

By the Committee on Criminal Justice; and Senator Crist

307-2121-04

1 A bill to be entitled
2 An act relating to fraudulent practices;
3 amending s. 817.481, F.S.; prohibiting the
4 knowing use of a false or counterfeit hotel key
5 card or other card with a magnetic strip to
6 obtain or attempt to obtain credit or to
7 purchase or attempt to purchase any goods,
8 property, or service; providing penalties;
9 amending s. 817.568, F.S.; redefining the term
10 "access device" to include a hotel key card or
11 other card with a magnetic strip; providing
12 criminal penalties for the unlawful use of a
13 hotel key card or other card with a magnetic
14 strip; amending s. 817.625, F.S.; defining the
15 term "different payment card" to include a
16 hotel key card or other card with a magnetic
17 strip for the purpose of the unlawful use of a
18 reencoder; reenacting s. 921.0022(3)(b), (d),
19 (e), (h), and (i), F.S., relating to the
20 offense severity ranking chart of the Criminal
21 Punishment Code, to incorporate the amendments
22 to ss. 817.481, 817.568, and 817.625, F.S., in
23 references thereto; providing an effective
24 date.

25

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

27

28 Section 1. Section 817.481, Florida Statutes, is
29 amended to read:

30 817.481 Credit cards; obtaining goods by use of false,
31 expired, etc.; penalty.--

1 (1) It shall be unlawful for any person knowingly to
2 obtain or attempt to obtain credit, or to purchase or attempt
3 to purchase any goods, property, or service, by the use of any
4 false, fictitious, counterfeit, or expired credit card,
5 telephone number, credit number, hotel key card or other card
6 with a magnetic strip, or other credit device, or by the use
7 of any credit card, telephone number, credit number, hotel key
8 card or other card with a magnetic strip, or other credit
9 device of another without the authority of the person to whom
10 the such card, number, or device was issued, or by the use of
11 any credit card, telephone number, credit number, hotel key
12 card or other card with a magnetic strip, or other credit
13 device in any case where the such card, number, or device has
14 been revoked and notice of revocation has been given to the
15 person to whom issued.

16 (2) It shall be unlawful for any person to avoid or
17 attempt to avoid or to cause another to avoid payment of the
18 lawful charges, in whole or in part, for any telephone or
19 telegraph service or for the transmission of a message,
20 signal, or other communication by telephone or telegraph or
21 over telephone or telegraph facilities by the use of any
22 fraudulent scheme, means, or method, or any mechanical,
23 electric, or electronic device.

24 (3)(a) If the value of the property, goods, or
25 services obtained or which are sought to be obtained in
26 violation of this section is \$300 or more, the offender
27 commits ~~shall be guilty of~~ grand larceny.

28 (b) If the value of the property, goods, or services
29 obtained or which are sought to be obtained in violation of
30 this section is less than \$300, the offender commits ~~shall be~~
31 ~~guilty of~~ petit larceny.

1 Section 2. 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, including a
11 hotel key card or other card with a magnetic strip, which ~~that~~
12 can be used, alone or in conjunction with another access
13 device, to obtain money, goods, services, or any other thing
14 of value, or which ~~that~~ can be used to initiate a transfer of
15 funds, other than a transfer originated solely by paper
16 instrument.
17 (b) "Authorization" means empowerment, permission, or
18 competence to act.
19 (c) "Harass" means to engage in conduct directed at a
20 specific person that is intended to cause substantial
21 emotional distress to the ~~such~~ person and serves no legitimate
22 purpose. "Harass" does not mean to use personal identification
23 information for accepted commercial purposes. The term does
24 not include constitutionally protected conduct such as
25 organized protests or the use of personal identification
26 information for accepted commercial purposes.
27 (d) "Individual" means a single human being and does
28 not mean a firm, association of individuals, corporation,
29 partnership, joint venture, sole proprietorship, or any other
30 entity.
31

1 (e) "Person" means a "person" as defined in s.
2 1.01(3).

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

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

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

16 3. Unique electronic identification number, address,
17 or routing code; ~~or~~

18 4. Telecommunication identifying information; or

19 5. Access device.

