

By Senator Campbell

32-738-05

See HB 481

1 A bill to be entitled

2 An act relating to unlawful use of personal

3 identification information; creating s.

4 501.165, F.S.; providing definitions; providing

5 that using deception to obtain certain personal

6 identification information for commercial

7 solicitation purposes is a deceptive and unfair

8 trade practice in violation of part II of ch.

9 501, F.S.; providing remedies; prohibiting the

10 unauthorized disclosure, sale, or transfer of

11 personal identification information to a third

12 party; providing applicability; prohibiting a

13 health care business from terminating certain

14 relationships to avoid obtaining consent from a

15 consumer to disclose, sell, or transfer

16 personal identification information;

17 prohibiting a business entity or health care

18 business from discriminating against an

19 individual due to the individual's refusal to

20 give such consent; providing that disclosing,

21 selling, or transferring personal

22 identification information is a deceptive and

23 unfair trade practice in violation of part II

24 of ch. 501, F.S.; providing that an individual

25 whose property or person is injured may

26 institute a civil action for injunctive relief,

27 civil damages, and financial loss; providing

28 for attorney's fees; providing that a civil

29 action may be filed regardless of whether a

30 criminal prosecution has been or will be

31 instituted and that the rights and remedies are

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 in addition to any other rights and remedies
2 provided by law; amending s. 817.568, F.S.;
3 including other information within the
4 definition of the term "personal identification
5 information"; defining the term "counterfeit or
6 fictitious personal identification
7 information"; revising criminal penalties
8 relating to the offense of fraudulently using,
9 or possessing with intent to fraudulently use,
10 personal identification information; providing
11 minimum mandatory terms of imprisonment;
12 providing that the willful and unauthorized
13 disclosure, sale, or transfer of, or the
14 attempt to disclose, sell, or transfer,
15 personal identification information under
16 specified circumstances is a felony of the
17 third degree; providing penalties; creating the
18 offenses of willfully and fraudulently using,
19 or possessing with intent to fraudulently use,
20 personal identification information concerning
21 a deceased individual; providing criminal
22 penalties; providing for minimum mandatory
23 terms of imprisonment; creating the offense of
24 willfully and fraudulently creating or using,
25 or possessing with intent to fraudulently use,
26 counterfeit or fictitious personal
27 identification information; providing criminal
28 penalties; providing for reclassification of
29 offenses under certain circumstances; providing
30 for reduction or suspension of sentences under
31 certain circumstances; providing that a

1 violation of s. 817.568, F.S., is a deceptive
2 and unfair trade practice in violation of part
3 II of ch. 501, F.S.; providing remedies;
4 amending s. 921.0022, F.S.; conforming
5 provisions to changes made by the act;
6 providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Section 501.165, Florida Statutes, is
11 created to read:

12 501.165 Fraudulent use of personal identification
13 information.--

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

15 (a) "Business entity" means a for-profit or
16 not-for-profit corporation, partnership, limited partnership,
17 proprietorship, firm, enterprise, franchise, association,
18 self-employed individual, or trust, whether fictitiously named
19 or not, doing business in this state, or a contractor or
20 subcontractor of such a business entity.

21 (b) "Health care business" means a business entity,
22 unit of local government, or political subdivision of the
23 state that collects or retains personally identifiable
24 information about individuals relating to health care,
25 including, but not limited to, hospitals or other facilities
26 that provide diagnostic, medical, surgical, or dental
27 treatment or care or chronic or rehabilitative care, health
28 maintenance organizations, medical partnerships, pharmacies,
29 emergency medical transportation companies, medical
30 transcription companies, banks and other business entities
31

1 that collect or process medical billing information, and
2 subcontractors of a health care business.

3 (c) "Individual" means a single human being and does
4 not mean a firm, association of individuals, corporation,
5 partnership, joint venture, sole proprietorship, or any other
6 entity.

