

By the Committees on Appropriations; Criminal Justice; and  
Senator Crist

309-2323-03

1                                   A bill to be entitled  
2           An act relating to identity theft and Internet  
3           fraud prevention, investigation, and  
4           prosecution; amending s. 817.568, F.S.;  
5           expanding the definition of personal  
6           identification information; revising the  
7           elements of the offense of criminal use of  
8           personal identification information in which  
9           such use results in an unlawful benefit,  
10          injury, or fraud; providing for mandatory  
11          minimum terms of imprisonment for certain acts  
12          of criminal use of personal identification  
13          information; amending s. 934.23, F.S.;  
14          providing a definition; clarifying that Florida  
15          judges with jurisdiction over specific crimes  
16          have authority to issue search warrants for  
17          electronic evidence relating thereto,  
18          regardless of where the electronic evidence is  
19          situated; creating s. 92.605, F.S.; providing  
20          definitions; providing for self-authentication  
21          for out-of-state business records under certain  
22          circumstances with notice to opponent;  
23          providing for procedures; amending s. 921.0022,  
24          F.S., relating to the offense severity ranking  
25          chart of the Criminal Punishment Code;  
26          conforming provisions to changes made by the  
27          act; providing an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Section 817.568, Florida Statutes, is  
2 amended to read:

3           817.568 Criminal use of personal identification  
4 information.--

5           (1) As used in this section, the term:

6           (a) "Access device" means any card, plate, code,  
7 account number, electronic serial number, mobile  
8 identification number, personal identification number, or  
9 other telecommunications service, equipment, or instrument  
10 identifier, or other means of account access that can be used,  
11 alone or in conjunction with another access device, to obtain  
12 money, goods, services, or any other thing of value, or that  
13 can be used to initiate a transfer of funds, other than a  
14 transfer originated solely by paper instrument.

15           (b) "Authorization" means empowerment, permission, or  
16 competence to act.

17           (c) "Harass" means to engage in conduct directed at a  
18 specific person that is intended to cause substantial  
19 emotional distress to such person and serves no legitimate  
20 purpose. "Harass" does not mean to use personal identification  
21 information for accepted commercial purposes. The term does  
22 not include constitutionally protected conduct such as  
23 organized protests or the use of personal identification  
24 information for accepted commercial purposes.

25           (d) "Individual" means a single human being and does  
26 not mean a firm, association of individuals, corporation,  
27 partnership, joint venture, sole proprietorship, or any other  
28 entity.

29           (e) "Person" means a "person" as defined in s.  
30 1.01(3).

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1 (f) "Personal identification information" means any  
2 name or number that may be used, alone or in conjunction with  
3 any other information, to identify a specific individual,  
4 including any:

5 1. Name, social security number, date of birth,  
6 official state-issued or United States-issued driver's license  
7 or identification number, alien registration number,  
8 government passport number, employer or taxpayer  
9 identification number, ~~or~~ Medicaid or food stamp account  
10 number, or bank account or credit card number;

11 2. Unique biometric data, such as fingerprint, voice  
12 print, retina or iris image, or other unique physical  
13 representation;

14 3. Unique electronic identification number, address,  
15 or routing code; or

16 4. Telecommunication identifying information or access  
17 device.

18 (2)(a) Any person who willfully and without  
19 authorization fraudulently uses, or possesses with intent to  
20 fraudulently use, personal identification information  
21 concerning an individual without first obtaining that  
22 individual's consent, commits the offense of fraudulent use of  
23 personal identification information, which is a felony of the  
24 third degree, punishable as provided in s. 775.082, s.  
25 775.083, or s. 775.084.

