3rd	Practicing naturopathy without a license.
593	463.015 (1)	3rd	Practicing optometry without a license.
594	464.016 (1)	3rd	Practicing nursing without a license.
595	465.015 (2)	3rd	Practicing pharmacy without a license.
596	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
597	467.201	3rd	Practicing midwifery without a license.

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598	468.366	3rd	Delivering respiratory care services without a license.
599	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
600	483.901 (9)	3rd	Practicing medical physics without a license.
601	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
602	484.053	3rd	Dispensing hearing aids without a license.
603	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.
604	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.
605	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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606	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
607	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
608	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
609	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
610	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
611	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
612	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
613			

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614	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
615	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
616	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
617	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
618	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
619	784.048 (7)	3rd	Aggravated stalking; violation of court order.
620	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
621	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
622	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
	784.081 (1)	1st	Aggravated battery on specified official

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			or employee.
623	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
624	784.083 (1)	1st	Aggravated battery on code inspector.
625	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
626	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
627	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
628	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
629	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
630	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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631	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
632	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.
633	796.03	2nd	Procuring any person under 16 years for prostitution.
634	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
635	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
636	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
637	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
638	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.

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639	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
640	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
641	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.
642	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
643	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
644	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
645	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
646	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

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647	812.131 (2) (a)	2nd	Robbery by sudden snatching.
648	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
649	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
650	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
651	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
652	817.2341 (2) (b) & (3) (b)	1st	Making false entries of 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.
653	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
654	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.

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655	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
656	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
657	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
658	838.015	2nd	Bribery.
659	838.016	2nd	Unlawful compensation or reward for official behavior.
660	838.021(3)(a)	2nd	Unlawful harm to a public servant.
661	838.22	2nd	Bid tampering.
662	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
663	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
664	872.06	2nd	Abuse of a dead human body.
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874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

666

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 park or publicly owned recreational facility or community center.

667

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.

668

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).

669

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

670

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

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grams, less than 200 grams.

671 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more than
4 grams, less than 14 grams.

672 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.

673 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.

674 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14
grams, less than 28 grams.

675 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams
or more, less than 14 grams.

676 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 1 kilogram or more, less
than 5 kilograms.

677 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
kilogram or more, less than 5
kilograms.

678 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10
grams or more, less than 200 grams.

679 893.1351(2) 2nd Possession of place for trafficking in

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			or manufacturing of controlled substance.
680	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
681	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
682	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
683	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
684	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
685	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
686	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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687 944.607(9) 3rd Sexual offender; failure to comply with
reporting requirements.

688 944.607(10)(a) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

689 944.607(12) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

690 944.607(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

691 985.4815(10) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

692 985.4815(12) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

693 985.4815(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

694
695 Section 12. This act shall take effect July 1, 2010.