

1 A bill to be entitled
2 An act relating to unlawful use of personal identification
3 information; creating s. 501.165, F.S.; providing
4 definitions; providing that using deception to obtain
5 certain personal identification information for commercial
6 solicitation purposes is a deceptive and unfair trade
7 practice in violation of part II of ch. 501, F.S. ;
8 providing remedies; prohibiting the unauthorized
9 disclosure, sale, or transfer of personal identification
10 information to a third party; providing applicability;
11 prohibiting a health care business from terminating
12 certain relationships to avoid obtaining consent from a
13 consumer to disclose, sell, or transfer personal
14 identification information; prohibiting a business entity
15 or health care business from discriminating against an
16 individual due to the individual's refusal to give such
17 consent; providing that disclosing, selling, or
18 transferring personal identification information is a
19 deceptive and unfair trade practice in violation of part
20 II of ch. 501, F.S. ; providing that an individual whose
21 property or person is injured may institute a civil action
22 for injunctive relief, civil damages, and financial loss;
23 providing for attorney's fees; providing that a civil
24 action may be filed regardless of whether a criminal
25 prosecution has been or will be instituted and that the
26 rights and remedies are in addition to any other rights
27 and remedies provided by law; amending s. 817.568, F.S. ;
28 including other information within the definition of the

29 term "personal identification information"; defining the
30 term "counterfeit or fictitious personal identification
31 information"; revising criminal penalties relating to the
32 offense of fraudulently using, or possessing with intent
33 to fraudulently use, personal identification information;
34 providing minimum mandatory terms of imprisonment;
35 providing that the willful and unauthorized disclosure,
36 sale, or transfer of, or the attempt to disclose, sell, or
37 transfer, personal identification information under
38 specified circumstances is a felony of the third degree;
39 providing penalties; creating the offenses of willfully
40 and fraudulently using, or possessing with intent to
41 fraudulently use, personal identification information
42 concerning a deceased individual; providing criminal
43 penalties; providing for minimum mandatory terms of
44 imprisonment; creating the offense of willfully and
45 fraudulently creating or using, or possessing with intent
46 to fraudulently use, counterfeit or fictitious personal
47 identification information; providing criminal penalties;
48 providing for reclassification of offenses under certain
49 circumstances; providing for reduction or suspension of
50 sentences under certain circumstances; providing that a
51 violation of s. 817.568, F.S., is a deceptive and unfair
52 trade practice in violation of part II of ch. 501, F.S.;
53 providing remedies; amending s. 921.0022, F.S.; conforming
54 provisions to changes made by the act; providing an
55 effective date.

56

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

58
59 Section 1. Section 501.165, Florida Statutes, is created
60 to read:

61 501.165 Fraudulent use of personal identification
62 information.--

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

64 (a) "Business entity" means a for-profit or not-for-profit
65 corporation, partnership, limited partnership, proprietorship,
66 firm, enterprise, franchise, association, self-employed
67 individual, or trust, whether fictitiously named or not, doing
68 business in this state, or a contractor or subcontractor of such
69 a business entity.

70 (b) "Health care business" means a business entity, unit
71 of local government, or political subdivision of the state that
72 collects or retains personally identifiable information about
73 individuals relating to health care, including, but not limited
74 to, hospitals or other facilities that provide diagnostic,
75 medical, surgical, or dental treatment or care or chronic or
76 rehabilitative care, health maintenance organizations, medical
77 partnerships, pharmacies, emergency medical transportation
78 companies, medical transcription companies, banks and other
79 business entities that collect or process medical billing
80 information, and subcontractors of a health care business.

81 (c) "Individual" means a single human being and does not
82 mean a firm, association of individuals, corporation,
83 partnership, joint venture, sole proprietorship, or any other
84 entity.