26 (b) Any person who willfully and without authorization  
27 fraudulently uses personal identification information  
28 concerning an individual without first obtaining that  
29 individual's consent commits a felony of the second degree,  
30 punishable as provided in s. 775.082, s. 775.083, or s.  
31 775.084, if the pecuniary benefit, the value of the services

1 received, the payment sought to be avoided, or the amount of  
2 the injury or fraud perpetrated is \$5,000~~\$75,000~~ or more or  
3 if the person fraudulently uses the personal identification  
4 information of 10 or more individuals without their consent.  
5 Notwithstanding any other provision of law, the court shall  
6 sentence any person convicted of committing the offense  
7 described in this paragraph to a mandatory minimum sentence of  
8 3 years' imprisonment.

9       (c) Any person who willfully and without authorization  
10 fraudulently uses personal identification information  
11 concerning an individual without first obtaining that  
12 individual's consent commits a felony of the first degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s.  
14 775.084, if the pecuniary benefit, the value of the services  
15 received, the payment sought to be avoided, or the amount of  
16 the injury or fraud perpetrated is \$50,000 or more or if the  
17 person fraudulently uses the personal identification  
18 information of 20 or more individuals without their consent.  
19 Notwithstanding any other provision of law, the court shall  
20 sentence any person convicted of committing the offense  
21 described in this paragraph:

22           1. To a mandatory minimum sentence of 5 years'  
23 imprisonment.

24           2. To a mandatory minimum sentence of 10 years'  
25 imprisonment, if the pecuniary benefit, the value of the  
26 services received, the payment sought to be avoided, or the  
27 amount of the injury or fraud perpetrated is \$100,000 or more  
28 or if the person fraudulently uses the personal identification  
29 information of 30 or more individuals without their consent.

30           (3) Neither paragraph (2)(b) nor paragraph (2)(c)  
31 prevents a court from imposing a greater sentence of

1 incarceration as authorized by law. If the minimum mandatory  
2 terms of imprisonment imposed under paragraph (2)(b) or  
3 paragraph (2)(c) exceed the maximum sentences authorized under  
4 s. 775.082, s. 775.084, or the Criminal Punishment Code under  
5 chapter 921, the mandatory minimum sentence must be imposed.  
6 If the mandatory minimum terms of imprisonment under paragraph  
7 (2)(b) or paragraph (2)(c) are less than the sentence that  
8 could be imposed under s. 775.082, s. 775.084, or the Criminal  
9 Punishment Code under chapter 921, the sentence imposed by the  
10 court must include the mandatory minimum term of imprisonment  
11 as required by paragraph (2)(b) or paragraph (2)(c).

12 (4)(3) Any person who willfully and without  
13 authorization possesses, uses, or attempts to use personal  
14 identification information concerning an individual without  
15 first obtaining that individual's consent, and who does so for  
16 the purpose of harassing that individual, commits the offense  
17 of harassment by use of personal identification information,  
18 which is a misdemeanor of the first degree, punishable as  
19 provided in s. 775.082 or s. 775.083.

20 (5)(4) If an offense prohibited under this section was  
21 facilitated or furthered by the use of a public record, as  
22 defined in s. 119.011, the offense is reclassified to the next  
23 higher degree as follows:

24 (a) A misdemeanor of the first degree is reclassified  
25 as a felony of the third degree.

26 (b) A felony of the third degree is reclassified as a  
27 felony of the second degree.

28 (c) A felony of the second degree is reclassified as a  
29 felony of the first degree.

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1 For purposes of sentencing under chapter 921 and incentive  
2 gain-time eligibility under chapter 944, a felony offense that  
3 is reclassified under this subsection is ranked one level  
4 above the ranking under s. 921.0022 of the felony offense  
5 committed, and a misdemeanor offense that is reclassified  
6 under this subsection is ranked in level 2 of the offense  
7 severity ranking chart in s. 921.0022.

8 (6) Any person who willfully and without authorization  
9 fraudulently uses personal identification information  
10 concerning an individual who is less than 18 years of age  
11 without first obtaining the consent of that individual or of  
12 his or her legal guardian commits a felony of the second  
13 degree, punishable as provided in s. 775.082, s. 775.083, or  
14 s. 775.084.