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

11 1. A name, postal or e-mail address, social security
12 number, date of birth, driver's license or identification
13 number issued by a state or the Federal Government, telephone
14 number, mother's maiden name, alien registration number,
15 government passport number, employer or taxpayer
16 identification number, Medicaid or food stamp account number,
17 bank account number, credit card or debit card number, or
18 personal identification number or code assigned to the holder
19 of a debit card by the issuer to permit authorized electronic
20 use of the card;

21 2. Unique biometric data, such as a fingerprint, voice
22 print, retina or iris image, or other unique physical
23 representation;

24 3. A unique electronic identification number, address,
25 password, or routing code;

26 4. Medical records;

27 5. Telecommunication identifying information or an
28 access device; or

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

31

1 (2) A person, business entity, or health care business
2 that intentionally uses deceptive practices or means to obtain
3 personal identification information and that uses it to engage
4 in commercial solicitation, or provides it to another person,
5 business entity, or health care business for purposes of
6 commercial solicitation, commits a deceptive and unfair trade
7 practice in violation of part II of this chapter, and is
8 subject to the penalties and remedies provided for such
9 violation, in addition to remedies otherwise available for
10 this conduct.

11 (3)(a) A person, business entity, or health care
12 business may not disclose, sell, or otherwise transfer to a
13 third party, including a branch, affiliate, subcontractor, or
14 unaffiliated third party located in a foreign country,
15 personal identification information concerning an individual
16 without first obtaining the express consent of that
17 individual.

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

22 (c) A health care business may not terminate an
23 existing relationship with a consumer of health care services
24 to avoid obtaining express consent from the consumer before
25 disclosing, selling, or otherwise transferring personal
26 identification information to a party located in a foreign
27 country.

28 (d) A business entity or health care business may not
29 discriminate against or deny an otherwise qualified individual
30 a product, service, or health care service because the
31 individual has previously refused to give express consent to

1 the disclosure, sale, or transfer of personal identification
2 information to a party located in a foreign country.

3 (e) A person, business entity, or health care business
4 that violates any provision of this subsection commits a
5 deceptive and unfair trade practice in violation of part II of
6 this chapter and is subject to the penalties and remedies
7 provided for such violation in addition to remedies otherwise
8 available by law for this conduct.

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

12 1. Institute a civil action to enjoin and restrain
13 future acts that constitute a violation of subsection (2) or
14 subsection (3) and to recover for financial loss. Financial
15 loss under this section includes actual losses, lost wages,
16 attorney's fees, and other costs incurred by the individual in
17 correcting his or her credit history or credit rating or
18 incurred in connection with any criminal, civil, or
19 administrative proceeding brought against the individual
20 resulting from the misappropriation of the individual's
21 personal identification information.

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

27 (b) The venue for a civil action brought under this
28 subsection shall be the county in which the plaintiff resides
29 or any county in which any part of the alleged violation of
30 subsection (2) or subsection (3) took place, regardless of
31 whether the defendant was ever actually present in that

1 county. A civil action filed under this subsection must be
2 brought within 5 years after the violation occurred.

3 (c) A civil action may be filed under this subsection
4 regardless of whether a criminal prosecution has been or will
5 be instituted for the acts that are the subject of the civil
6 action. The rights and remedies provided by this subsection
7 are in addition to any other rights and remedies provided by
8 law.

9 Section 2. Section 817.568, Florida Statutes, is
10 amended to read:

11 817.568 Criminal use of personal identification
12 information.--

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

14 (a) "Access device" means any card, plate, code,
15 account number, electronic serial number, mobile
16 identification number, personal identification number, or
17 other telecommunications service, equipment, or instrument
18 identifier, or other means of account access that can be used,
19 alone or in conjunction with another access device, to obtain
20 money, goods, services, or any other thing of value, or that
21 can be used to initiate a transfer of funds, other than a
22 transfer originated solely by paper instrument.

23 (b) "Authorization" means empowerment, permission, or
24 competence to act.

