

Committee Substitute for Committee Substitute for  
Committee Substitute for Senate Bill No. 1258

An act relating to money laundering; creating s. 311.12, F.S.; providing for development and implementation of a statewide seaport security plan; providing for a fingerprint-based criminal history check of an applicant for employment and current employees at seaports; providing for inspections of seaports to determine compliance with minimum security standards and report of results of inspections performed; amending s. 560.103, F.S.; limiting the definition of the term "authorized vendor" as used in the Money Transmitters' Code to businesses located in this state; creating s. 560.1073, F.S.; providing criminal penalties for making or filing with the Department of Banking and Finance certain false or misleading statements or documents; amending s. 560.111, F.S.; reducing the department's burden of proving knowing intent to defraud; amending s. 560.114, F.S.; expanding the department's disciplinary authority; amending s. 560.117, F.S.; requiring the department to notify licensees suspected of certain code violations and permit such licensees to correct such violations before bringing disciplinary action; providing for an administrative fine; amending s. 560.118, F.S.; revising requirements for examinations, reports, and audits of money transmitters; providing a criminal penalty for violations of the section; amending s. 560.123, F.S.; revising standards for graduated penalties involving currency or payment instruments under the Florida Control of Money Laundering in Money Transmitters Act; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 560.125, F.S.; providing graduated criminal penalties; increasing fines; providing for a civil penalty; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 560.205, F.S.; requiring the submission of fingerprints by applicants for registration under the Payment Instruments and Funds Transmission Act; amending s. 560.211, F.S.; providing a criminal penalty for failing to comply with recordkeeping requirements; amending s. 560.306, F.S.; providing standards for qualifying for registration under the Check Cashing and Foreign Currency Exchange Act; amending s. 560.310, F.S.; providing a criminal penalty for failure to comply with recordkeeping requirements; amending s. 655.50, F.S.; revising standards for graduated penalties involving financial transactions under the Florida Control of Money Laundering in Financial Institutions Act; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 893.145, F.S.; redefining the term "drug paraphernalia"; amending s. 893.147, F.S.; providing a criminal penalty for transportation of drug paraphernalia; amending s. 895.02,

F.S.; expanding the definition of the term “racketeering activity”; amending s. 896.101, F.S.; redefining the terms “transaction” and “financial transaction”; defining the terms “knowing” and “petitioner”; providing that specific circumstances do not constitute a defense to a prosecution; providing for criminal penalties, fines, and civil penalties; providing for injunctions; providing for seizure warrants; providing for immunity from liability; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters’ Code; providing for admissibility of a defendant’s confession under certain circumstances; amending s. 896.103, F.S.; conforming a statutory cross reference; creating ss. 896.104, 896.105, 896.106, and 896.107, F.S.; providing definitions; providing criminal penalties for evading reporting or registration requirements in specific financial transactions; providing exceptions for undercover law enforcement purposes; providing for fugitive disentitlement; providing for informant rewards; amending s. 921.0022, F.S.; adding specified monetary transactions to the Criminal Punishment Code offense severity ranking chart; creating s. 943.032, F.S.; creating the Financial Crimes Analysis Center and Financial Transaction Database within the Florida Department of Law Enforcement; providing requirements; providing for 15 FTE and \$1,600,000 the from State Transportation Fund to the Department of Transportation, Office of Motor Carrier Compliance, to create contraband interdiction teams; specifying composition of FTE positions; specifying purpose of contraband interdiction teams; requiring the Department of Transportation to seek additional funding from federal grants and forfeiture proceedings; authorizing the Department of Transportation to amend its budget; providing an effective date.

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

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

311.12 Seaport security.—

(1) The Office of Drug Control within the Executive Office of the Governor, in consultation with the Florida Seaport Transportation and Economic Development Council, and in conjunction with the Florida Department of Law Enforcement and local law enforcement agencies having primary authority over the affected seaports, shall develop, by January 1, 2001, a statewide security plan based upon the Florida Seaport Security Assessment 2000 conducted by the Office of Drug Control. Such plan shall establish statewide minimum standards for seaport security including the prevention of criminal activity including money laundering. The statewide seaport security plan shall identify the funding needs for security requirements of all relevant ports and shall recommend mechanisms to fund those needs including an analysis of the ability of seaports to provide funding for necessary improvements. The statewide seaport security plan shall be submitted to the Speaker of the House of Representatives and the President of the Senate and the chairs of the fiscal committees of the House of Representatives and Senate for review on or before January 1, 2001.

