



1           (3) As used in this section, "white collar crime"  
2 means:  
3           (a) The commission of, or a conspiracy to commit, any  
4 felony offense specified in:  
5           1. Section 409.920, relating to Medicaid provider  
6 fraud.  
7           ~~2.1.~~ Chapter 560, relating to the Money Transmitters'  
8 Code.  
9           ~~3.2.~~ Chapter 812, relating to theft, robbery, and  
10 related crimes.  
11           ~~4.3.~~ Chapter 815, relating to computer-related crimes.  
12           ~~5.4.~~ Chapter 817, relating to fraudulent practices.  
13           ~~6.5.~~ Chapter 825, relating to abuse, neglect, and  
14 exploitation of elderly persons and disabled adults.  
15           ~~7.6.~~ Chapter 831, relating to forgery and  
16 counterfeiting.  
17           ~~8.7.~~ Chapter 832, relating to the issuance of  
18 worthless checks and drafts.  
19           ~~9.8.~~ Chapter 838, relating to bribery and misuse of  
20 public office.  
21           ~~10.9.~~ Chapter 839, relating to offenses by public  
22 officers and employees.  
23           ~~11.10.~~ Chapter 895, relating to offenses concerning  
24 racketeering and illegal debts.  
25           ~~12.11.~~ Chapter 896, relating to offenses related to  
26 financial transactions.  
27           (b) A felony offense that is committed with intent to  
28 defraud or that involves a conspiracy to defraud.  
29           (c) A felony offense that is committed with intent to  
30 temporarily or permanently deprive a person of his or her  
31

1 | property or that involves a conspiracy to temporarily or  
2 | permanently deprive a person of his or her property.

3 |         (d) A felony offense that involves or results in the  
4 | commission of fraud or deceit upon a person or that involves a  
5 | conspiracy to commit fraud or deceit upon a person.

6 |         (4) As used in this section, "aggravated white collar  
7 | crime" means engaging in at least two white collar crimes that  
8 | have the same or similar intents, results, accomplices,  
9 | victims, or methods of commission, or that are otherwise  
10 | interrelated by distinguishing characteristics and are not  
11 | isolated incidents, provided that at least one of ~~the such~~  
12 | crimes occurred after the effective date of this act.

13 |         (5) Any person who commits an aggravated white collar  
14 | crime as defined in this section and in so doing either:

15 |             (a) Victimizes 10 or more elderly persons, as defined  
16 | in s. 825.101(5);

17 |             (b) Victimizes 20 or more persons, as defined in s.  
18 | 1.01; or

19 |             (c) Victimizes the State of Florida, any state agency,  
20 | any of the state's political subdivisions, or any agency of  
21 | the state's political subdivisions,

22 |  
23 | and thereby obtains or attempts to obtain \$50,000 or more,  
24 | commits a felony of the first degree, punishable as provided  
25 | in s. 775.082, s. 775.083, or s. 775.084.

26 |         (6) A person who commits an aggravated white collar  
27 | crime as defined in this section in which at least one of the  
28 | white collar crimes committed is a violation of s. 409.920 or  
29 | is a white collar crime in which intent to defraud is an  
30 | element, and which, alone or in combination with another  
31 |

1 violation of s. 409.920 or a white collar crime in which  
2 intent to defraud is an element, either:

3 (a) Victimizes 20 or more persons, as defined in s.  
4 1.01; or

5 (b) Victimizes the State of Florida, any state agency,  
6 any of the state's political subdivisions, or any agency of  
7 the state's political subdivisions,

8  
9 commits a felony of the first degree, punishable as provided  
10 in s. 775.082, s. 775.083, or s. 775.084, and such person  
11 shall be sentenced to a minimum mandatory term of imprisonment  
12 of 10 years.

13 (7)(6) Notwithstanding any other provision of chapter  
14 921 or any other law, an aggravated white collar crime shall  
15 be ranked within the offense severity ranking chart at offense  
16 severity level 9.

17 (8)(7) In addition to a sentence otherwise authorized  
18 by law, a person convicted of an aggravated white collar crime  
19 may pay a fine of \$500,000 or double the value of the  
20 pecuniary gain or loss, whichever is greater.

21 (9)(8) A person convicted of an aggravated white  
22 collar crime under this section is liable for all court costs  
23 and shall pay restitution to each victim of the crime,  
24 regardless of whether the victim is named in the information  
25 or indictment. As used in this subsection, "victim" means a  
26 person directly and proximately harmed as a result of the  
27 commission of the offense for which restitution may be  
28 ordered, including any person directly harmed by the  
29 defendant's criminal conduct in the course of the commission  
30 of the aggravated white collar crime. The court shall hold a  
31 hearing to determine the identity of qualifying victims and

1 shall order the defendant to pay restitution based on his or  
2 her ability to pay, in accordance with this section and s.  
3 775.089.

4 (a) The court shall make the payment of restitution a  
5 condition of any probation granted to the defendant by the  
6 court. Notwithstanding any other law, the court may order  
7 continued probation for a defendant convicted under this  
8 section for up to 10 years or until full restitution is made  
9 to the victim, whichever occurs earlier.

10 (b) The court retains jurisdiction to enforce its  
11 order to pay fines or restitution. The court may initiate  
12 proceedings against a defendant for a violation of probation  
13 or for contempt of court if the defendant willfully fails to  
14 comply with a lawful order of the court.

15 Section 2. Paragraph (i) of subsection (3) of section  
16 921.0022, Florida Statutes, is amended to read:

17 921.0022 Criminal Punishment Code; offense severity  
18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(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.

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(5)&(6)	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.
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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 3. This act shall take effect July 1, 2004.

7  
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
9 COMMITTEE SUBSTITUTE FOR  
10 Senate Bill 2782

11 - Provides that it is a first degree felony, ranked as a  
12 Level 9 offense, which is punishable by a 10-year minimum  
13 mandatory sentence, to commit aggravated white collar  
14 crime in which at least one of the offenses is a  
15 violation of s. 409.920, F.S. (Medicaid provider fraud),  
16 or a white collar crime in which intent to defraud is an  
17 element, and which, alone or in combination with another  
18 violation of s. 409.920, F.S., or a white collar crime in  
19 which intent to defraud is an element, either victimizes  
20 20 or more persons, or victimizes the State, its  
21 political subdivisions, or an agency of the State or its  
22 subdivisions.

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31 - Adds reference to s. 409.920, F.S., relating to Medicaid  
provider fraud, to the definition of "white collar crime"  
under s. 775.0844, F.S.