

By Senator Burt

16-409-01

1                                   A bill to be entitled  
 2           An act relating to public records; creating s.  
 3           817.569, F.S.; providing that it is a  
 4           misdemeanor of the first degree to use a public  
 5           record, or information obtained from a public  
 6           record, to facilitate the commission of a  
 7           misdemeanor of the first degree; providing that  
 8           it is a felony of the third degree to use a  
 9           public record, or information obtained from a  
 10          public record, to facilitate the commission of  
 11          a felony; amending s. 921.0022, F.S., relating  
 12          to the offense severity ranking chart of the  
 13          Criminal Punishment Code; conforming provisions  
 14          to the act; providing an effective date.

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

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 18           Section 1. Section 817.569, Florida Statutes, is  
 19 created to read:

20           817.569 Criminal use of a public record or public  
 21 records information; penalties.--A person who knowingly uses  
 22 any public record, as defined in s. 119.011, or who knowingly  
 23 uses information obtainable only through such public record,  
 24 to facilitate or further the commission of:

25           (1) A misdemeanor of the first degree, commits a  
 26 misdemeanor of the first degree, punishable as provided in s.  
 27 775.082 or s. 775.083.

28           (2) A felony, commits a felony of the third degree,  
 29 punishable as provided in s. 775.082, s. 775.083, or s.  
 30 775.084.

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1           Section 2. Paragraph (a) of subsection (3) of section  
2 921.0022, Florida Statutes, is amended to read:

3           921.0022 Criminal Punishment Code; offense severity  
4 ranking chart.--

5           (3) OFFENSE SEVERITY RANKING CHART

6	7 Florida	8 Felony	
9	10 Statute	11 Degree	12 Description
13			(a) LEVEL 1
14	24.118(3)(a)	3rd	Counterfeit or altered state 15 lottery ticket.
16	212.054(2)(b)	3rd	Discretionary sales surtax; 17 limitations, administration, and 18 collection.
19	212.15(2)(b)	3rd	Failure to remit sales taxes, 20 amount greater than \$300 but less 21 than \$20,000.
22	319.30(5)	3rd	Sell, exchange, give away 23 certificate of title or 24 identification number plate.
25	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an 26 odometer.
27	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell 28 registration license plates or 29 validation stickers.
30	322.212(1)	3rd	Possession of forged, stolen, 31 counterfeit, or unlawfully issued driver's license; possession of simulated identification.

1	322.212(4)	3rd	Supply or aid in supplying
2			unauthorized driver's license or
3			identification card.
4	322.212(5)(a)	3rd	False application for driver's
5			license or identification card.
6	370.13(3)(a)	3rd	Molest any stone crab trap, line,
7			or buoy which is property of
8			licenseholder.
9	370.135(1)	3rd	Molest any blue crab trap, line,
10			or buoy which is property of
11			licenseholder.
12	372.663(1)	3rd	Poach any alligator or
13			crocodilia.
14	414.39(2)	3rd	Unauthorized use, possession,
15			forgery, or alteration of food
16			stamps, Medicaid ID, value
17			greater than \$200.
18	414.39(3)(a)	3rd	Fraudulent misappropriation of
19			public assistance funds by
20			employee/official, value more
21			than \$200.
22	443.071(1)	3rd	False statement or representation
23			to obtain or increase
24			unemployment compensation
25			benefits.
26	509.151(1)	3rd	Defraud an innkeeper, food or
27			lodging value greater than \$300.
28	517.302(1)	3rd	Violation of the Florida
29			Securities and Investor
30			Protection Act.
31	562.27(1)	3rd	Possess still or still apparatus.

1	713.69	3rd	Tenant removes property upon
2			which lien has accrued, value
3			more than \$50.
4	812.014(3)(c)	3rd	Petit theft (3rd conviction);
5			theft of any property not
6			specified in subsection (2).
7	812.081(2)	3rd	Unlawfully makes or causes to be
8			made a reproduction of a trade
9			secret.
10	815.04(4)(a)	3rd	Offense against intellectual
11			property (i.e., computer
12			programs, data).
13	817.52(2)	3rd	Hiring with intent to defraud,
14			motor vehicle services.
15	<u>817.569(2)</u>	<u>3rd</u>	<u>Use of public record or public</u>
16			<u>records information to facilitate</u>
17			<u>commission of a felony.</u>
18	826.01	3rd	Bigamy.
19	828.122(3)	3rd	Fighting or baiting animals.
20	831.04(1)	3rd	Any erasure, alteration, etc., of
21			any replacement deed, map, plat,
22			or other document listed in s.
23			92.28.
24	831.31(1)(a)	3rd	Sell, deliver, or possess
25			counterfeit controlled
26			substances, all but s. 893.03(5)
27			drugs.
28	832.041(1)	3rd	Stopping payment with intent to
29			defraud \$150 or more.
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1	832.05		
2	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
3			worthless checks \$150 or more or
4			obtaining property in return for
5			worthless check \$150 or more.
6	838.015(3)	3rd	Bribery.
7	838.016(1)	3rd	Public servant receiving unlawful
8			compensation.
9	838.15(2)	3rd	Commercial bribe receiving.
10	838.16	3rd	Commercial bribery.
11	843.18	3rd	Fleeing by boat to elude a law
12			enforcement officer.
13	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
14			lewd, etc., material (2nd
15			conviction).
16	849.01	3rd	Keeping gambling house.
17	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
18			or assist therein, conduct or
19			advertise drawing for prizes, or
20			dispose of property or money by
21			means of lottery.
22	849.23	3rd	Gambling-related machines;
23			"common offender" as to property
24			rights.
25	849.25(2)	3rd	Engaging in bookmaking.
26	860.08	3rd	Interfere with a railroad signal.
27	860.13(1)(a)	3rd	Operate aircraft while under the
28			influence.
29	893.13(2)(a)2.	3rd	Purchase of cannabis.
30	893.13(6)(a)	3rd	Possession of cannabis (more than
31			20 grams).

1 893.13(7)(a)10. 3rd Affix false or forged label to  
2 package of controlled substance.  
3 934.03(1)(a) 3rd Intercepts, or procures any other  
4 person to intercept, any wire or  
5 oral communication.

6 Section 3. This act shall take effect July 1, 2001.

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9 SENATE SUMMARY

10 Provides that it is a first-degree misdemeanor to use a  
11 public record, or information obtained from a public  
12 record, to facilitate the commission of a first-degree  
13 misdemeanor. Provides that it is a third-degree felony to  
14 use a public record, or information obtained from a  
15 public record, to facilitate the commission of a felony.  
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