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

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

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

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

(4) The affected seaports shall implement the security plans developed under this section by April 30, 2002, contingent upon legislative approval of the statewide security plan established pursuant to subsection (1). The Department of Law Enforcement, or any entity selected by the department, shall conduct no less than once annually an unannounced inspection of each seaport listed in s. 311.09(1) to determine whether the seaport is meeting the minimum standards established under the authority of this section. The Department of Law Enforcement, in consultation with the Office of Drug Control within the Executive Office of the Governor, shall complete a report indicating the results of all such inspections conducted during the year and any suggestions or concerns developed by reason of such inspections by no later than December 31 of each year. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief administrator of each seaport inspected. The report shall, to the extent possible, include responses from the chief administrator of any seaport about which suggestions have been made or security concerns raised, indicating what actions, if any, have been taken or are planned to be taken in response to the suggestions or concerns noted.

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

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

560.103 Definitions.—As used in the code, unless the context otherwise requires:

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

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

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

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

560.111 Prohibited acts and practices.—

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

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

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

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

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

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

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

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

560.114 Disciplinary actions.—

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

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

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

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

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

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

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

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

~~(g)(h)~~ Failure of the money transmitter or authorized vendor to pay a judgment recovered in any court in this state by a claimant in an action

arising out of a money transmission transaction within 30 days after the judgment becomes final.

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

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

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

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

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

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

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

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

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

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

~~(q)~~ Failure to inform the department in writing within 15 days after pleading guilty or nolo contendere to, or being convicted or found guilty of,

any felony or crime punishable by imprisonment of 1 year or more under the law of any state or of the United States, or of any crime involving fraud, moral turpitude, or dishonest dealing, without regard to whether a judgment of conviction has been entered by the court.

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

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

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

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

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

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

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

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

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

560.117 Administrative fines; enforcement.—

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

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

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

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

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

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

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

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

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

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

560.118 Examinations, reports, and internal audits; penalty.—

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

~~parties concerning their operations and business activities and affairs; however, whenever the department has reason to believe that a money transmitter or authorized vendor is engaging in an unsafe and unsound practice, or has violated or is violating any provision of the code, the department may make an examination of such money transmitter or authorized vendor without providing advance notice. The department may accept an audit or examination from any appropriate regulatory agency or from an independent third party with respect to the operations of a money transmitter or an authorized vendor. The department may also make a joint or concurrent examination with any state or federal appropriate regulatory agency. The department may furnish a copy of all examinations made of such money transmitter or authorized vendor to the money transmitter and any appropriate regulatory agency provided that such agency agrees to abide by the confidentiality provisions as set forth in chapter 119.~~

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

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

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

(e)(d) The department may, by rule, set a maximum per-day examination cost for a regular examination. Such per-day cost may be less than that required to fully compensate the department for costs associated with the examination. For the purposes of this section, "costs" means the salary and travel expenses directly attributable to the field staff examining the money transmitter or authorized vendor, and the travel expenses of any supervisory staff required as a result of examination findings. Reimbursement for such costs incurred under this subsection must be postmarked no later than 30 days after the date of receipt of a notice stating that such costs are due. The department may levy a late payment penalty of up to \$100 per day or

part thereof that a payment is overdue, unless the late payment penalty is excused for good cause. In excusing any such late payment penalty, the department may consider the prior payment history of the money transmitter or authorized vendor.

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

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

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

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

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

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

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

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

1. Currency or payment instruments Committed in furtherance of the commission of any other violation of any law of this state or committed as part of a pattern of illegal activity involving financial transactions 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. ~~Currency or payment instruments totaling or Committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$20,000 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. ~~Currency or payment instruments totaling or Committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

560.125 Money transmitter business by unauthorized persons; penalties.—

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

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

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

~~(4) Any person who violates the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may issue and serve upon any person who violates any of the provisions of this section a complaint seeking a cease and desist order in accordance with the procedures and in the manner prescribed by s. 560.112. The department may also impose an administrative fine pursuant to s. 560.117(3)(2) against any person who violates any of the provisions of this section.~~

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

(a) Currency or payment instruments 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.

(b) Currency or payment instruments totaling or exceeding \$20,000 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.