25 (c) "Harass" means to engage in conduct directed at a
26 specific person that is intended to cause substantial
27 emotional distress to such person and serves no legitimate
28 purpose. "Harass" does not mean to use personal identification
29 information for accepted commercial purposes. The term does
30 not include constitutionally protected conduct such as
31

1 organized protests or the use of personal identification
2 information for accepted commercial purposes.

3 (d) "Individual" means a single human being and does
4 not mean a firm, association of individuals, corporation,
5 partnership, joint venture, sole proprietorship, or any other
6 entity.

7 (e) "Person" means a "person" as defined in s.
8 1.01(3).

9 (f) "Personal identification information" means any
10 name or number that may be used, alone or in conjunction with
11 any other information, to identify a specific individual,
12 including any:

13 1. Name, postal or e-mail address, telephone number,
14 social security number, date of birth, mother's maiden name,
15 official state-issued or United States-issued driver's license
16 or identification number, alien registration number,
17 government passport number, employer or taxpayer
18 identification number, Medicaid or food stamp account number,
19 ~~or~~ bank account number, or credit or debit card number, or
20 personal identification number or code assigned to the holder
21 of a debit card by the issuer to permit authorized electronic
22 use of such card;

23 2. Unique biometric data, such as fingerprint, voice
24 print, retina or iris image, or other unique physical
25 representation;

26 3. Unique electronic identification number, address,
27 or routing code; ~~or~~

28 4. Medical records;

29 ~~5.4-~~ Telecommunication identifying information or
30 access device; or-

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

3 (g) "Counterfeit or fictitious personal identification
4 information" means any counterfeit, fictitious, or fabricated
5 information in the similitude of the data outlined in
6 paragraph (f) that, although not truthful or accurate, would
7 in context lead a reasonably prudent person to credit its
8 truthfulness and accuracy.

9 (2)(a) Any person who willfully and without
10 authorization fraudulently uses, or possesses with intent to
11 fraudulently use, personal identification information
12 concerning an individual without first obtaining that
13 individual's consent, commits the offense of fraudulent use of
14 personal identification information, which is a felony of the
15 third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

17 (b) Any person who willfully and without authorization
18 fraudulently uses personal identification information
19 concerning an individual without first obtaining that
20 individual's consent commits a felony of the second degree,
21 punishable as provided in s. 775.082, s. 775.083, or s.
22 775.084, if the pecuniary benefit, the value of the services
23 received, the payment sought to be avoided, or the amount of
24 the injury or fraud perpetrated is \$5,000 or more or if the
25 person fraudulently uses the personal identification
26 information of 10 or more individuals, but fewer than 20
27 individuals, without their consent. Notwithstanding any other
28 provision of law, the court shall sentence any person
29 convicted of committing the offense described in this
30 paragraph to a mandatory minimum sentence of 3 years'
31 imprisonment.

1 (c) Any person who willfully and without authorization
2 fraudulently uses personal identification information
3 concerning an individual without first obtaining that
4 individual's consent commits a felony of the first degree,
5 punishable as provided in s. 775.082, s. 775.083, or s.
6 775.084, if the pecuniary benefit, the value of the services
7 received, the payment sought to be avoided, or the amount of
8 the injury or fraud perpetrated is \$50,000 or more or if the
9 person fraudulently uses the personal identification
10 information of 20 or more individuals, but fewer than 30
11 individuals, without their consent. Notwithstanding any other
12 provision of law, the court shall sentence any person
13 convicted of committing the offense described in this
14 paragraph+

15 ~~1-~~ to a mandatory minimum sentence of 5 years'
16 imprisonment. If the pecuniary benefit, the value of the
17 services received, the payment sought to be avoided, or the
18 amount of the injury or fraud perpetrated is \$100,000 or more,
19 or if the person fraudulently uses the personal identification
20 information of 30 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 ~~2-~~ to a mandatory minimum sentence of 10 years'
25 imprisonment, ~~if the pecuniary benefit, the value of the~~
26 ~~services received, the payment sought to be avoided, or the~~
27 ~~amount of the injury or fraud perpetrated is \$100,000 or more~~
28 ~~or if the person fraudulently uses the personal identification~~
29 ~~information of 30 or more individuals without their consent.~~