15 (7) Any person who is in the relationship of parent or  
16 legal guardian, or who otherwise exercises custodial authority  
17 over an individual who is less than 18 years of age, who  
18 willfully and fraudulently uses personal identification  
19 information of that individual commits a felony of the second  
20 degree, punishable as provided in s. 775.082, s. 775.083, or  
21 s. 775.084.

22 ~~(8)~~~~(5)~~ This section does not prohibit any lawfully  
23 authorized investigative, protective, or intelligence activity  
24 of a law enforcement agency of this state or any of its  
25 political subdivisions, of any other state or its political  
26 subdivisions, or of the Federal Government or its political  
27 subdivisions.

28 ~~(9)~~~~(6)~~(a) In sentencing a defendant convicted of an  
29 offense under this section, the court may order that the  
30 defendant make restitution pursuant to s. 775.089 to any  
31 victim of the offense. In addition to the victim's

1 out-of-pocket costs, such restitution may include payment of  
2 any other costs, including attorney's fees incurred by the  
3 victim in clearing the victim's credit history or credit  
4 rating, or any costs incurred in connection with any civil or  
5 administrative proceeding to satisfy any debt, lien, or other  
6 obligation of the victim arising as the result of the actions  
7 of the defendant.

8 (b) The sentencing court may issue such orders as are  
9 necessary to correct any public record that contains false  
10 information given in violation of this section.

11 (10)~~(7)~~ Prosecutions for violations of this section  
12 may be brought on behalf of the state by any state attorney or  
13 by the statewide prosecutor.

14 (11)~~(8)~~ The Legislature finds that, in the absence of  
15 evidence to the contrary, the location where a victim gives or  
16 fails to give consent to the use of personal identification  
17 information is the county where the victim generally resides.

18 (12)~~(9)~~ Notwithstanding any other provision of law,  
19 venue for the prosecution and trial of violations of this  
20 section may be commenced and maintained in any county in which  
21 an element of the offense occurred, including the county where  
22 the victim generally resides.

23 (13)~~(10)~~ A prosecution of an offense prohibited under  
24 subsection (2), subsection (6), or subsection (7) must be  
25 commenced within 3 years after the offense occurred. However,  
26 a prosecution may be commenced within 1 year after discovery  
27 of the offense by an aggrieved party, or by a person who has a  
28 legal duty to represent the aggrieved party and who is not a  
29 party to the offense, if such prosecution is commenced within  
30 5 years after the violation occurred.

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1           Section 2. Subsection (1) of section 934.23, Florida  
2 Statutes, is amended to read:

3           934.23 Required disclosure of customer communications  
4 or records.--

5           (1) An investigative or law enforcement officer may  
6 require the disclosure by a provider of electronic  
7 communication service of the contents of a wire or electronic  
8 communication that has been in electronic storage in an  
9 electronic communications system for 180 days or less only  
10 pursuant to a warrant issued by the judge of a court of  
11 competent jurisdiction. As used in this section, the term "a  
12 court of competent jurisdiction" means a court that has  
13 jurisdiction over the investigation or that is otherwise  
14 authorized by law.An investigative or law enforcement officer  
15 may require the disclosure by a provider of electronic  
16 communication services of the contents of a wire or electronic  
17 communication that has been in electronic storage in an  
18 electronic communications system for more than 180 days by the  
19 means available under subsection (2).

20           Section 3. Section 92.605, Florida Statutes, is  
21 created to read:

22           92.605 Production of certain records by Florida  
23 businesses and out-of-state corporations.

24           (1) For the purposes of this section, the term:

25           (a) "Adverse result" includes one of the following  
26 consequences to notification of the existence of a court  
27 order, a subpoena, or a search warrant:

28           1. Danger to the life or physical safety of an  
29 individual.

30           2. A flight from prosecution.

31           3. The destruction of or tampering with evidence.