85 (d) "Personal identification information" means any name
 86 or number that may be used, alone or in conjunction with any
 87 other information, to identify a specific individual, including:

88 1. A name, postal or e-mail address, social security
 89 number, date of birth, driver's license or identification number
 90 issued by a state or the Federal Government, telephone number,
 91 mother's maiden name, alien registration number, government
 92 passport number, employer or taxpayer identification number,
 93 Medicaid or food stamp account number, bank account number,
 94 credit card or debit card number, or personal identification
 95 number or code assigned to the holder of a debit card by the
 96 issuer to permit authorized electronic use of the card;

97 2. Unique biometric data, such as a fingerprint, voice
 98 print, retina or iris image, or other unique physical
 99 representation;

100 3. A unique electronic identification number, address,
 101 password, or routing code;

102 4. Medical records;

103 5. Telecommunication identifying information or an access
 104 device; or

105 6. Any other number or information that can be used to
 106 access an individual's financial resources.

107 (2) A person, business entity, or health care business
 108 that intentionally uses deceptive practices or means to obtain
 109 personal identification information and that uses it to engage
 110 in commercial solicitation, or provides it to another person,
 111 business entity, or health care business for purposes of
 112 commercial solicitation, commits a deceptive and unfair trade

113 practice in violation of part II of this chapter, and is subject
114 to the penalties and remedies provided for such violation, in
115 addition to remedies otherwise available for this conduct.

116 (3)(a) A person, business entity, or health care business
117 may not disclose, sell, or otherwise transfer to a third party,
118 including a branch, affiliate, subcontractor, or unaffiliated
119 third party located in a foreign country, personal
120 identification information concerning an individual without
121 first obtaining the express consent of that individual.

122 (b) The prohibition set forth in paragraph (a) applies to
123 any individual who resides in this state at the time the
124 personal identification information is disclosed, sold,
125 transferred, or otherwise obtained.

126 (c) A health care business may not terminate an existing
127 relationship with a consumer of health care services to avoid
128 obtaining express consent from the consumer before disclosing,
129 selling, or otherwise transferring personal identification
130 information to a party located in a foreign country.

131 (d) A business entity or health care business may not
132 discriminate against or deny an otherwise qualified individual a
133 product, service, or health care service because the individual
134 has previously refused to give express consent to the
135 disclosure, sale, or transfer of personal identification
136 information to a party located in a foreign country.

137 (e) A person, business entity, or health care business
138 that violates any provision of this subsection commits a
139 deceptive and unfair trade practice in violation of part II of
140 this chapter and is subject to the penalties and remedies

141 provided for such violation in addition to remedies otherwise
 142 available by law for this conduct.

143 (4)(a) An individual whose property or person is injured
 144 by a violation of subsection (2) or subsection (3) may:

145 1. Institute a civil action to enjoin and restrain future
 146 acts that constitute a violation of subsection (2) or subsection
 147 (3) and to recover for financial loss. Financial loss under this
 148 section includes actual losses, lost wages, attorney's fees, and
 149 other costs incurred by the individual in correcting his or her
 150 credit history or credit rating or incurred in connection with
 151 any criminal, civil, or administrative proceeding brought
 152 against the individual resulting from the misappropriation of
 153 the individual's personal identification information.

154 2. Bring a civil action for damages in an amount of up to
 155 \$5,000 for each incident, or three times the amount of actual
 156 damages, whichever amount is greater. The court, in an action
 157 brought under this subsection, may award reasonable attorney's
 158 fees to the prevailing party.

159 (b) The venue for a civil action brought under this
 160 subsection shall be the county in which the plaintiff resides or
 161 any county in which any part of the alleged violation of
 162 subsection (2) or subsection (3) took place, regardless of
 163 whether the defendant was ever actually present in that county.
 164 A civil action filed under this subsection must be brought
 165 within 5 years after the violation occurred.

166 (c) A civil action may be filed under this subsection
 167 regardless of whether a criminal prosecution has been or will be
 168 instituted for the acts that are the subject of the civil

169 action. The rights and remedies provided by this subsection are
 170 in addition to any other rights and remedies provided by law.