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

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

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

20 (5) Any person who willfully and without authorization
21 discloses, sells, or transfers, or attempts to disclose, sell,
22 or transfer, personal identification information concerning an
23 individual, including personal identification information sent
24 to a foreign country, without first obtaining that
25 individual's consent, commits the offense of fraudulent
26 disclosure, sale, or transfer of personal identification
27 information, a felony of the third degree, punishable as
28 provided in s. 775.082, s. 775.083, or s. 775.084.

29 ~~(6)(5)~~ If an offense prohibited under this section was
30 facilitated or furthered by the use of a public record, as
31

1 defined in s. 119.011, the offense is reclassified to the next
2 higher degree as follows:

3 (a) A misdemeanor of the first degree is reclassified
4 as a felony of the third degree.

5 (b) A felony of the third degree is reclassified as a
6 felony of the second degree.

7 (c) A felony of the second degree is reclassified as a
8 felony of the first degree.

9

10 For purposes of sentencing under chapter 921 and incentive
11 gain-time eligibility under chapter 944, a felony offense that
12 is reclassified under this subsection is ranked one level
13 above the ranking under s. 921.0022 of the felony offense
14 committed, and a misdemeanor offense that is reclassified
15 under this subsection is ranked in level 2 of the offense
16 severity ranking chart in s. 921.0022.

17 ~~(7)(6)~~ Any person who willfully and without
18 authorization fraudulently uses personal identification
19 information concerning an individual who is less than 18 years
20 of age without first obtaining the consent of that individual
21 or of his or her legal guardian commits a felony of the second
22 degree, punishable as provided in s. 775.082, s. 775.083, or
23 s. 775.084.

24 (8)(a) Any person who willfully and fraudulently uses,
25 or possesses with intent to fraudulently use, personal
26 identification information concerning a deceased individual
27 commits the offense of fraudulent use or possession with
28 intent to use personal identification information of a
29 deceased individual, a felony of the third degree, punishable
30 as provided in s. 775.082, s. 775.083, or s. 775.084.

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1 (b) Any person who willfully and fraudulently uses
2 personal identification information concerning a deceased
3 individual commits a felony of the second degree, punishable
4 as provided in s. 775.082, s. 775.083, or s. 775.084, if the
5 pecuniary benefit, the value of the services received, the
6 payment sought to be avoided, or the amount of injury or fraud
7 perpetrated is \$5,000 or more, or if the person fraudulently
8 uses the personal identification information of 10 or more but
9 fewer than 20 deceased individuals. Notwithstanding any other
10 provision of law, the court shall sentence any person
11 convicted of committing the offense described in this
12 paragraph to a mandatory minimum sentence of 3 years'
13 imprisonment.

14 (c) Any person who willfully and fraudulently uses
15 personal identification information concerning a deceased
16 individual commits the offense of aggravated fraudulent use of
17 the personal identification information of multiple deceased
18 individuals, a felony of the first degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084, if the
20 pecuniary benefit, the value of the services received, the
21 payment sought to be avoided, or the amount of injury or fraud
22 perpetrated is \$50,000 or more, or if the person fraudulently
23 uses the personal identification information of 20 or more but
24 fewer than 30 deceased individuals. Notwithstanding any other
25 provision of law, the court shall sentence any person
26 convicted of the offense described in this paragraph to a
27 minimum mandatory sentence of 5 years' imprisonment. If the
28 pecuniary benefit, the value of the services received, the
29 payment sought to be avoided, or the amount of the injury or
30 fraud perpetrated is \$100,000 or more, or if the person
31 fraudulently uses the personal identification information of

1 30 or more deceased individuals, notwithstanding any other
2 provision of law, the court shall sentence any person
3 convicted of an offense described in this paragraph to a
4 mandatory minimum sentence of 10 years' imprisonment.