1           4. The intimidation of potential witnesses.  
2           5. Serious jeopardy to an investigation or undue delay  
3 of a trial.  
4           (b) "Applicant" means a law enforcement officer who is  
5 seeking a court order or subpoena under s. 16.56, s. 27.04, s.  
6 905.185, or s. 914.04 or who is issued a search warrant under  
7 s. 933.01, or anyone who is authorized to issue a subpoena  
8 under the Florida Rules of Criminal Procedure.  
9           (c) "Business" means any business, institution,  
10 association, profession, occupation, or calling of any kind,  
11 whether or not conducted for profit.  
12           (d) "Electronic communication services" and "remote  
13 computing services" have the same meaning as provided in the  
14 Electronic Communications Privacy Act in chapter 121  
15 (commencing with s. 2701) of Part I of Title 18 of the United  
16 States Code Annotated. This section does not apply to  
17 corporations that do not provide those services to the public.  
18           (e) "Out-of-state corporation" means any corporation  
19 that is qualified to do business in this state under s.  
20 607.1501.  
21           (f) "Out-of-state record of regularly conducted  
22 business activity" means a memorandum, report, record, or data  
23 compilation, in any form, of acts, events, conditions,  
24 opinions, or diagnoses, maintained in another state or  
25 country.  
26           (g) "Out-of-state certification" means a written  
27 declaration made and signed in another state or country by the  
28 custodian of an out-of-state record of regularly conducted  
29 business activity or another qualified person that, if falsely  
30 made, would subject the declarant to criminal penalty under  
31 the laws of another state or country.

1           (h) "Properly served" means delivery by hand or in a  
2 manner reasonably allowing for proof of delivery if delivered  
3 by United States mail, overnight delivery service, or  
4 facsimile to a person or entity properly registered to do  
5 business in any state.

6           (2) The following provisions apply to any subpoena,  
7 court order, or search warrant issued in compliance with the  
8 Electronic Communications Privacy Act in chapter 121  
9 (commencing with s. 2701) of Part I of Title 18 of the United  
10 States Code and that is subject to this chapter, which allows  
11 a search for records that are in the actual or constructive  
12 possession of an out-of-state corporation that provides  
13 electronic communication services or remote computing services  
14 to the public, when those records would reveal the identity of  
15 the customers using those services; data stored by, or on  
16 behalf of, the customers; the customers' usage of those  
17 services; or the recipients or destinations of communications  
18 sent to or from those customers.

19           (a) Any subpoena, court order, or warrant issued under  
20 this subsection must contain the following language in bold  
21 type on the first page of the document: "This (subpoena,  
22 order, warrant) is issued pursuant to Florida Statute s.  
23 92.605. A response is due within 20 business days of receipt  
24 of this (subpoena, order, warrant) unless a longer time period  
25 is stated herein."

26           (b) When properly served with a subpoena, court order,  
27 or search warrant issued by a Florida court or other  
28 applicant, an out-of-state corporation subject to this section  
29 shall provide to the applicant all records sought pursuant to  
30 such subpoena, court order, or warrant within 20 business days  
31 after receipt, or the date indicated within the subpoena, if

1 later, including those records maintained or located outside  
2 the State of Florida. If the records cannot be produced within  
3 the 20-day time period, the out-of-state corporation shall  
4 notify the applicant within the 20-day time period and agree  
5 to produce the documents at the earliest possible time. The  
6 applicant shall pay the out-of-state corporation the  
7 reasonable expenses associated with compliance.

8 (c) When the applicant makes a showing and the court  
9 finds that failure to produce records within 20 business days  
10 would cause an adverse result, the subpoena, court order, or  
11 warrant may require production of records within less than 20  
12 business days. A court may reasonably extend the time required  
13 for production of the records upon finding that the  
14 out-of-state corporation needs the extension and that an  
15 extension of time would not cause an adverse result.

16 (d) An out-of-state corporation seeking to quash or  
17 object to the subpoena, court order, or warrant must seek  
18 relief from the court issuing such subpoena, court order, or  
19 warrant within the time required for production of records  
20 under this section. The issuing court shall hear and decide  
21 that motion within 5 court days after the motion is filed.