171 Section 2. Section 817.568, Florida Statutes, is amended
 172 to read:

173 817.568 Criminal use of personal identification
 174 information.--

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

176 (a) "Access device" means any card, plate, code, account
 177 number, electronic serial number, mobile identification number,
 178 personal identification number, or other telecommunications
 179 service, equipment, or instrument identifier, or other means of
 180 account access that can be used, alone or in conjunction with
 181 another access device, to obtain money, goods, services, or any
 182 other thing of value, or that can be used to initiate a transfer
 183 of funds, other than a transfer originated solely by paper
 184 instrument.

185 (b) "Authorization" means empowerment, permission, or
 186 competence to act.

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

190 "Harass" does not mean to use personal identification
 191 information for accepted commercial purposes. The term does not
 192 include constitutionally protected conduct such as organized
 193 protests or the use of personal identification information for
 194 accepted commercial purposes.

195 (d) "Individual" means a single human being and does not
 196 mean a firm, association of individuals, corporation,

197 partnership, joint venture, sole proprietorship, or any other
 198 entity.

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

200 (f) "Personal identification information" means any name
 201 or number that may be used, alone or in conjunction with any
 202 other information, to identify a specific individual, including
 203 any:

204 1. Name, postal or e-mail address, telephone number,
 205 social security number, date of birth, mother's maiden name,
 206 official state-issued or United States-issued driver's license
 207 or identification number, alien registration number, government
 208 passport number, employer or taxpayer identification number,
 209 Medicaid or food stamp account number, ~~or~~ bank account number,
 210 ~~or~~ credit or debit card number, or personal identification
 211 number or code assigned to the holder of a debit card by the
 212 issuer to permit authorized electronic use of such card;

213 2. Unique biometric data, such as fingerprint, voice
 214 print, retina or iris image, or other unique physical
 215 representation;

216 3. Unique electronic identification number, address, or
 217 routing code; ~~or~~

218 4. Medical records;

219 ~~5.4.~~ Telecommunication identifying information or access
 220 device; ~~or~~

221 6. Other number or information that can be used to access
 222 a person's financial resources.

223 (g) "Counterfeit or fictitious personal identification
 224 information" means any counterfeit, fictitious, or fabricated

225 information in the similitude of the data outlined in paragraph
 226 (f) that, although not truthful or accurate, would in context
 227 lead a reasonably prudent person to credit its truthfulness and
 228 accuracy.

229 (2)(a) Any person who willfully and without authorization
 230 fraudulently uses, or possesses with intent to fraudulently use,
 231 personal identification information concerning an individual
 232 without first obtaining that individual's consent, commits the
 233 offense of fraudulent use of personal identification
 234 information, which is a felony of the third degree, punishable
 235 as provided in s. 775.082, s. 775.083, or s. 775.084.

236 (b) Any person who willfully and without authorization
 237 fraudulently uses personal identification information concerning
 238 an individual without first obtaining that individual's consent
 239 commits a felony of the second degree, punishable as provided in
 240 s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,
 241 the value of the services received, the payment sought to be
 242 avoided, or the amount of the injury or fraud perpetrated is
 243 \$5,000 or more or if the person fraudulently uses the personal
 244 identification information of 10 or more individuals, but fewer
 245 than 20 individuals, without their consent. Notwithstanding any
 246 other provision of law, the court shall sentence any person
 247 convicted of committing the offense described in this paragraph
 248 to a mandatory minimum sentence of 3 years' imprisonment.

249 (c) Any person who willfully and without authorization
 250 fraudulently uses personal identification information concerning
 251 an individual without first obtaining that individual's consent
 252 commits a felony of the first degree, punishable as provided in

253 s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,
 254 the value of the services received, the payment sought to be
 255 avoided, or the amount of the injury or fraud perpetrated is
 256 \$50,000 or more or if the person fraudulently uses the personal
 257 identification information of 20 or more individuals, but fewer
 258 than 30 individuals, without their consent. Notwithstanding any
 259 other provision of law, the court shall sentence any person
 260 convicted of committing the offense described in this paragraph:

261 ~~1-~~ to a mandatory minimum sentence of 5 years'
 262 imprisonment. If the pecuniary benefit, the value of the
 263 services received, the payment sought to be avoided, or the
 264 amount of the injury or fraud perpetrated is \$100,000 or more,
 265 or if the person fraudulently uses the personal identification
 266 information of 30 or more individuals without their consent,
 267 notwithstanding any other provision of law, the court shall
 268 sentence any person convicted of committing the offense
 269 described in this paragraph

270 ~~2-~~ to a mandatory minimum sentence of 10 years'
 271 imprisonment, ~~if the pecuniary benefit, the value of the~~
 272 ~~services received, the payment sought to be avoided, or the~~
 273 ~~amount of the injury or fraud perpetrated is \$100,000 or more or~~
 274 ~~if the person fraudulently uses the personal identification~~
 275 ~~information of 30 or more individuals without their consent.~~

276 (3) Neither paragraph (2)(b) nor paragraph (2)(c) prevents
 277 a court from imposing a greater sentence of incarceration as
 278 authorized by law. If the minimum mandatory terms of
 279 imprisonment imposed under paragraph (2)(b) or paragraph (2)(c)
 280 exceed the maximum sentences authorized under s. 775.082, s.

281 775.084, or the Criminal Punishment Code under chapter 921, the
 282 mandatory minimum sentence must be imposed. If the mandatory
 283 minimum terms of imprisonment under paragraph (2)(b) or
 284 paragraph (2)(c) are less than the sentence that could be
 285 imposed under s. 775.082, s. 775.084, or the Criminal Punishment
 286 Code under chapter 921, the sentence imposed by the court must
 287 include the mandatory minimum term of imprisonment as required
 288 by paragraph (2)(b) or paragraph (2)(c).

289 (4) Any person who willfully and without authorization
 290 possesses, uses, or attempts to use personal identification
 291 information concerning an individual without first obtaining
 292 that individual's consent, and who does so for the purpose of
 293 harassing that individual, commits the offense of harassment by
 294 use of personal identification information, which is a
 295 misdemeanor of the first degree, punishable as provided in s.
 296 775.082 or s. 775.083.

297 (5) Any person who willfully and without authorization
 298 discloses, sells, or transfers, or attempts to disclose, sell,
 299 or transfer, personal identification information concerning an
 300 individual, including personal identification information sent
 301 to a foreign country, without first obtaining that individual's
 302 consent, commits the offense of fraudulent disclosure, sale, or
 303 transfer of personal identification information, a felony of the
 304 third degree, punishable as provided in s. 775.082, s. 775.083,
 305 or s. 775.084.

306 ~~(6)(5)~~ If an offense prohibited under this section was
 307 facilitated or furthered by the use of a public record, as
 308 defined in s. 119.011, the offense is reclassified to the next

309 higher degree as follows:

310 (a) A misdemeanor of the first degree is reclassified as a
311 felony of the third degree.

312 (b) A felony of the third degree is reclassified as a
313 felony of the second degree.

314 (c) A felony of the second degree is reclassified as a
315 felony of the first degree.

316

317 For purposes of sentencing under chapter 921 and incentive gain-
318 time eligibility under chapter 944, a felony offense that is
319 reclassified under this subsection is ranked one level above the
320 ranking under s. 921.0022 of the felony offense committed, and a
321 misdemeanor offense that is reclassified under this subsection
322 is ranked in level 2 of the offense severity ranking chart in s.
323 921.0022.

324 ~~(7)(6)~~ Any person who willfully and without authorization
325 fraudulently uses personal identification information concerning
326 an individual who is less than 18 years of age without first
327 obtaining the consent of that individual or of his or her legal
328 guardian commits a felony of the second degree, punishable as
329 provided in s. 775.082, s. 775.083, or s. 775.084.

330 (8)(a) Any person who willfully and fraudulently uses, or
331 possesses with intent to fraudulently use, personal
332 identification information concerning a deceased individual
333 commits the offense of fraudulent use or possession with intent
334 to use personal identification information of a deceased
335 individual, a felony of the third degree, punishable as provided
336 in s. 775.082, s. 775.083, or s. 775.084.