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

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

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

(8) In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence

that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

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

560.205 Qualifications of applicant for registration; contents.—

(1) To qualify for registration under this part, an applicant must demonstrate to the department such character and general fitness as to command the confidence of the public and warrant the belief that the registered business will be operated lawfully and fairly. The department may investigate each applicant to ascertain whether the qualifications and requirements prescribed by this part have been met. The department's investigation may include a criminal background investigation of all controlling shareholders, principals, officers, directors, members and responsible persons of a funds transmitter and a payment instrument seller and all persons designated by a funds transmitter or payment instrument seller as an authorized vendor. Each controlling shareholder, principal, officer, director, member, and responsible person of a funds transmitter or payment instrument seller, unless the applicant is a publicly traded corporation, a subsidiary thereof, or a subsidiary of a bank or bank holding company, shall file a complete set of fingerprints taken by an authorized law enforcement officer. Such fingerprints must be submitted to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The department may waive by rule the requirement that applicants file a set of fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

560.211 Records.—

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

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

560.306 Standards.—

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

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

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

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

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

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

560.310 Records of check cashers and foreign currency exchangers.—

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

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

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

(10)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section, ~~chapter 896, or any similar state or~~

~~federal law~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

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

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

(11) In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at

the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

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

893.145 “Drug paraphernalia” defined.—The term “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Water pipes.

(c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

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

(f) Miniature cocaine spoons, and cocaine vials.

(g) Chamber pipes.

(h) Carburetor pipes.

(i) Electric pipes.

(j) Air-driven pipes.

(k) Chillums.

(l) Bongs.

(m) Ice pipes or chillers.

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

893.147 Use, possession, manufacture, delivery, transportation, or advertisement of drug paraphernalia.—

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

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

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

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

(2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—It is unlawful for any person to deliver, possess with intent to deliver, or

manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

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

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

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

(3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

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

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

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

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

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

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

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

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

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

(1) “Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

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

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
3. Section 414.39, relating to public assistance fraud.
4. Section 409.920, relating to Medicaid provider fraud.
5. Section 440.105 or s. 440.106, relating to workers’ compensation.
6. Part IV of chapter 501, relating to telemarketing.
7. Chapter 517, relating to sale of securities and investor protection.
8. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
9. Chapter 550, relating to jai alai frontons.
10. Chapter 552, relating to the manufacture, distribution, and use of explosives.

11. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

~~12.11.~~ Chapter 562, relating to beverage law enforcement.

~~13.12.~~ Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

~~14.13.~~ Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

~~15.14.~~ Chapter 687, relating to interest and usurious practices.

~~16.15.~~ Section 721.08, s. 721.09, or s. 721.13, relating to real estate time-share plans.

~~17.16.~~ Chapter 782, relating to homicide.

~~18.17.~~ Chapter 784, relating to assault and battery.

~~19.18.~~ Chapter 787, relating to kidnapping.

- ~~20.19.~~ Chapter 790, relating to weapons and firearms.
- ~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
- ~~22.21.~~ Chapter 806, relating to arson.
- ~~23.22.~~ Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
- ~~24.23.~~ Chapter 812, relating to theft, robbery, and related crimes.
- ~~25.24.~~ Chapter 815, relating to computer-related crimes.
- ~~26.25.~~ Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
- ~~27.26.~~ Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.
- ~~28.27.~~ Section 827.071, relating to commercial sexual exploitation of children.
- ~~29.28.~~ Chapter 831, relating to forgery and counterfeiting.
- ~~30.29.~~ Chapter 832, relating to issuance of worthless checks and drafts.
- ~~31.30.~~ Section 836.05, relating to extortion.
- ~~32.31.~~ Chapter 837, relating to perjury.
- ~~33.32.~~ Chapter 838, relating to bribery and misuse of public office.
- ~~34.33.~~ Chapter 843, relating to obstruction of justice.
- ~~35.34.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
- ~~36.35.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
- ~~37.36.~~ Chapter 874, relating to criminal street gangs.
- ~~38.37.~~ Chapter 893, relating to drug abuse prevention and control.
- ~~39.38.~~ Chapter 896, relating to offenses related to financial transactions.
- ~~40.39.~~ Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.
- ~~41.40.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

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

896.101 Florida Money Laundering Act; definitions; penalties; injunctions; seizure warrants; immunity ~~Offense of conduct of financial transaction involving proceeds of unlawful activity; penalties.~~—

(1) This section may be cited as the “Florida Money Laundering Act.”

(2)(4) DEFINITIONS.—As used in this section, the term:

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

(b) “Conducts” includes initiating, concluding, or participating in initiating or concluding a transaction.

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

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

(e) “Monetary instruments” means coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery.