20 (2)(a) Any person who willfully and without
21 authorization fraudulently uses, or possesses with intent to
22 fraudulently use, personal identification information
23 concerning an individual without first obtaining that
24 individual's consent, commits the offense of fraudulent use of
25 personal identification information, which is a felony of the
26 third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 (b) Any person who willfully and without authorization
29 fraudulently uses personal identification information
30 concerning an individual without first obtaining that
31 individual's consent commits a felony of the second degree,

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084, if the pecuniary benefit, the value of the services
3 received, the payment sought to be avoided, or the amount of
4 the injury or fraud perpetrated is \$5,000 or more or if the
5 person fraudulently uses the personal identification
6 information of 10 or more individuals without their consent.
7 Notwithstanding any other provision of law, the court shall
8 sentence any person convicted of committing the offense
9 described in this paragraph to a mandatory minimum sentence of
10 3 years' imprisonment.

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

24 1. To a mandatory minimum sentence of 5 years'
25 imprisonment.

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

1 (3) Neither paragraph (2)(b) nor paragraph (2)(c)
2 prevents a court from imposing a greater sentence of
3 incarceration as authorized by law. If the minimum mandatory
4 terms of imprisonment imposed under paragraph (2)(b) or
5 paragraph (2)(c) exceed the maximum sentences authorized under
6 s. 775.082, s. 775.084, or the Criminal Punishment Code under
7 chapter 921, the mandatory minimum sentence must be imposed.
8 If the mandatory minimum terms of imprisonment under paragraph
9 (2)(b) or paragraph (2)(c) are less than the sentence that
10 could be imposed under s. 775.082, s. 775.084, or the Criminal
11 Punishment Code under chapter 921, the sentence imposed by the
12 court must include the mandatory minimum term of imprisonment
13 as required by paragraph (2)(b) or paragraph (2)(c).

14 (4) Any person who willfully and without authorization
15 possesses, uses, or attempts to use personal identification
16 information concerning an individual without first obtaining
17 that individual's consent, and who does so for the purpose of
18 harassing that individual, commits the offense of harassment
19 by use of personal identification information, which is a
20 misdemeanor of the first degree, punishable as provided in s.
21 775.082 or s. 775.083.

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

26 (a) A misdemeanor of the first degree is reclassified
27 as a felony of the third degree.

28 (b) A felony of the third degree is reclassified as a
29 felony of the second degree.

30 (c) A felony of the second degree is reclassified as a
31 felony of the first degree.

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

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

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

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

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

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

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

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

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

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

24 (13) A prosecution of an offense prohibited under
25 subsection (2), subsection (6), or subsection (7) must be
26 commenced within 3 years after the offense occurred. However,
27 a prosecution may be commenced within 1 year after discovery
28 of the offense by an aggrieved party, or by a person who has a
29 legal duty to represent the aggrieved party and who is not a
30 party to the offense, if such prosecution is commenced within
31 5 years after the violation occurred.

1 Section 3. Section 817.625, Florida Statutes, is
2 amended to read:

3 817.625 Use of scanning device or reencoder to
4 defraud; penalties.--

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

6 (a) "Scanning device" means a scanner, reader, or any
7 other electronic device that is used to access, read, scan,
8 obtain, memorize, or store, temporarily or permanently,
9 information encoded on the magnetic strip or stripe of a
10 payment card.

11 (b) "Reencoder" means an electronic device that places
12 encoded information from the magnetic strip or stripe of a
13 payment card onto the magnetic strip or stripe of a different
14 payment card.

15 (c) "Payment card" means a credit card, charge card,
16 debit card, or any other card that is issued to an authorized
17 card user and that allows the user to obtain, purchase, or
18 receive goods, services, money, or anything else of value from
19 a merchant.

20 (d) "Different payment card" means a hotel key card or
21 other card with a magnetic strip or stripe.

22 ~~(e)~~(d) "Merchant" means a person who receives from an
23 authorized user of a payment card, or someone the person
24 believes to be an authorized user, a payment card or
25 information from a payment card, or what the person believes
26 to be a payment card or information from a payment card, as
27 the instrument for obtaining, purchasing, or receiving goods,
28 services, money, or anything else of value from the person.