5 (9) Any person who willfully and fraudulently creates
6 or uses, or possesses with intent to fraudulently use,
7 counterfeit or fictitious personal identification information
8 concerning a fictitious individual, or concerning a real
9 individual without first obtaining that real individual's
10 consent, with intent to use such counterfeit or fictitious
11 personal identification information for the purpose of
12 committing or facilitating the commission of a fraud on
13 another person, commits the offense of fraudulent creation or
14 use, or possession with intent to fraudulently use,
15 counterfeit or fictitious personal identification information,
16 a felony of the third degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

18 (10) Any person who commits an offense described in
19 this section and for the purpose of obtaining or using
20 personal identification information misrepresents himself or
21 herself to be a law enforcement officer; an employee or
22 representative of a bank, credit card company, credit
23 counseling company, or credit reporting agency; or any person
24 who wrongfully represents that he or she is seeking to assist
25 the victim with a problem with the victim's credit history
26 shall have the offense reclassified as follows:

27 (a) In the case of a misdemeanor, the offense is
28 reclassified as a felony of the third degree.

29 (b) In the case of a felony of the third degree, the
30 offense is reclassified as a felony of the second degree.
31

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

3 (d) In the case of a felony of the first degree or a
4 felony of the first degree punishable by a term of
5 imprisonment not exceeding life, the offense is reclassified
6 as a life felony.

7
8 For purposes of sentencing under chapter 921, a felony offense
9 that is reclassified under this subsection is ranked one level
10 above the ranking under s. 921.0022 or s. 921.0023 of the
11 felony offense committed, and a misdemeanor offense that is
12 reclassified under this subsection is ranked in level 2 of the
13 offense severity ranking chart.

14 (11) The prosecutor may move the sentencing court to
15 reduce or suspend the sentence of any person who is convicted
16 of a violation of this section and who provides substantial
17 assistance in the identification, arrest, or conviction of any
18 of that person's accomplices, accessories, coconspirators, or
19 principals or of any other person engaged in fraudulent
20 possession or use of personal identification information. The
21 arresting agency shall be given an opportunity to be heard in
22 aggravation or mitigation in reference to any such motion.
23 Upon good cause shown, the motion may be filed and heard in
24 camera. The judge hearing the motion may reduce or suspend the
25 sentence if the judge finds that the defendant rendered such
26 substantial assistance.

27 (12)(7) Any person who is in the relationship of
28 parent or legal guardian, or who otherwise exercises custodial
29 authority over an individual who is less than 18 years of age,
30 who willfully and fraudulently uses personal identification
31 information of that individual commits a felony of the second

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 ~~(13)(8)~~ This section does not prohibit any lawfully
4 authorized investigative, protective, or intelligence activity
5 of a law enforcement agency of this state or any of its
6 political subdivisions, of any other state or its political
7 subdivisions, or of the Federal Government or its political
8 subdivisions.

9 ~~(14)(a)(9)(a)~~ In sentencing a defendant convicted of
10 an offense under this section, the court may order that the
11 defendant make restitution under ~~pursuant to~~ s. 775.089 to any
12 victim of the offense. In addition to the victim's
13 out-of-pocket costs, ~~such~~ restitution may include payment of
14 any other costs, including attorney's fees incurred by the
15 victim in clearing the victim's credit history or credit
16 rating, or any costs incurred in connection with any civil or
17 administrative proceeding to satisfy any debt, lien, or other
18 obligation of the victim arising as the result of the actions
19 of the defendant.

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

23 ~~(15)(10)~~ Prosecutions for violations of this section
24 may be brought on behalf of the state by any state attorney or
25 by the statewide prosecutor.

26 ~~(16)(11)~~ The Legislature finds that, in the absence of
27 evidence to the contrary, the location where a victim gives or
28 fails to give consent to the use of personal identification
29 information is the county where the victim generally resides.

