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CHAMBER ACTION

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6 The Committee on Public Safety & Crime Prevention recommends the
7 following:

Committee Substitute

8
9 Remove the entire bill and insert:

10 A bill to be entitled

11
12 An act relating to identity theft and Internet fraud
13 prevention, investigation, and prosecution; amending s.
14 817.568, F.S.; expanding the definition of personal
15 identification information; revising the elements of the
16 offense of criminal use of personal identification
17 information in which such use results in an unlawful
18 benefit, injury, or fraud; providing for mandatory minimum
19 terms of imprisonment for certain acts of criminal use of
20 personal identification information; amending s. 934.23,
21 F.S.; providing a definition; clarifying that Florida
22 judges with jurisdiction over specific crimes have
23 authority to issue search warrants for electronic evidence
24 relating thereto, regardless of where the electronic
25 evidence is situated; creating s. 92.605, F.S.; providing
26 definitions; providing for self-authentication for out-of-
27 state business records under certain circumstances with
28 notice to opponent; providing for procedures; amending s.



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29 | 921.0022, F.S., relating to the offense severity ranking
 30 | chart of the Criminal Punishment Code; conforming
 31 | provisions to changes made by the act; providing an
 32 | effective date.

33

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

35

36 | Section 1. Section 817.568, Florida Statutes, is amended
 37 | to read:

38 | 817.568 Criminal use of personal identification
 39 | information.--

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

41 | (a) "Access device" means any card, plate, code, account
 42 | number, electronic serial number, mobile identification number,
 43 | personal identification number, or other telecommunications
 44 | service, equipment, or instrument identifier, or other means of
 45 | account access that can be used, alone or in conjunction with
 46 | another access device, to obtain money, goods, services, or any
 47 | other thing of value, or that can be used to initiate a transfer
 48 | of funds, other than a transfer originated solely by paper
 49 | instrument.

50 | (b) "Authorization" means empowerment, permission, or
 51 | competence to act.

52 | (c) "Harass" means to engage in conduct directed at a
 53 | specific person that is intended to cause substantial emotional
 54 | distress to such person and serves no legitimate purpose.

55 | "Harass" does not mean to use personal identification
 56 | information for accepted commercial purposes. The term does not



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57 | include constitutionally protected conduct such as organized
58 | protests or the use of personal identification information for
59 | accepted commercial purposes.

60 | (d) "Individual" means a single human being and does not
61 | mean a firm, association of individuals, corporation,
62 | partnership, joint venture, sole proprietorship, or any other
63 | entity.

64 | (e) "Person" means a "person" as defined in s. 1.01(3).

65 | (f) "Personal identification information" means any name
66 | or number that may be used, alone or in conjunction with any
67 | other information, to identify a specific individual, including
68 | any:

69 | 1. Name, social security number, date of birth, official
70 | state-issued or United States-issued driver's license or
71 | identification number, alien registration number, government
72 | passport number, employer or taxpayer identification number, ~~or~~
73 | Medicaid or food stamp account number, or bank account or credit
74 | card number;

75 | 2. Unique biometric data, such as fingerprint, voice
76 | print, retina or iris image, or other unique physical
77 | representation;

78 | 3. Unique electronic identification number, address, or
79 | routing code; or

80 | 4. Telecommunication identifying information or access
81 | device.

82 | (2)(a) Any person who willfully and without authorization
83 | fraudulently uses, or possesses with intent to fraudulently use,
84 | personal identification information concerning an individual



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85 without first obtaining that individual's consent, commits the
86 offense of fraudulent use of personal identification
87 information, which is a felony of the third degree, punishable
88 as provided in s. 775.082, s. 775.083, or s. 775.084.

89 (b) Any person who willfully and without authorization
90 fraudulently uses personal identification information concerning
91 an individual without first obtaining that individual's consent
92 commits a felony of the second degree, punishable as provided in
93 s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,
94 the value of the services received, the payment sought to be
95 avoided, or the amount of the injury or fraud perpetrated is
96 \$5,000 ~~\$75,000~~ or more or if the person fraudulently uses the
97 personal identification information of 10 or more individuals
98 without their consent. Notwithstanding any other provision of
99 law, the court shall sentence any person convicted of committing
100 the offense described in this paragraph to a mandatory minimum
101 sentence of 3 years' imprisonment.