337 (b) Any person who willfully and fraudulently uses
338 personal identification information concerning a deceased
339 individual commits a felony of the second degree, punishable as
340 provided in s. 775.082, s. 775.083, or s. 775.084, if the
341 pecuniary benefit, the value of the services received, the
342 payment sought to be avoided, or the amount of injury or fraud
343 perpetrated is \$5,000 or more, or if the person fraudulently
344 uses the personal identification information of 10 or more but
345 fewer than 20 deceased individuals. Notwithstanding any other
346 provision of law, the court shall sentence any person convicted
347 of committing the offense described in this paragraph to a
348 mandatory minimum sentence of 3 years' imprisonment.

349 (c) Any person who willfully and fraudulently uses
350 personal identification information concerning a deceased
351 individual commits the offense of aggravated fraudulent use of
352 the personal identification information of multiple deceased
353 individuals, a felony of the first degree, punishable as
354 provided in s. 775.082, s. 775.083, or s. 775.084, if the
355 pecuniary benefit, the value of the services received, the
356 payment sought to be avoided, or the amount of injury or fraud
357 perpetrated is \$50,000 or more, or if the person fraudulently
358 uses the personal identification information of 20 or more but
359 fewer than 30 deceased individuals. Notwithstanding any other
360 provision of law, the court shall sentence any person convicted
361 of the offense described in this paragraph to a minimum
362 mandatory sentence of 5 years' imprisonment. If the pecuniary
363 benefit, the value of the services received, the payment sought
364 to be avoided, or the amount of the injury or fraud perpetrated

365 is \$100,000 or more, or if the person fraudulently uses the
366 personal identification information of 30 or more deceased
367 individuals, notwithstanding any other provision of law, the
368 court shall sentence any person convicted of an offense
369 described in this paragraph to a mandatory minimum sentence of
370 10 years' imprisonment.

371 (9) Any person who willfully and fraudulently creates or
372 uses, or possesses with intent to fraudulently use, counterfeit
373 or fictitious personal identification information concerning a
374 fictitious individual, or concerning a real individual without
375 first obtaining that real individual's consent, with intent to
376 use such counterfeit or fictitious personal identification
377 information for the purpose of committing or facilitating the
378 commission of a fraud on another person, commits the offense of
379 fraudulent creation or use, or possession with intent to
380 fraudulently use, counterfeit or fictitious personal
381 identification information, a felony of the third degree,
382 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

383 (10) Any person who commits an offense described in this
384 section and for the purpose of obtaining or using personal
385 identification information misrepresents himself or herself to
386 be a law enforcement officer; an employee or representative of a
387 bank, credit card company, credit counseling company, or credit
388 reporting agency; or any person who wrongfully represents that
389 he or she is seeking to assist the victim with a problem with
390 the victim's credit history shall have the offense reclassified
391 as follows:

392 (a) In the case of a misdemeanor, the offense is

393 reclassified as a felony of the third degree.

394 (b) In the case of a felony of the third degree, the
 395 offense is reclassified as a felony of the second degree.

396 (c) In the case of a felony of the second degree, the
 397 offense is reclassified as a felony of the first degree.

398 (d) In the case of a felony of the first degree or a
 399 felony of the first degree punishable by a term of imprisonment
 400 not exceeding life, the offense is reclassified as a life
 401 felony.

402
 403 For purposes of sentencing under chapter 921, a felony offense
 404 that is reclassified under this subsection is ranked one level
 405 above the ranking under s. 921.0022 or s. 921.0023 of the felony
 406 offense committed, and a misdemeanor offense that is
 407 reclassified under this subsection is ranked in level 2 of the
 408 offense severity ranking chart.

409 (11) The prosecutor may move the sentencing court to
 410 reduce or suspend the sentence of any person who is convicted of
 411 a violation of this section and who provides substantial
 412 assistance in the identification, arrest, or conviction of any
 413 of that person's accomplices, accessories, coconspirators, or
 414 principals or of any other person engaged in fraudulent
 415 possession or use of personal identification information. The
 416 arresting agency shall be given an opportunity to be heard in
 417 aggravation or mitigation in reference to any such motion. Upon
 418 good cause shown, the motion may be filed and heard in camera.
 419 The judge hearing the motion may reduce or suspend the sentence
 420 if the judge finds that the defendant rendered such substantial

421 assistance.