30 ~~(17)(12)~~ Notwithstanding any other provision of law,
31 venue for the prosecution and trial of violations of this

1 section may be commenced and maintained in any county in which
2 an element of the offense occurred, including the county where
3 the victim generally resides.

4 ~~(18)(13)~~ A prosecution of an offense prohibited under
5 subsection (2), subsection ~~(7)(6)~~, or subsection ~~(12)(7)~~ must
6 be commenced within 3 years after the offense occurred.

7 However, a prosecution may be commenced within 1 year after
8 discovery of the offense by an aggrieved party, or by a person
9 who has a legal duty to represent the aggrieved party and who
10 is not a party to the offense, if such prosecution is
11 commenced within 5 years after the violation occurred.

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

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

19 921.0022 Criminal Punishment Code; offense severity
20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

23 Florida	Felony	
24 Statute	Degree	Description
25		
26		
27		(h) LEVEL 8
28 316.193		
29 (3)(c)3.a.	2nd	DUI manslaughter.
30		
31		

1	316.1935(4)(b)	1st	Aggravated fleeing or attempted
2			eluding with serious bodily
3			injury or death.
4	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
5	499.0051(7)	1st	Forgery of prescription or legend
6			drug labels.
7	499.0052	1st	Trafficking in contraband legend
8			drugs.
9	560.123(8)(b)2.	2nd	Failure to report currency or
10			payment instruments totaling or
11			exceeding \$20,000, but less than
12			\$100,000 by money transmitter.
13	560.125(5)(b)	2nd	Money transmitter business by
14			unauthorized person, currency or
15			payment instruments totaling or
16			exceeding \$20,000, but less than
17			\$100,000.
18	655.50(10)(b)2.	2nd	Failure to report financial
19			transactions totaling or
20			exceeding \$20,000, but less than
21			\$100,000 by financial
22			institutions.
23	777.03(2)(a)	1st	Accessory after the fact, capital
24			felony.
25	782.04(4)	2nd	Killing of human without design
26			when engaged in act or attempt of
27			any felony other than arson,
28			sexual battery, robbery,
29			burglary, kidnapping, aircraft
30			piracy, or unlawfully discharging
31			bomb.

1	782.051(2)	1st	Attempted felony murder while
2			perpetrating or attempting to
3			perpetrate a felony not
4			enumerated in s. 782.04(3).
5	782.071(1)(b)	1st	Committing vehicular homicide and
6			failing to render aid or give
7			information.
8	782.072(2)	1st	Committing vessel homicide and
9			failing to render aid or give
10			information.
11	790.161(3)	1st	Discharging a destructive device
12			which results in bodily harm or
13			property damage.
14	794.011(5)	2nd	Sexual battery, victim 12 years
15			or over, offender does not use
16			physical force likely to cause
17			serious injury.
18	800.04(4)	2nd	Lewd or lascivious battery.
19	806.01(1)	1st	Maliciously damage dwelling or
20			structure by fire or explosive,
21			believing person in structure.
22	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
23	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
24			or dangerous weapon.
25	810.02(2)(c)	1st	Burglary of a dwelling or
26			structure causing structural
27			damage or \$1,000 or more property
28			damage.
29	812.014(2)(a)2.	1st	Property stolen; cargo valued at
30			\$50,000 or more, grand theft in
31			1st degree.