29 (2)(a) It is a felony of the third degree, punishable
30 as provided in s. 775.082, s. 775.083, or s. 775.084, for a
31 person to use:

1 1. A scanning device to access, read, obtain,
2 memorize, or store, temporarily or permanently, information
3 encoded on the magnetic strip or stripe of a payment card
4 without the permission of the authorized user of the payment
5 card and with the intent to defraud the authorized user, the
6 issuer of the authorized user's payment card, or a merchant.

7 2. A reencoder to place information encoded on the
8 magnetic strip or stripe of a payment card onto the magnetic
9 strip or stripe of a different payment card without the
10 permission of the authorized user of the card from which the
11 information is being reencoded and with the intent to defraud
12 the authorized user, the issuer of the authorized user's
13 payment card, or a merchant.

14 (b) Any person who violates subparagraph (a)1. or
15 subparagraph (a)2. a second or subsequent time commits a
16 felony of the second degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

18 (c) Any person who violates subparagraph (a)1. or
19 subparagraph (a)2. shall also be subject to the provisions of
20 ss. 932.701-932.707.

21 Section 4. For the purpose of incorporating the
22 amendment made by this act to sections 817.481, 817.568, and
23 817.625, Florida Statutes, in references thereto, paragraphs
24 (b), (d), (e), (h), and (i) of subsection (3) of section
25 921.0022, Florida Statutes, are reenacted to read:

26 921.0022 Criminal Punishment Code; offense severity
27 ranking chart.--

28 (3) OFFENSE SEVERITY RANKING CHART
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30
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1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(b) LEVEL 2
6	370.12(1)(e)3.	3rd	Possession of 11 or fewer marine
7			turtle eggs in violation of the
8			Marine Turtle Protection Act.
9	370.12(1)(e)4.	3rd	Possession of more than 11 marine
10			turtle eggs in violation of the
11			Marine Turtle Protection Act.
12	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
13			lbs. in weight or 100 cubic feet
14			in volume or any quantity for
15			commercial purposes, or hazardous
16			waste.
17	517.07	3rd	Registration of securities and
18			furnishing of prospectus
19			required.
20	590.28(1)	3rd	Willful, malicious, or
21			intentional burning.
22	784.05(3)	3rd	Storing or leaving a loaded
23			firearm within reach of minor who
24			uses it to inflict injury or
25			death.
26	787.04(1)	3rd	In violation of court order,
27			take, entice, etc., minor beyond
28			state limits.
29	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
30			or more to public communication
31			or any other public service.

1	810.061(2)	3rd	Impairing or impeding telephone
2			or power to a dwelling;
3			facilitating or furthering
4			burglary.
5	810.09(2)(e)	3rd	Trespassing on posted commercial
6			horticulture property.
7	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
8			more but less than \$5,000.
9	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
10			more but less than \$300, taken
11			from unenclosed curtilage of
12			dwelling.
13	812.015(7)	3rd	Possession, use, or attempted use
14			of an antishoplifting or
15			inventory control device
16			countermeasure.
17	817.234(1)(a)2.	3rd	False statement in support of
18			insurance claim.
19	817.481(3)(a)	3rd	Obtain credit or purchase with
20			false, expired, counterfeit,
21			etc., credit card, value over
22			\$300.
23	817.52(3)	3rd	Failure to redeliver hired
24			vehicle.
25	817.54	3rd	With intent to defraud, obtain
26			mortgage note, etc., by false
27			representation.
28	817.60(5)	3rd	Dealing in credit cards of
29			another.
30	817.60(6)(a)	3rd	Forgery; purchase goods, services
31			with false card.