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

(g) “Specified unlawful activity” means any “racketeering activity” as defined in s. 895.02.

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

(i) “Petitioner” means any local, county, state, or federal law enforcement agency; the Attorney General; any state attorney; or the statewide prosecutor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This subsection does not preclude the defense of entrapment.

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

(a) Financial transactions 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.

(b) Financial transactions totaling or exceeding \$20,000 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.

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

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

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

(8)(a) If a person is alienating or disposing of monetary instruments or funds, or appears likely to or demonstrates an intent to alienate or dispose of monetary instruments or funds, used in violation of this section, chapter

560, s. 655.50, or any crime listed as specified unlawful activity under this section, or monetary instruments or funds that are traceable to any such violation, the petitioner may commence a civil action in any circuit court having jurisdiction where such monetary instruments or funds are located or have been deposited for a temporary injunction to prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any such monetary instruments or funds of equivalent value. The temporary injunction will be obtained pursuant to Florida Civil Rule of Procedure 1.610. This section governs all temporary injunctions obtained pursuant to this section and supercedes all other provisions of the rule that may be inconsistent with this section. The court shall take into account any anticipated impact the temporary injunction will have on innocent third parties or businesses, balanced against the petitioner's need to preserve the monetary instruments or funds.

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

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

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

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

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

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

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

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

(g)1. Upon service of the temporary order served pursuant to this section, the petitioner shall immediately notify by certified mail, return receipt requested or by personal service, both the person or entity in possession of the monetary instruments or funds and the owner of the monetary instruments or funds if known, of the order entered pursuant to this section and that the lawful owner of the monetary instruments or funds being enjoined may

request a hearing to contest and modify the order entered pursuant to this section by petitioning the court that issued the order, so that such notice is received within 72 hours.

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

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

4. Upon determination by the court that the such expenses are valid, payment of such expenses may be effected by the owner of the enjoined monetary instruments or funds only to the court ordered payees through court reviewed checks, issued by the owner of and the person or entity in possession of the enjoined monetary instruments or funds. Upon presentment, the person or entity in possession of the enjoined funds or monetary instruments shall only honor the payment of the check to the court ordered payee.

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

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

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

(10) Any financial institution, licensed money transmitter, or other person served with and complying with the terms of a warrant, temporary injunction, or other court order, including any subpoena issued under the

authority granted by s. 16.56 or s. 27.04, obtained in furtherance of an investigation of any crime in this section, including any crime listed as specified unlawful activity under this section or any felony violation of chapter 560, has immunity from criminal liability and shall not be liable to any person for any lawful action taken in complying with the warrant, temporary injunction, or other court order, including any subpoena issued under the authority granted by s. 16.56 or s. 27.04. If any subpoena issued under the authority granted by s. 16.56 or s. 27.04 contains a nondisclosure provision, any financial institution, licensed money transmitter, employee or officer of a financial institution or licensed money transmitter, or any other person may not notify, directly or indirectly, any customer of that financial institution or licensed money transmitter whose records are being sought by the subpoena, or any other person named in the subpoena, about the existence or the contents of that subpoena or about information that has been furnished to the state attorney or statewide prosecutor who issued the subpoena or other law enforcement officer named in the subpoena in response to the subpoena.

(11) In any prosecution brought pursuant to chapter 896, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

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

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

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

896.104 Structuring transactions to evade reporting or registration requirements prohibited.—

(1) DEFINITIONS.—For purposes of this section, the terms “structure” or “structuring” mean that a person, acting alone, or in conjunction with, or on behalf of, other persons, conducts or attempts to conduct one or more transactions in currency, in any amount, at one or more financial institutions, on one or more days, in any manner, for the purpose of evading currency transaction reporting requirements provided by state or federal law. “In any manner” includes, but is not limited to, the breaking down of a single sum of currency exceeding \$10,000 into smaller sums, including

sums at or below \$10,000, or the conduct of a transaction, or series of currency transactions, at or below \$10,000. The transaction or transactions need not exceed the \$10,000 reporting threshold at any single financial institution on any single day in order to meet the definition of "structure" or "structuring" provided in this subsection.

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

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

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

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

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

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

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

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

(4) CRIMINAL PENALTIES.—

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

1. Financial transactions 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. Financial transactions totaling or exceeding \$20,000 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. Financial transactions totaling or exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

896.105 Penalty provisions not applicable to law enforcement.—The penalty provisions of this chapter, including those directed at reporting violations or the conduct or attempted conduct of unlawful financial transactions, the unlawful transportation or attempted transportation of monetary instruments, and the concealment of unlawful proceeds or their ownership are not applicable to law enforcement officers who engage in aspects of such activity for bona fide authorized undercover law enforcement purposes in the course of or in relation to an active criminal investigation, active criminal intelligence gathering, or active prosecution.