102 (c) Any person who willfully and without authorization
103 fraudulently uses personal identification information concerning
104 an individual without first obtaining that individual's consent
105 commits a felony of the first degree, punishable as provided in
106 s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,
107 the value of the services received, the payment sought to be
108 avoided, or the amount of the injury or fraud perpetrated is
109 \$50,000 or more or if the person fraudulently uses the personal
110 identification information of 20 or more individuals without
111 their consent. Notwithstanding any other provision of law, the



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112 court shall sentence any person convicted of committing the
113 offense described in this paragraph:

114 1. To a mandatory minimum sentence of 5 years'
115 imprisonment; or

116 2. If the pecuniary benefit, the value of the services
117 received, the payment sought to be avoided, or the amount of the
118 injury or fraud perpetrated is \$100,000 or more or if the person
119 fraudulently uses the personal identification information of 30
120 or more individuals without their consent, to a mandatory
121 minimum sentence of 10 years' imprisonment.

122 (3) Nothing in paragraph (2)(b) or paragraph (2)(c) shall
123 prevent a court from imposing a greater sentence of
124 incarceration as authorized by law. If the minimum mandatory
125 terms of imprisonment imposed pursuant to paragraph(2)(b) or
126 paragraph (2)(c) exceed the maximum sentences authorized by s.
127 775.082, s. 775.084, or the Criminal Punishment Code under
128 chapter 921, the mandatory minimum sentence must be imposed. If
129 the mandatory minimum terms of imprisonment authorized by
130 paragraph (2)(b) or paragraph (2)(c) are less than the sentences
131 that could be imposed as authorized by s. 775.082, s. 775.084,
132 or the Criminal Punishment Code under chapter 921, the sentence
133 imposed by the court must include the mandatory minimum term of
134 imprisonment required by paragraph (2)(b) or paragraph (2)(c).

135 (4)(3) Any person who willfully and without authorization
136 possesses, uses, or attempts to use personal identification
137 information concerning an individual without first obtaining
138 that individual's consent, and who does so for the purpose of
139 harassing that individual, commits the offense of harassment by



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140 use of personal identification information, which is a
141 misdemeanor of the first degree, punishable as provided in s.
142 775.082 or s. 775.083.

143 ~~(5)(4)~~ If an offense prohibited under this section was
144 facilitated or furthered by the use of a public record, as
145 defined in s. 119.011, the offense is reclassified to the next
146 higher degree as follows:

147 (a) A misdemeanor of the first degree is reclassified as a
148 felony of the third degree.

149 (b) A felony of the third degree is reclassified as a
150 felony of the second degree.

151 (c) A felony of the second degree is reclassified as a
152 felony of the first degree.

153

154 For purposes of sentencing under chapter 921 and incentive gain-
155 time eligibility under chapter 944, a felony offense that is
156 reclassified under this subsection is ranked one level above the
157 ranking under s. 921.0022 of the felony offense committed, and a
158 misdemeanor offense that is reclassified under this subsection
159 is ranked in level 2 of the offense severity ranking chart in s.
160 921.0022.

161 (6) Any person who willfully and without authorization
162 fraudulently uses personal identification information concerning
163 an individual less than 18 years of age without first obtaining
164 the consent of that individual or his or her legal guardian
165 commits a felony of the second degree, punishable as provided in
166 s. 775.082, s. 775.083, or s. 775.084.



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167 (7) Any person in the relationship of parent or legal
168 guardian or who otherwise exercises custodial authority over an
169 individual less than 18 years of age, who willfully and
170 fraudulently uses personal identification information of that
171 individual, commits a felony of the second degree, punishable as
172 provided in s. 775.082, s. 775.083, or s. 775.084.

173 (8)~~(5)~~ This section does not prohibit any lawfully
174 authorized investigative, protective, or intelligence activity
175 of a law enforcement agency of this state or any of its
176 political subdivisions, of any other state or its political
177 subdivisions, or of the Federal Government or its political
178 subdivisions.

179 (9)~~(6)~~(a) In sentencing a defendant convicted of an
180 offense under this section, the court may order that the
181 defendant make restitution pursuant to s. 775.089 to any victim
182 of the offense. In addition to the victim's out-of-pocket
183 costs, such restitution may include payment of any other costs,
184 including attorney's fees incurred by the victim in clearing the
185 victim's credit history or credit rating, or any costs incurred
186 in connection with any civil or administrative proceeding to
187 satisfy any debt, lien, or other obligation of the victim
188 arising as the result of the actions of the defendant.

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

192 (10)~~(7)~~ Prosecutions for violations of this section may be
193 brought on behalf of the state by any state attorney or by the
194 statewide prosecutor.



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195 ~~(11)~~(8) The Legislature finds that, in the absence of
196 evidence to the contrary, the location where a victim gives or
197 fails to give consent to the use of personal identification
198 information is the county where the victim generally resides.