1	817.61	3rd	Fraudulent use of credit cards
2			over \$100 or more within 6
3			months.
4	826.04	3rd	Knowingly marries or has sexual
5			intercourse with person to whom
6			related.
7	831.01	3rd	Forgery.
8	831.02	3rd	Uttering forged instrument;
9			utters or publishes alteration
10			with intent to defraud.
11	831.07	3rd	Forging bank bills, checks,
12			drafts, or promissory notes.
13	831.08	3rd	Possessing 10 or more forged
14			notes, bills, checks, or drafts.
15	831.09	3rd	Uttering forged notes, bills,
16			checks, drafts, or promissory
17			notes.
18	831.11	3rd	Bringing into the state forged
19			bank bills, checks, drafts, or
20			notes.
21	832.05(3)(a)	3rd	Cashing or depositing item with
22			intent to defraud.
23	843.08	3rd	Falsely impersonating an officer.
24	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
25			(2)(c)1., (2)(c)2., (2)(c)3.,
26			(2)(c)5., (2)(c)6., (2)(c)7.,
27			(2)(c)8., (2)(c)9., (3), or (4)
28			drugs other than cannabis.
29	893.147(2)	3rd	Manufacture or delivery of drug
30			paraphernalia.
31			(d) LEVEL 4

1	316.1935(3)	2nd	Driving at high speed or with
2			wanton disregard for safety while
3			fleeing or attempting to elude
4			law enforcement officer who is in
5			a marked patrol vehicle with
6			siren and lights activated.
7	499.0051(1)	3rd	Failure to maintain or deliver
8			pedigree papers.
9	499.0051(2)	3rd	Failure to authenticate pedigree
10			papers.
11	499.0051(6)	2nd	Sale or delivery, or possession
12			with intent to sell, contraband
13			legend drugs.
14	784.07(2)(b)	3rd	Battery of law enforcement
15			officer, firefighter, intake
16			officer, etc.
17	784.074(1)(c)	3rd	Battery of sexually violent
18			predators facility staff.
19	784.075	3rd	Battery on detention or
20			commitment facility staff.
21	784.078	3rd	Battery of facility employee by
22			throwing, tossing, or expelling
23			certain fluids or materials.
24	784.08(2)(c)	3rd	Battery on a person 65 years of
25			age or older.
26	784.081(3)	3rd	Battery on specified official or
27			employee.
28	784.082(3)	3rd	Battery by detained person on
29			visitor or other detainee.
30	784.083(3)	3rd	Battery on code inspector.
31			

1	784.085	3rd	Battery of child by throwing,
2			tossing, projecting, or expelling
3			certain fluids or materials.
4	787.03(1)	3rd	Interference with custody;
5			wrongly takes child from
6			appointed guardian.
7	787.04(2)	3rd	Take, entice, or remove child
8			beyond state limits with criminal
9			intent pending custody
10			proceedings.
11	787.04(3)	3rd	Carrying child beyond state lines
12			with criminal intent to avoid
13			producing child at custody
14			hearing or delivering to
15			designated person.
16	790.115(1)	3rd	Exhibiting firearm or weapon
17			within 1,000 feet of a school.
18	790.115(2)(b)	3rd	Possessing electric weapon or
19			device, destructive device, or
20			other weapon on school property.
21	790.115(2)(c)	3rd	Possessing firearm on school
22			property.
23	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
24			offender less than 18 years.
25	810.02(4)(a)	3rd	Burglary, or attempted burglary,
26			of an unoccupied structure;
27			unarmed; no assault or battery.
28	810.02(4)(b)	3rd	Burglary, or attempted burglary,
29			of an unoccupied conveyance;
30			unarmed; no assault or battery.
31	810.06	3rd	Burglary; possession of tools.

1	810.08(2)(c)	3rd	Trespass on property, armed with
2			firearm or dangerous weapon.
3	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
4			or more but less than \$20,000.
5	812.014		
6	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
7			firearm, motor vehicle,
8			livestock, etc.
9	812.0195(2)	3rd	Dealing in stolen property by use
10			of the Internet; property stolen
11			\$300 or more.
12	817.563(1)	3rd	Sell or deliver substance other
13			than controlled substance agreed
14			upon, excluding s. 893.03(5)
15			drugs.
16	817.568(2)(a)	3rd	Fraudulent use of personal
17			identification information.
18	817.625(2)(a)	3rd	Fraudulent use of scanning device
19			or reencoder.
20	828.125(1)	2nd	Kill, maim, or cause great bodily
21			harm or permanent breeding
22			disability to any registered
23			horse or cattle.
24	837.02(1)	3rd	Perjury in official proceedings.
25	837.021(1)	3rd	Make contradictory statements in
26			official proceedings.
27	838.022	3rd	Official misconduct.
28	839.13(2)(a)	3rd	Falsifying records of an
29			individual in the care and
30			custody of a state agency.
31			