422 (12)(7) Any person who is in the relationship of parent or
 423 legal guardian, or who otherwise exercises custodial authority
 424 over an individual who is less than 18 years of age, who
 425 willfully and fraudulently uses personal identification
 426 information of that individual commits a felony of the second
 427 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 428 775.084.

429 (13)(8) This section does not prohibit any lawfully
 430 authorized investigative, protective, or intelligence activity
 431 of a law enforcement agency of this state or any of its
 432 political subdivisions, of any other state or its political
 433 subdivisions, or of the Federal Government or its political
 434 subdivisions.

435 (14)(a)(9)(a) In sentencing a defendant convicted of an
 436 offense under this section, the court may order that the
 437 defendant make restitution under ~~pursuant to~~ s. 775.089 to any
 438 victim of the offense. In addition to the victim's out-of-pocket
 439 costs, ~~such~~ restitution may include payment of any other costs,
 440 including attorney's fees incurred by the victim in clearing the
 441 victim's credit history or credit rating, or any costs incurred
 442 in connection with any civil or administrative proceeding to
 443 satisfy any debt, lien, or other obligation of the victim
 444 arising as the result of the actions of the defendant.

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

448 (15)(10) Prosecutions for violations of this section may

449 be brought on behalf of the state by any state attorney or by
 450 the statewide prosecutor.

451 ~~(16)~~~~(11)~~ The Legislature finds that, in the absence of
 452 evidence to the contrary, the location where a victim gives or
 453 fails to give consent to the use of personal identification
 454 information is the county where the victim generally resides.

455 ~~(17)~~~~(12)~~ Notwithstanding any other provision of law, venue
 456 for the prosecution and trial of violations of this section may
 457 be commenced and maintained in any county in which an element of
 458 the offense occurred, including the county where the victim
 459 generally resides.

460 ~~(18)~~~~(13)~~ A prosecution of an offense prohibited under
 461 subsection (2), subsection ~~(7)~~~~(6)~~, or subsection ~~(12)~~~~(7)~~ must be
 462 commenced within 3 years after the offense occurred. However, a
 463 prosecution may be commenced within 1 year after discovery of
 464 the offense by an aggrieved party, or by a person who has a
 465 legal duty to represent the aggrieved party and who is not a
 466 party to the offense, if such prosecution is commenced within 5
 467 years after the violation occurred.

468 (19) A person who violates any provision of this section
 469 commits a deceptive and unfair trade practice in violation of
 470 part II of chapter 501 and is subject to the penalties and
 471 remedies provided for the violation, in addition to remedies
 472 otherwise available for such conduct.

473 Section 3. Paragraphs (h) and (i) of subsection (3) of
 474 section 921.0022, Florida Statutes, are amended to read:

475 921.0022 Criminal Punishment Code; offense severity
 476 ranking chart.--

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477	(3) OFFENSE SEVERITY RANKING CHART		
	Florida	Felony	
478	Statute	Degree	Description
479			(h) LEVEL 8
480	316.193(3)(c)3.a.	2nd	DUI manslaughter.
481	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
482	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
483	499.0051(7)	1st	Forgery of prescription or legend drug labels.
484	499.0052	1st	Trafficking in contraband legend drugs.
485	560.123(8)(b)2.	2nd	Failure to report currency or payment

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486	560.125(5)(b)	2nd	instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
487	655.50(10)(b)2.	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
488	777.03(2)(a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
			Accessory after the fact, capital felony.

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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.

490

782.051(2) 1st Attempted felony
murder while
perpetrating or
attempting to
perpetrate a felony
not enumerated in s.
782.04(3).

491

782.071(1)(b) 1st Committing vehicular
homicide and failing
to render aid or
give information.