22 (e) Upon written request from the applicant or if  
23 ordered by the court, the out-of-state corporation shall  
24 verify the authenticity of records that it produces by  
25 providing an affidavit that complies with the requirements set  
26 forth in this section. Records produced in compliance with  
27 this section are admissible in evidence as set forth in  
28 subsection (5).

29 (3) A Florida business that provides electronic  
30 communication services or remote computing services to the  
31 public, when served with a subpoena, court order, or warrant

1 issued by another state to produce records that would reveal  
2 the identity of the customers using those services; data  
3 stored by, or on behalf of, the customers; the customers'  
4 usage of those services; or the recipients or destinations of  
5 communications sent to or from those customers shall produce  
6 those records as if that subpoena, court order, or warrant had  
7 been issued by a Florida court.

8 (4) A cause of action does not arise against any  
9 out-of-state corporation or Florida business subject to this  
10 section, or its officers, employees, agents, or other  
11 specified persons, for providing records, information,  
12 facilities, or assistance in accordance with the terms of a  
13 subpoena, court order, or warrant subject to this section.

14 (5) In a criminal proceeding in a court of this state,  
15 an out-of-state record of regularly conducted business  
16 activity, or a copy of such record, shall not be excluded as  
17 hearsay evidence by s. 90.802, if an out-of-state  
18 certification attests that:

19 (a) Such record was made at or near the time of the  
20 occurrence of the matters set forth by, or from information  
21 transmitted by, a person with knowledge of those matters.

22 (b) Such record was kept in the course of a regularly  
23 conducted business activity.

24 (c) The business activity made such a record as a  
25 regular practice.

26 (d) If such record is not the original, it is a  
27 duplicate of the original, unless the source of information or  
28 the method or circumstances of preparation indicate lack of  
29 trustworthiness.

30 (6) An out-of-state certification under this section  
31 shall authenticate such record or duplicate.



1	316.027(1)(a)	3rd	Accidents involving personal
2			injuries, failure to stop;
3			leaving scene.
4	316.1935(4)	2nd	Aggravated fleeing or eluding.
5	322.34(6)	3rd	Careless operation of motor
6			vehicle with suspended license,
7			resulting in death or serious
8			bodily injury.
9	327.30(5)	3rd	Vessel accidents involving
10			personal injury; leaving scene.
11	381.0041		
12	(11)(b)	3rd	Donate blood, plasma, or organs
13			knowing HIV positive.
14	790.01(2)	3rd	Carrying a concealed firearm.
15	790.162	2nd	Threat to throw or discharge
16			destructive device.
17	790.163(1)	2nd	False report of deadly explosive
18			or weapon of mass destruction.
19	790.221(1)	2nd	Possession of short-barreled
20			shotgun or machine gun.
21	790.23	2nd	Felons in possession of firearms
22			or electronic weapons or devices.
23	800.04(6)(c)	3rd	Lewd or lascivious conduct;
24			offender less than 18 years.
25	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
26			offender 18 years or older.
27	806.111(1)	3rd	Possess, manufacture, or dispense
28			fire bomb with intent to damage
29			any structure or property.
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1	812.0145(2)(b)	2nd	Theft from person 65 years of age
2			or older; \$10,000 or more but
3			less than \$50,000.
4	812.015(8)	3rd	Retail theft; property stolen is
5			valued at \$300 or more and one or
6			more specified acts.
7	812.019(1)	2nd	Stolen property; dealing in or
8			trafficking in.
9	812.131(2)(b)	3rd	Robbery by sudden snatching.
10	812.16(2)	3rd	Owning, operating, or conducting
11			a chop shop.
12	817.034(4)(a)2.	2nd	Communications fraud, value
13			\$20,000 to \$50,000.
14	817.234(11)(b)	2nd	Insurance fraud; property value
15			\$20,000 or more but less than
16			\$100,000.
17	817.568(2)(b)	2nd	Fraudulent use of personal
18			identification information; value
19			of benefit, services received,
20			payment avoided, or amount of
21			injury or fraud, <del>\$5,000</del> <del>\$75,000</del>
22			or more <u>or use of personal</u>
23			<u>identification information of 10</u>
24			<u>or more individuals.</u>
25	817.625(2)(b)	2nd	Second or subsequent fraudulent
26			use of scanning device or
27			reencoder.
28	825.1025(4)	3rd	Lewd or lascivious exhibition in
29			the presence of an elderly person
30			or disabled adult.
31			