1	839.13(2)(c)	3rd	Falsifying records of the
2			Department of Children and Family
3			Services.
4	843.021	3rd	Possession of a concealed
5			handcuff key by a person in
6			custody.
7	843.025	3rd	Deprive law enforcement,
8			correctional, or correctional
9			probation officer of means of
10			protection or communication.
11	843.15(1)(a)	3rd	Failure to appear while on bail
12			for felony (bond estreature or
13			bond jumping).
14	874.05(1)	3rd	Encouraging or recruiting another
15			to join a criminal street gang.
16	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
17			893.03(1)(a), (b), or (d),
18			(2)(a), (2)(b), or (2)(c)4.
19			drugs).
20	914.14(2)	3rd	Witnesses accepting bribes.
21	914.22(1)	3rd	Force, threaten, etc., witness,
22			victim, or informant.
23	914.23(2)	3rd	Retaliation against a witness,
24			victim, or informant, no bodily
25			injury.
26	918.12	3rd	Tampering with jurors.
27	934.215	3rd	Use of two-way communications
28			device to facilitate commission
29			of a crime.
30			(e) LEVEL 5
31			

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	440.10(1)(g)	2nd	Failure to obtain workers'
15			compensation coverage.
16	440.105(5)	2nd	Unlawful solicitation for the
17			purpose of making workers'
18			compensation claims.
19	440.381(2)	2nd	Submission of false, misleading,
20			or incomplete information with
21			the purpose of avoiding or
22			reducing workers' compensation
23			premiums.
24	624.401(4)(b)2.	2nd	Transacting insurance without a
25			certificate or authority; premium
26			collected \$20,000 or more but
27			less than \$100,000.
28	626.902(1)(c)	2nd	Representing an unauthorized
29			insurer; repeat offender.
30	790.01(2)	3rd	Carrying a concealed firearm.
31			

1	790.162	2nd	Threat to throw or discharge
2			destructive device.
3	790.163(1)	2nd	False report of deadly explosive
4			or weapon of mass destruction.
5	790.221(1)	2nd	Possession of short-barreled
6			shotgun or machine gun.
7	790.23	2nd	Felons in possession of firearms
8			or electronic weapons or devices.
9	800.04(6)(c)	3rd	Lewd or lascivious conduct;
10			offender less than 18 years.
11	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
12			offender 18 years or older.
13	806.111(1)	3rd	Possess, manufacture, or dispense
14			fire bomb with intent to damage
15			any structure or property.
16	812.0145(2)(b)	2nd	Theft from person 65 years of age
17			or older; \$10,000 or more but
18			less than \$50,000.
19	812.015(8)	3rd	Retail theft; property stolen is
20			valued at \$300 or more and one or
21			more specified acts.
22	812.019(1)	2nd	Stolen property; dealing in or
23			trafficking in.
24	812.131(2)(b)	3rd	Robbery by sudden snatching.
25	812.16(2)	3rd	Owning, operating, or conducting
26			a chop shop.
27	817.034(4)(a)2.	2nd	Communications fraud, value
28			\$20,000 to \$50,000.
29	817.234(11)(b)	2nd	Insurance fraud; property value
30			\$20,000 or more but less than
31			\$100,000.