199 ~~(12)~~(9) Notwithstanding any other provision of law, venue
200 for the prosecution and trial of violations of this section may
201 be commenced and maintained in any county in which an element of
202 the offense occurred, including the county where the victim
203 generally resides.

204 ~~(13)~~(10) A prosecution of an offense prohibited under
205 subsection (2), subsection (6), or subsection (7) must be
206 commenced within 3 years after the offense occurred. However, a
207 prosecution may be commenced within 1 year after discovery of
208 the offense by an aggrieved party, or by a person who has a
209 legal duty to represent the aggrieved party and who is not a
210 party to the offense, if such prosecution is commenced within 5
211 years after the violation occurred.

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

214 934.23 Required disclosure of customer communications or
215 records.--

216 (1) An investigative or law enforcement officer may
217 require the disclosure by a provider of electronic communication
218 service of the contents of a wire or electronic communication
219 that has been in electronic storage in an electronic
220 communications system for 180 days or less only pursuant to a
221 warrant issued by the judge of a court of competent
222 jurisdiction. For purposes of this section, "a court of



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223 competent jurisdiction" means a court having jurisdiction over
224 the investigation or otherwise authorized by law. An
225 investigative or law enforcement officer may require the
226 disclosure by a provider of electronic communication services of
227 the contents of a wire or electronic communication that has been
228 in electronic storage in an electronic communications system for
229 more than 180 days by the means available under subsection (2).

230 Section 3. Section 92.605, Florida Statutes, is created to
231 read:

232 92.605 Production of certain records by Florida
233 corporations and out-of-state corporations.--

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

235 (a) "Adverse result" includes one of the following
236 consequences to notification of the existence of a court order,
237 a subpoena, or a search warrant:

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

239 2. A flight from prosecution.

240 3. The destruction of or tampering with evidence.

241 4. The intimidation of potential witnesses.

242 5. Serious jeopardy to an investigation or undue delay of
243 a trial.

244 (b) "Applicant" means a law enforcement officer who is
245 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
246 905.185, or s. 914.04 or who is issued a search warrant under s.
247 933.01, or anyone who is authorized to issue a subpoena under
248 the Florida Rules of Criminal Procedure.



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249 (c) "Business" means any business, institution,
250 association, profession, occupation, or calling of any kind,
251 whether or not conducted for profit.

252 (d) "Electronic communication services" and "remote
253 computing services" have the same meaning as provided in the
254 Electronic Communications Privacy Act in chapter 121 (commencing
255 with s. 2701) of Part I of Title 18 of the United States Code
256 Annotated. This section does not apply to corporations that do
257 not provide those services to the public.

258 (e) "Out-of-state corporation" means any corporation that
259 is qualified to do business in this state under s. 607.1501.

260 (f) "Out-of-state record of regularly conducted business
261 activity" means a memorandum, report, record, or data
262 compilation, in any form, of acts, events, conditions, opinions,
263 or diagnoses maintained in another state or country.

264 (g) "Out-of-state certification" means a written
265 declaration made and signed in another state or country by the
266 custodian of an out-of-state record of regularly conducted
267 business activity or another qualified person that, if falsely
268 made, would subject the declarant to a criminal penalty under
269 the laws of another state or country.

270 (h) "Properly served" means delivery by hand or in a
271 manner reasonably allowing for proof of delivery if delivered by
272 United States mail, overnight-delivery service, or facsimile to
273 a person or entity properly registered to do business in any
274 state. In order for an out-of-state corporation to be properly
275 served, the service described in this paragraph must be effected
276 on the corporation's registered agent.



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277 (2) The following provisions apply to any subpoena, court
278 order, or search warrant issued in compliance with the
279 Electronic Communications Privacy Act in chapter 121 (commencing
280 with s. 2701) of Part I of Title 18 of the United States Code
281 Annotated, and that is subject to this chapter, which allows a
282 search for records that are in the actual or constructive
283 possession of an out-of-state corporation that provides
284 electronic communication services or remote computing services
285 to the public, when those records would reveal the identity of
286 the customers using those services; data stored by, or on behalf
287 of, the customers; the customers' usage of those services; the
288 recipients or destinations of communications sent to or from
289 those customers:

290 (a) Any subpoena, court order, or warrant issued pursuant
291 to this subsection shall contain the following language in bold
292 type on the first page of the document: "This [subpoena, order,
293 warrant] is issued pursuant to section 92.605, Florida Statutes.
294 A response is due within 20 business days after receipt of this
295 [subpoena, order, warrant], unless a longer time period is
296 stated herein."