492

782.072(2) 1st Committing vessel

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493	790.161(3)	1st	homicide and failing to render aid or give information.
494	794.011(5)	2nd	Discharging a destructive device which results in bodily harm or property damage.
495	800.04(4)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
496	806.01(1)	1st	Lewd or lascivious battery.
497	810.02(2)(a)	1st,PBL	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
			Burglary with

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498			assault or battery.
	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
499			
	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
500			
	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
501			
	812.13(2)(b)	1st	Robbery with a weapon.
502			
	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
503			
	817.568 <u>(7)</u> (6)	2nd	Fraudulent use of

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504	825.102(2)	2nd	<p>personal identification information of an individual under the age of 18.</p>
505	825.1025(2)	2nd	<p>Aggravated abuse of an elderly person or disabled adult.</p>
506	825.103(2)(a)	1st	<p>Lewd or lascivious battery upon an elderly person or disabled adult.</p>
507	837.02(2)	2nd	<p>Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.</p>
508	837.021(2)	2nd	<p>Perjury in official proceedings relating to prosecution of a capital felony.</p>
			<p>Making contradictory statements in</p>

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509	860.121(2)(c)	1st	official proceedings relating to prosecution of a capital felony.
510	860.16	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
511	893.13(1)(b)	1st	Aircraft piracy. Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
512	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
513	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified

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514	893.135(1)(a)2.	1st	in s. 893.03(1)(a) or (b).
515	893.135(1)(b)1.b.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
516	893.135(1)(c)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
517	893.135(1)(d)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
518	893.135(1)(e)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
			Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

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519	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
520	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
521	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
522	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
523	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

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524

895.03(1) 1st Use or invest
proceeds derived
from pattern of
racketeering
activity.

525

895.03(2) 1st Acquire or maintain
through racketeering
activity any
interest in or
control of any
enterprise or real
property.

526

895.03(3) 1st Conduct or
participate in any
enterprise through
pattern of
racketeering
activity.

527

896.101(5)(b) 2nd Money laundering,
financial
transactions
totaling or
exceeding \$20,000,
but less than

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528	896.104(4)(a)2.	2nd	<p>\$100,000.</p> <p>Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.</p>
529			(i) LEVEL 9
530	316.193(3)(c)3.b.	1st	<p>DUI manslaughter; failing to render aid or give information.</p>
531	327.35(3)(c)3.b.	1st	<p>BUI manslaughter; failing to render aid or give information.</p>
532	499.0053	1st	<p>Sale or purchase of contraband legend</p>

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533	560.123(8)(b)3.	1st	drugs resulting in great bodily harm.
534	560.125(5)(c)	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
535	655.50(10)(b)3.	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
536	775.0844	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
			Aggravated white collar crime.

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537	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
538	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
539	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
540	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
541	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or

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542	787.01(1)(a)2.	1st,PBL	hostage. Kidnapping with intent to commit or facilitate commission of any felony.
543	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
544	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.
545	790.161	1st	Attempted capital destructive device offense.

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546	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
547	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
548	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
549	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
550	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial

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551	800.04(5)(b)	1st	or custodial authority.
552	812.13(2)(a)	1st,PBL	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
553	812.133(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
554	812.135(2)(b)	1st	Carjacking; firearm or other deadly weapon.
555	817.568 <u>(12)</u> (7)	2nd,PBL	Home-invasion robbery with weapon. Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person

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556	827.03(2)	1st	exercising custodial authority.
557	847.0145(1)	1st	Aggravated child abuse. Selling, or otherwise transferring custody or control, of a minor.
558	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
559	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.

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560	893.135	1st	Attempted capital trafficking offense.
561	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
562	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
563	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
564	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
565	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
566	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more

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567	893.135(1)(h)1.c.	1st	than 200 grams.
568	893.135(1)(j)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
569	893.135(1)(k)2.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
570	896.101(5)(c)	1st	Trafficking in Phenethylamines, 400 grams or more.
571	896.104(4)(a)3.	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
			Structuring transactions to evade reporting or registration requirements, financial transactions

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totaling or
exceeding \$100,000.

572

573

Section 4. This act shall take effect July 1, 2005.