1	827.071(4)	2nd	Possess with intent to promote
2			any photographic material, motion
3			picture, etc., which includes
4			sexual conduct by a child.
5	839.13(2)(b)	2nd	Falsifying records of an
6			individual in the care and
7			custody of a state agency
8			involving great bodily harm or
9			death.
10	843.01	3rd	Resist officer with violence to
11			person; resist arrest with
12			violence.
13	874.05(2)	2nd	Encouraging or recruiting another
14			to join a criminal street gang;
15			second or subsequent offense.
16	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
17			cocaine (or other s.
18			893.03(1)(a), (1)(b), (1)(d),
19			(2)(a), (2)(b), or (2)(c)4.
20			drugs).
21	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
22			cannabis (or other s.
23			893.03(1)(c), (2)(c)1., (2)(c)2.,
24			(2)(c)3., (2)(c)5., (2)(c)6.,
25			(2)(c)7., (2)(c)8., (2)(c)9.,
26			(3), or (4) drugs) within 1,000
27			feet of a child care facility or
28			school.
29			
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1	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d),
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 200 feet of
6			university or public park.
7	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
8			cannabis or other drug prohibited
9			under s. 893.03(1)(c), (2)(c)1.,
10			(2)(c)2., (2)(c)3., (2)(c)5.,
11			(2)(c)6., (2)(c)7., (2)(c)8.,
12			(2)(c)9., (3), or (4) within
13			1,000 feet of property used for
14			religious services or a specified
15			business site.
16	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
17			cocaine (or other s.
18			893.03(1)(a), (1)(b), (1)(d), or
19			(2)(a), (2)(b), or (2)(c)4.
20			drugs) within 200 feet of public
21			housing facility.
22	893.13(4)(b)	2nd	Deliver to minor cannabis (or
23			other s. 893.03(1)(c), (2)(c)1.,
24			(2)(c)2., (2)(c)3., (2)(c)5.,
25			(2)(c)6., (2)(c)7., (2)(c)8.,
26			(2)(c)9., (3), or (4) drugs).
27			(h) LEVEL 8
28	316.193		
29	(3)(c)3.a.	2nd	DUI manslaughter.
30	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
31			

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

1	782.072(2)	1st	Committing vessel homicide and
2			failing to render aid or give
3			information.
4	790.161(3)	1st	Discharging a destructive device
5			which results in bodily harm or
6			property damage.
7	794.011(5)	2nd	Sexual battery, victim 12 years
8			or over, offender does not use
9			physical force likely to cause
10			serious injury.
11	800.04(4)	2nd	Lewd or lascivious battery.
12	806.01(1)	1st	Maliciously damage dwelling or
13			structure by fire or explosive,
14			believing person in structure.
15	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
16	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
17			or dangerous weapon.
18	810.02(2)(c)	1st	Burglary of a dwelling or
19			structure causing structural
20			damage or \$1,000 or more property
21			damage.
22	812.13(2)(b)	1st	Robbery with a weapon.
23	812.135(2)	1st	Home-invasion robbery.
24	<u>817.568(6)</u>	<u>2nd</u>	<u>Fraudulent use of personal</u>
25			<u>identification information of an</u>
26			<u>individual under the age of 18.</u>
27	825.102(2)	2nd	Aggravated abuse of an elderly
28			person or disabled adult.
29	825.1025(2)	2nd	Lewd or lascivious battery upon
30			an elderly person or disabled
31			adult.