1	817.2341(1),		
2	(2)(a)&(3)(a)	3rd	Filing false financial
3			statements, making false entries
4			of material fact or false
5			statements regarding property
6			values relating to the solvency
7			of an insuring entity.
8	817.568(2)(b)	2nd	Fraudulent use of personal
9			identification information; value
10			of benefit, services received,
11			payment avoided, or amount of
12			injury or fraud, \$5,000 or more
13			or use of personal identification
14			information of 10 or more
15			individuals.
16	817.625(2)(b)	2nd	Second or subsequent fraudulent
17			use of scanning device or
18			reencoder.
19	825.1025(4)	3rd	Lewd or lascivious exhibition in
20			the presence of an elderly person
21			or disabled adult.
22	827.071(4)	2nd	Possess with intent to promote
23			any photographic material, motion
24			picture, etc., which includes
25			sexual conduct by a child.
26	839.13(2)(b)	2nd	Falsifying records of an
27			individual in the care and
28			custody of a state agency
29			involving great bodily harm or
30			death.
31			

1	843.01	3rd	Resist officer with violence to
2			person; resist arrest with
3			violence.
4	874.05(2)	2nd	Encouraging or recruiting another
5			to join a criminal street gang;
6			second or subsequent offense.
7	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
8			cocaine (or other s.
9			893.03(1)(a), (1)(b), (1)(d),
10			(2)(a), (2)(b), or (2)(c)4.
11			drugs).
12	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
13			cannabis (or other s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs) within 1,000
18			feet of a child care facility,
19			school, or state, county, or
20			municipal park or publicly owned
21			recreational facility or
22			community center.
23	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
24			cocaine (or other s.
25			893.03(1)(a), (1)(b), (1)(d),
26			(2)(a), (2)(b), or (2)(c)4.
27			drugs) within 1,000 feet of
28			university.
29			
30			
31			

1	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
2			cannabis or other drug prohibited
3			under s. 893.03(1)(c), (2)(c)1.,
4			(2)(c)2., (2)(c)3., (2)(c)5.,
5			(2)(c)6., (2)(c)7., (2)(c)8.,
6			(2)(c)9., (3), or (4) within
7			1,000 feet of property used for
8			religious services or a specified
9			business site.
10	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other s.
12			893.03(1)(a), (1)(b), (1)(d), or
13			(2)(a), (2)(b), or (2)(c)4.
14			drugs) within 1,000 feet of
15			public housing facility.
16	893.13(4)(b)	2nd	Deliver to minor cannabis (or
17			other s. 893.03(1)(c), (2)(c)1.,
18			(2)(c)2., (2)(c)3., (2)(c)5.,
19			(2)(c)6., (2)(c)7., (2)(c)8.,
20			(2)(c)9., (3), or (4) drugs).
21			(h) LEVEL 8
22	316.193		
23	(3)(c)3.a.	2nd	DUI manslaughter.
24	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
25	499.0051(7)	1st	Forgery of prescription or legend
26			drug labels.
27	499.0052	1st	Trafficking in contraband legend
28			drugs.
29			
30			
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	817.568(6)	2nd	Fraudulent use of personal
25			identification information of an
26			individual under the age of 18.
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	499.0053	1st	Sale or purchase of contraband
2			legend drugs resulting in great
3			bodily harm.
4	560.123(8)(b)3.	1st	Failure to report currency or
5			payment instruments totaling or
6			exceeding \$100,000 by money
7			transmitter.
8	560.125(5)(c)	1st	Money transmitter business by
9			unauthorized person, currency, or
10			payment instruments totaling or
11			exceeding \$100,000.
12	655.50(10)(b)3.	1st	Failure to report financial
13			transactions totaling or
14			exceeding \$100,000 by financial
15			institution.
16	775.0844	1st	Aggravated white collar crime.
17	782.04(1)	1st	Attempt, conspire, or solicit to
18			commit premeditated murder.
19	782.04(3)	1st,PBL	Accomplice to murder in
20			connection with arson, sexual
21			battery, robbery, burglary, and
22			other specified felonies.
23	782.051(1)	1st	Attempted felony murder while
24			perpetrating or attempting to
25			perpetrate a felony enumerated in
26			s. 782.04(3).
27	782.07(2)	1st	Aggravated manslaughter of an
28			elderly person or disabled adult.
29	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
30			reward or as a shield or hostage.
31			