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

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

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

896.107 Rewards for informants.—

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

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
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.
<u>560.123(8)(b)1.</u>	<u>3rd</u>	<u>Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.</u>

Florida Statute	Felony Degree	Description
<u>560.125(5)(a)</u>	<u>3rd</u>	<u>Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</u>
<u>655.50(10)(b)1.</u>	<u>3rd</u>	<u>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</u>
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
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 or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.

Florida Statute	Felony Degree	Description
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
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.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
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.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.

Florida Statute	Felony Degree	Description
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), or (2)(b)) within 1,000 feet of a child care facility or school.
893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
<u>896.101(5)(a)</u>	<u>3rd</u>	<u>Money laundering, financial transactions exceeding \$300 but less than \$20,000.</u>
<u>896.104(4)(a)1.</u>	<u>3rd</u>	<u>Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.</u>
		(h) LEVEL 8
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.

Florida Statute	Felony Degree	Description
<u>560.123(8)(b)2.</u>	<u>2nd</u>	<u>Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.</u>
<u>560.125(5)(b)</u>	<u>2nd</u>	<u>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</u>
<u>655.50(10)(b)2.</u>	<u>2nd</u>	<u>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</u>
777.03(2)(a)	1st	Accessory after the fact, capital felony.
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.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(2)	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
800.04(4)	2nd	Lewd or lascivious battery.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.

Florida Statute	Felony Degree	Description
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
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).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

Florida Statute	Felony Degree	Description
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
<u>896.101(5)(b)</u>	<u>2nd</u>	<u>Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.</u>
<u>896.104(4)(a)2.</u>	<u>2nd</u>	<u>Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.</u>
		(i) LEVEL 9
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
<u>560.123(8)(b)3.</u>	<u>1st</u>	<u>Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.</u>
<u>560.125(5)(c)</u>	<u>1st</u>	<u>Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.</u>
<u>655.50(10)(b)3.</u>	<u>1st</u>	<u>Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.</u>
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.

Florida Statute	Felony Degree	Description
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
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.
790.161	1st	Attempted capital destructive device offense.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

Florida Statute	Felony Degree	Description
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
<u>896.101(5)(c)</u>	<u>1st</u>	<u>Money laundering, financial instruments totaling or exceeding \$100,000.</u>
<u>896.104(4)(a)3.</u>	<u>1st</u>	<u>Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.</u>

Section 25. Section 943.032, Florida Statutes, is created to read:

943.032 Financial Crime Analysis Center and Financial Transaction Database.—

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

(2) The department shall compile information and data available from financial transaction reports required to be submitted by state or federal law that are provided to the Department of Banking and Finance, to the Department of Revenue, or to which the department otherwise has access. Information and data so received shall be utilized by the department in the Financial Transaction Database. The department shall implement a system utilizing the database that allows data review and processing to reveal patterns, trends and correlations that are indicative of money laundering or other financial transactions indicative of criminal activity. The department shall, in consultation with the Department of Banking and Finance and the Department of Revenue, establish the methods and parameters by which information and data received by the Department of Banking and Finance or the Department of Revenue are transferred to the department for inclusion in the database. Information developed in or through the use of the database shall be made available to law enforcement agencies and prosecutors in this state in a manner defined by the department and as allowed by state or federal law or regulation. All information contained in the database shall be considered “active criminal intelligence” or “active criminal investigative information” as defined in s. 119.011.

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

Section 26. For fiscal year 2000-2001, 15 FTE and \$1,600,000 from the State Transportation Trust Fund are appropriated to the Department of Transportation, Office of Motor Carrier Compliance, for the purpose of creating a contraband interdiction program within the Office of Motor Carrier Compliance. The 15 FTE consists of seven certified K-9 handlers, seven felony officers, and one support staff. The teams are created to patrol major highway corridors and commercial weigh stations in order to reduce the flow of illicit drugs and illegal contraband on Florida's highway systems. The department shall seek additional funding from federal grants and forfeiture proceedings, and may amend its budget in accordance with the provisions of chapter 216, Florida Statutes.

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

Approved by the Governor June 23, 2000.

Filed in Office Secretary of State June 23, 2000.