1	825.103(2)(a)	1st	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$100,000 or more.
4	837.02(2)	2nd	Perjury in official proceedings
5			relating to prosecution of a
6			capital felony.
7	837.021(2)	2nd	Making contradictory statements
8			in official proceedings relating
9			to prosecution of a capital
10			felony.
11	860.121(2)(c)	1st	Shooting at or throwing any
12			object in path of railroad
13			vehicle resulting in great bodily
14			harm.
15	860.16	1st	Aircraft piracy.
16	893.13(1)(b)	1st	Sell or deliver in excess of 10
17			grams of any substance specified
18			in s. 893.03(1)(a) or (b).
19	893.13(2)(b)	1st	Purchase in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.13(6)(c)	1st	Possess in excess of 10 grams of
23			any substance specified in s.
24			893.03(1)(a) or (b).
25	893.135(1)(a)2.	1st	Trafficking in cannabis, more
26			than 2,000 lbs., less than 10,000
27			lbs.
28	893.135		
29	(1)(b)1.b.	1st	Trafficking in cocaine, more than
30			200 grams, less than 400 grams.
31			

1	893.135		
2	(1)(c)1.b.	1st	Trafficking in illegal drugs,
3			more than 14 grams, less than 28
4			grams.
5	893.135		
6	(1)(d)1.b.	1st	Trafficking in phencyclidine,
7			more than 200 grams, less than
8			400 grams.
9	893.135		
10	(1)(e)1.b.	1st	Trafficking in methaqualone, more
11			than 5 kilograms, less than 25
12			kilograms.
13	893.135		
14	(1)(f)1.b.	1st	Trafficking in amphetamine, more
15			than 28 grams, less than 200
16			grams.
17	893.135		
18	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
19			grams or more, less than 28
20			grams.
21	893.135		
22	(1)(h)1.b.	1st	Trafficking in
23			gamma-hydroxybutyric acid (GHB),
24			5 kilograms or more, less than 10
25			kilograms.
26	893.135		
27	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
28			kilograms or more, less than 10
29			kilograms.
30			
31			

1	893.135		
2	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
3			200 grams or more, less than 400
4			grams.
5	895.03(1)	1st	Use or invest proceeds derived
6			from pattern of racketeering
7			activity.
8	895.03(2)	1st	Acquire or maintain through
9			racketeering activity any
10			interest in or control of any
11			enterprise or real property.
12	895.03(3)	1st	Conduct or participate in any
13			enterprise through pattern of
14			racketeering activity.
15	896.101(5)(b)	2nd	Money laundering, financial
16			transactions totaling or
17			exceeding \$20,000, but less than
18			\$100,000.
19	896.104(4)(a)2.	2nd	Structuring transactions to evade
20			reporting or registration
21			requirements, financial
22			transactions totaling or
23			exceeding \$20,000 but less than
24			\$100,000.
25			(i) LEVEL 9
26	316.193		
27	(3)(c)3.b.	1st	DUI manslaughter; failing to
28			render aid or give information.
29	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
30			render aid or give information.
31			

1	560.123(8)(b)3.	1st	Failure to report currency or
2			payment instruments totaling or
3			exceeding \$100,000 by money
4			transmitter.
5	560.125(5)(c)	1st	Money transmitter business by
6			unauthorized person, currency, or
7			payment instruments totaling or
8			exceeding \$100,000.
9	655.50(10)(b)3.	1st	Failure to report financial
10			transactions totaling or
11			exceeding \$100,000 by financial
12			institution.
13	775.0844	1st	Aggravated white collar crime.
14	782.04(1)	1st	Attempt, conspire, or solicit to
15			commit premeditated murder.
16	782.04(3)	1st,PBL	Accomplice to murder in
17			connection with arson, sexual
18			battery, robbery, burglary, and
19			other specified felonies.
20	782.051(1)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony enumerated in
23			s. 782.04(3).
24	782.07(2)	1st	Aggravated manslaughter of an
25			elderly person or disabled adult.
26	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
27			reward or as a shield or hostage.
28	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
29			or facilitate commission of any
30			felony.
31			