1	812.13(2)(b)	1st	Robbery with a weapon.
2	812.135(2)(c)	1st	Home-invasion robbery, no
3			firearm, deadly weapon, or other
4			weapon.
5	817.568 (7) <u>(6)</u>	2nd	Fraudulent use of personal
6			identification information of an
7			individual under the age of 18.
8	825.102(2)	2nd	Aggravated abuse of an elderly
9			person or disabled adult.
10	825.1025(2)	2nd	Lewd or lascivious battery upon
11			an elderly person or disabled
12			adult.
13	825.103(2)(a)	1st	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$100,000 or more.
16	837.02(2)	2nd	Perjury in official proceedings
17			relating to prosecution of a
18			capital felony.
19	837.021(2)	2nd	Making contradictory statements
20			in official proceedings relating
21			to prosecution of a capital
22			felony.
23	860.121(2)(c)	1st	Shooting at or throwing any
24			object in path of railroad
25			vehicle resulting in great bodily
26			harm.
27	860.16	1st	Aircraft piracy.
28	893.13(1)(b)	1st	Sell or deliver in excess of 10
29			grams of any substance specified
30			in s. 893.03(1)(a) or (b).
31			

1	893.13(2)(b)	1st	Purchase in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.13(6)(c)	1st	Possess in excess of 10 grams of
5			any substance specified in s.
6			893.03(1)(a) or (b).
7	893.135(1)(a)2.	1st	Trafficking in cannabis, more
8			than 2,000 lbs., less than 10,000
9			lbs.
10	893.135		
11	(1)(b)1.b.	1st	Trafficking in cocaine, more than
12			200 grams, less than 400 grams.
13	893.135		
14	(1)(c)1.b.	1st	Trafficking in illegal drugs,
15			more than 14 grams, less than 28
16			grams.
17	893.135		
18	(1)(d)1.b.	1st	Trafficking in phencyclidine,
19			more than 200 grams, less than
20			400 grams.
21	893.135		
22	(1)(e)1.b.	1st	Trafficking in methaqualone, more
23			than 5 kilograms, less than 25
24			kilograms.
25	893.135		
26	(1)(f)1.b.	1st	Trafficking in amphetamine, more
27			than 28 grams, less than 200
28			grams.
29			
30			
31			

1	893.135		
2	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
3			grams or more, less than 28
4			grams.
5	893.135		
6	(1)(h)1.b.	1st	Trafficking in
7			gamma-hydroxybutyric acid (GHB),
8			5 kilograms or more, less than 10
9			kilograms.
10	893.135		
11	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
12			kilograms or more, less than 10
13			kilograms.
14	893.135		
15	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
16			200 grams or more, less than 400
17			grams.
18	895.03(1)	1st	Use or invest proceeds derived
19			from pattern of racketeering
20			activity.
21	895.03(2)	1st	Acquire or maintain through
22			racketeering activity any
23			interest in or control of any
24			enterprise or real property.
25	895.03(3)	1st	Conduct or participate in any
26			enterprise through pattern of
27			racketeering activity.
28	896.101(5)(b)	2nd	Money laundering, financial
29			transactions totaling or
30			exceeding \$20,000, but less than
31			\$100,000.

1	896.104(4)(a)2.	2nd	Structuring transactions to evade
2			reporting or registration
3			requirements, financial
4			transactions totaling or
5			exceeding \$20,000 but less than
6			\$100,000.
7			(i) LEVEL 9
8	316.193		
9	(3)(c)3.b.	1st	DUI manslaughter; failing to
10			render aid or give information.
11	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
12			render aid or give information.
13	499.0053	1st	Sale or purchase of contraband
14			legend drugs resulting in great
15			bodily harm.
16	560.123(8)(b)3.	1st	Failure to report currency or
17			payment instruments totaling or
18			exceeding \$100,000 by money
19			transmitter.
20	560.125(5)(c)	1st	Money transmitter business by
21			unauthorized person, currency, or
22			payment instruments totaling or
23			exceeding \$100,000.
24	655.50(10)(b)3.	1st	Failure to report financial
25			transactions totaling or
26			exceeding \$100,000 by financial
27			institution.
28	775.0844	1st	Aggravated white collar crime.
29	782.04(1)	1st	Attempt, conspire, or solicit to
30			commit premeditated murder.
31			