297 (b) When properly served with a subpoena, court order, or
298 search warrant issued by a Florida court or other applicant, an
299 out-of-state corporation subject to this section shall provide
300 to the applicant all records sought pursuant to such subpoena,
301 court order, or warrant within 20 business days after receipt,
302 or the date indicated within the subpoena, if later, including
303 those records maintained or located outside the State of
304 Florida. If the records cannot be produced within the 20-day



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305 time period, the out-of-state corporation shall notify the
306 applicant within the 20-day time period and agree to produce the
307 documents at the earliest possible time. The applicant shall pay
308 the out-of-state corporation the reasonable expenses associated
309 with compliance.

310 (c) When the applicant makes a showing and the court finds
311 that failure to produce records within 20 business days would
312 cause an adverse result, the subpoena, court order, or warrant
313 may require production of records within less than 20 business
314 days. The correct deadline should be stated in bold text on the
315 first page of the document as required by paragraph (a). A court
316 may reasonably extend the time required for production of the
317 records upon finding that the out-of-state corporation needs the
318 extension and that an extension of time would not cause an
319 adverse result.

320 (d) An out-of-state corporation seeking to quash or object
321 to a subpoena, court order, or warrant must seek relief from the
322 court issuing such subpoena, court order, or warrant within the
323 time required for production of records under this section. The
324 issuing court shall hear and decide that motion within 5 court
325 days after the motion is filed.

326 (e) Upon written request from the applicant or if ordered
327 by the court, the out-of-state corporation shall verify the
328 authenticity of records that it produces by providing an
329 affidavit that complies with the requirements set forth in this
330 section. Records produced in compliance with this section are
331 admissible in evidence as set forth in subsection (5).



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332 (3) A Florida business that provides electronic
333 communication services or remote computing services to the
334 public, when served with a subpoena, court order, or warrant
335 issued by another state to produce records that would reveal the
336 identity of the customers using those services; data stored by,
337 or on behalf of, the customers; the customers' usage of those
338 services; or the recipients or destinations of communications
339 sent to or from those customers shall produce those records as
340 if that subpoena, court order, or warrant had been issued by a
341 Florida court.

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

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

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

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

357 (c) The business activity made such a record as a regular
358 practice.



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359 (d) If such record is not the original, it is a duplicate
360 of the original, unless the source of information or the method
361 or circumstances of preparation indicate lack of
362 trustworthiness.

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

365 (7) No evidence in such records in the form of opinion or
366 diagnosis is admissible under subsection (5) unless such opinion
367 or diagnosis would be admissible under ss. 90.701-90.705 if the
368 person whose opinion is recorded were to testify to the opinion
369 directly.

370 (8) As soon after the arraignment as practicable, or 60
371 days prior to trial, a party intending to offer in evidence
372 under this section an out-of-state record of regularly conducted
373 business activity shall provide written notice of that intention
374 to each other party. A motion opposing admission in evidence of
375 such record shall be made by the opposing party and determined
376 by the court before trial. Failure by a party to file such
377 motion before trial shall constitute a waiver of objection to
378 such record or duplicate, but the court for cause shown may
379 grant relief from the waiver.

380 (9) In any criminal case, the content of any electronic
381 communication may be obtained under this section only by court
382 order or by the issuance of a search warrant, unless otherwise
383 provided under the Electronic Communications Privacy Act or
384 other provision of law.

385 Section 4. Paragraphs (e), (h), and (i) of subsection (3)
386 of section 921.0022, Florida Statutes, are amended to read:



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387 | 921.0022 Criminal Punishment Code; offense severity
388 | ranking chart.--

389 | (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)	2 nd	Aggravated fleeing or eluding.
322.34(6)	3 rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.



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800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, <u>\$5,000</u> \$75,000 or more <u>or use of personal identification information of 10 or</u>



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		<u>more individuals.</u>
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,



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		(2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs). (h) LEVEL 8



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316.193(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
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(1)(b)	1st	Committing vehicular homicide and



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		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.
<u>817.568(6)</u>	<u>2nd</u>	<u>Fraudulent use of personal identification information of an individual under the age of 18.</u>
825.102(2)	2nd	Aggravated abuse of an elderly



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



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		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.
893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
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



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		enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000. (i) LEVEL 9
316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to



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		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.
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.
790.166(2)	1st,PBL	Possessing, selling, using, or



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		attempting to use a weapon of mass destruction.
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.
<u>817.568(7)</u>	<u>2nd</u>	<u>Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.</u>
827.03(2)	1st	Aggravated child abuse.



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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 or introducing bacteria, radioactive materials, viruses, or chemical compounds into 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.
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.
893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10



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		kilograms or more.
893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

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