1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	790.166(2)	1st,PBL	Possessing, selling, using, or
14			attempting to use a weapon of
15			mass destruction.
16	794.011(2)	1st	Attempted sexual battery; victim
17			less than 12 years of age.
18	794.011(2)	Life	Sexual battery; offender younger
19			than 18 years and commits sexual
20			battery on a person less than 12
21			years.
22	794.011(4)	1st	Sexual battery; victim 12 years
23			or older, certain circumstances.
24	794.011(8)(b)	1st	Sexual battery; engage in sexual
25			conduct with minor 12 to 18 years
26			by person in familial or
27			custodial authority.
28	800.04(5)(b)	1st	Lewd or lascivious molestation;
29			victim less than 12 years;
30			offender 18 years or older.
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1	812.13(2)(a)	1st,PBL	Robbery with firearm or other
2			deadly weapon.
3	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
4			deadly weapon.
5	<u>817.568(7)(a)</u>	<u>2nd,PBL</u>	<u>Fraudulent use of personal</u>
6			<u>identification information of an</u>
7			<u>individual under the age of 18 by</u>
8			<u>his or her parent, legal</u>
9			<u>guardian, or person exercising</u>
10			<u>custodial authority.</u>
11	827.03(2)	1st	Aggravated child abuse.
12	847.0145(1)	1st	Selling, or otherwise
13			transferring custody or control,
14			of a minor.
15	847.0145(2)	1st	Purchasing, or otherwise
16			obtaining custody or control, of
17			a minor.
18	859.01	1st	Poisoning or introducing
19			bacteria, radioactive materials,
20			viruses, or chemical compounds
21			into food, drink, medicine, or
22			water with intent to kill or
23			injure another person.
24	893.135	1st	Attempted capital trafficking
25			offense.
26	893.135(1)(a)3.	1st	Trafficking in cannabis, more
27			than 10,000 lbs.
28	893.135		
29	(1)(b)1.c.	1st	Trafficking in cocaine, more than
30			400 grams, less than 150
31			kilograms.

1	893.135		
2	(1)(c)1.c.	1st	Trafficking in illegal drugs,
3			more than 28 grams, less than 30
4			kilograms.
5	893.135		
6	(1)(d)1.c.	1st	Trafficking in phencyclidine,
7			more than 400 grams.
8	893.135		
9	(1)(e)1.c.	1st	Trafficking in methaqualone, more
10			than 25 kilograms.
11	893.135		
12	(1)(f)1.c.	1st	Trafficking in amphetamine, more
13			than 200 grams.
14	893.135		
15	(1)(h)1.c.	1st	Trafficking in
16			gamma-hydroxybutyric acid (GHB),
17			10 kilograms or more.
18	893.135		
19	(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
20			kilograms or more.
21	893.135		
22	(1)(k)2.c.	1st	Trafficking in Phenethylamines,
23			400 grams or more.
24	896.101(5)(c)	1st	Money laundering, financial
25			instruments totaling or exceeding
26			\$100,000.
27	896.104(4)(a)3.	1st	Structuring transactions to evade
28			reporting or registration
29			requirements, financial
30			transactions totaling or
31			exceeding \$100,000.

1           Section 5. This act shall take effect July 1, 2003.

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3                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
4                                 COMMITTEE SUBSTITUTE FOR  
5                                 CS for SB 1072

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7           The Committee Substitute increases penalties for identity  
8           theft if the offense was committed using a child's personal  
9           identification information. It increases penalties even more  
10          when the offense was committed using the personal  
11          identification information of the offender's child. It amends  
12          the security of communications statutes to provide Florida  
13          judges the ability to issue search warrants and subpoenas for  
14          electronic information stored and accessible by the internet  
15          in crimes occurring within their jurisdiction. The bill  
16          creates a new hearsay exception in the Florida evidence code  
17          and allows for out-of-state business records to be received in  
18          evidence as "self-authenticating" in criminal cases.

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