1	782.04(3)	1st,PBL	Accomplice to murder in
2			connection with arson, sexual
3			battery, robbery, burglary, and
4			other specified felonies.
5	782.051(1)	1st	Attempted felony murder while
6			perpetrating or attempting to
7			perpetrate a felony enumerated in
8			s. 782.04(3).
9	782.07(2)	1st	Aggravated manslaughter of an
10			elderly person or disabled adult.
11	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
12			reward or as a shield or hostage.
13	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
14			or facilitate commission of any
15			felony.
16	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
17			interfere with performance of any
18			governmental or political
19			function.
20	787.02(3)(a)	1st	False imprisonment; child under
21			age 13; perpetrator also commits
22			aggravated child abuse, sexual
23			battery, or lewd or lascivious
24			battery, molestation, conduct, or
25			exhibition.
26	790.161	1st	Attempted capital destructive
27			device offense.
28	790.166(2)	1st,PBL	Possessing, selling, using, or
29			attempting to use a weapon of
30			mass destruction.
31			

1	794.011(2)	1st	Attempted sexual battery; victim
2			less than 12 years of age.
3	794.011(2)	Life	Sexual battery; offender younger
4			than 18 years and commits sexual
5			battery on a person less than 12
6			years.
7	794.011(4)	1st	Sexual battery; victim 12 years
8			or older, certain circumstances.
9	794.011(8)(b)	1st	Sexual battery; engage in sexual
10			conduct with minor 12 to 18 years
11			by person in familial or
12			custodial authority.
13	800.04(5)(b)	1st	Lewd or lascivious molestation;
14			victim less than 12 years;
15			offender 18 years or older.
16	812.13(2)(a)	1st,PBL	Robbery with firearm or other
17			deadly weapon.
18	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
19			deadly weapon.
20	812.135(2)(b)	1st	Home-invasion robbery with
21			weapon.
22	817.568(<u>12</u>)(7)	2nd,PBL	Fraudulent use of personal
23			identification information of an
24			individual under the age of 18 by
25			his or her parent, legal
26			guardian, or person exercising
27			custodial authority.
28	827.03(2)	1st	Aggravated child abuse.
29	847.0145(1)	1st	Selling, or otherwise
30			transferring custody or control,
31			of a minor.

1	847.0145(2)	1st	Purchasing, or otherwise
2			obtaining custody or control, of
3			a minor.
4	859.01	1st	Poisoning or introducing
5			bacteria, radioactive materials,
6			viruses, or chemical compounds
7			into food, drink, medicine, or
8			water with intent to kill or
9			injure another person.
10	893.135	1st	Attempted capital trafficking
11			offense.
12	893.135(1)(a)3.	1st	Trafficking in cannabis, more
13			than 10,000 lbs.
14	893.135		
15	(1)(b)1.c.	1st	Trafficking in cocaine, more than
16			400 grams, less than 150
17			kilograms.
18	893.135		
19	(1)(c)1.c.	1st	Trafficking in illegal drugs,
20			more than 28 grams, less than 30
21			kilograms.
22	893.135		
23	(1)(d)1.c.	1st	Trafficking in phencyclidine,
24			more than 400 grams.
25	893.135		
26	(1)(e)1.c.	1st	Trafficking in methaqualone, more
27			than 25 kilograms.
28	893.135		
29	(1)(f)1.c.	1st	Trafficking in amphetamine, more
30			than 200 grams.
31			

1 893.135
2 (1)(h)1.c. 1st Trafficking in
3 gamma-hydroxybutyric acid (GHB),
4 10 kilograms or more.
5 893.135
6 (1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10
7 kilograms or more.
8 893.135
9 (1)(k)2.c. 1st Trafficking in Phenethylamines,
10 400 grams or more.
11 896.101(5)(c) 1st Money laundering, financial
12 instruments totaling or exceeding
13 \$100,000.
14 896.104(4)(a)3. 1st Structuring transactions to evade
15 reporting or registration
16 requirements, financial
17 transactions totaling or
18 exceeding \$100,000.
19 Section 4. This act shall take effect July 1, 2005.
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