1	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
2			or facilitate commission of any
3			felony.
4	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
5			interfere with performance of any
6			governmental or political
7			function.
8	787.02(3)(a)	1st	False imprisonment; child under
9			age 13; perpetrator also commits
10			aggravated child abuse, sexual
11			battery, or lewd or lascivious
12			battery, molestation, conduct, or
13			exhibition.
14	790.161	1st	Attempted capital destructive
15			device offense.
16	790.166(2)	1st,PBL	Possessing, selling, using, or
17			attempting to use a weapon of
18			mass destruction.
19	794.011(2)	1st	Attempted sexual battery; victim
20			less than 12 years of age.
21	794.011(2)	Life	Sexual battery; offender younger
22			than 18 years and commits sexual
23			battery on a person less than 12
24			years.
25	794.011(4)	1st	Sexual battery; victim 12 years
26			or older, certain circumstances.
27	794.011(8)(b)	1st	Sexual battery; engage in sexual
28			conduct with minor 12 to 18 years
29			by person in familial or
30			custodial authority.
31			

1	800.04(5)(b)	1st	Lewd or lascivious molestation;
2			victim less than 12 years;
3			offender 18 years or older.
4	812.13(2)(a)	1st,PBL	Robbery with firearm or other
5			deadly weapon.
6	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
7			deadly weapon.
8	817.568(7)	2nd,PBL	Fraudulent use of personal
9			identification information of an
10			individual under the age of 18 by
11			his or her parent, legal
12			guardian, or person exercising
13			custodial authority.
14	827.03(2)	1st	Aggravated child abuse.
15	847.0145(1)	1st	Selling, or otherwise
16			transferring custody or control,
17			of a minor.
18	847.0145(2)	1st	Purchasing, or otherwise
19			obtaining custody or control, of
20			a minor.
21	859.01	1st	Poisoning or introducing
22			bacteria, radioactive materials,
23			viruses, or chemical compounds
24			into food, drink, medicine, or
25			water with intent to kill or
26			injure another person.
27	893.135	1st	Attempted capital trafficking
28			offense.
29	893.135(1)(a)3.	1st	Trafficking in cannabis, more
30			than 10,000 lbs.
31			

1	893.135		
2	(1)(b)1.c.	1st	Trafficking in cocaine, more than
3			400 grams, less than 150
4			kilograms.
5	893.135		
6	(1)(c)1.c.	1st	Trafficking in illegal drugs,
7			more than 28 grams, less than 30
8			kilograms.
9	893.135		
10	(1)(d)1.c.	1st	Trafficking in phencyclidine,
11			more than 400 grams.
12	893.135		
13	(1)(e)1.c.	1st	Trafficking in methaqualone, more
14			than 25 kilograms.
15	893.135		
16	(1)(f)1.c.	1st	Trafficking in amphetamine, more
17			than 200 grams.
18	893.135		
19	(1)(h)1.c.	1st	Trafficking in
20			gamma-hydroxybutyric acid (GHB),
21			10 kilograms or more.
22	893.135		
23	(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
24			kilograms or more.
25	893.135		
26	(1)(k)2.c.	1st	Trafficking in Phenethylamines,
27			400 grams or more.
28	896.101(5)(c)	1st	Money laundering, financial
29			instruments totaling or exceeding
30			\$100,000.
31			

1 896.104(4)(a)3. 1st Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions totaling or
5 exceeding \$100,000.

6 Section 5. This act shall take effect July 1, 2004.

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1482

- 11 - Provides that unlawful use of certain numbers, cards, or
12 devices to obtain any goods, property, or service,
13 includes the unlawful use of any card with a magnetic
14 strip to obtain goods, property, or services.
15 - Adds cards with a magnetic strip to the definition of
16 "access device," which is "personal identification
17 information" for the purpose of unlawfully obtaining or
18 using "personal identification information."
19 - Defines the term "different payment card" to include a
20 hotel key card or other card with a magnetic strip for
21 the purpose of using a reencoder to unlawfully place
22 information encoded on the magnetic strip of a payment
23 card onto the magnetic strip of a different payment card.
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