

1 A bill to be entitled
 2 An act relating to personal identification information;
 3 amending s. 817.568, F.S.; providing that any person who
 4 willfully and without authorization fraudulently uses
 5 personal identification information concerning an
 6 individual who is 65 years of age or older without first
 7 obtaining the consent of the individual or of his or her
 8 legal guardian commits a felony of the second degree;
 9 providing criminal penalties; providing that a person who
 10 is in the relationship of adult child or legal guardian,
 11 or who otherwise exercises custodial authority over an
 12 individual who is 65 years of age or older, who willfully
 13 and fraudulently uses personal identification information
 14 of that individual commits a felony of the second degree;
 15 providing criminal penalties; amending s. 921.0022, F.S.;
 16 conforming cross-references; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsections (6) and (7) of section 817.568,
 21 Florida Statutes, are amended to read:

22 817.568 Criminal use of personal identification
 23 information.--

24 (6) (a) Any person who willfully and without authorization
 25 fraudulently uses personal identification information concerning
 26 an individual who is less than 18 years of age without first
 27 obtaining the consent of that individual or of his or her legal
 28 guardian commits a felony of the second degree, punishable as

29 provided in s. 775.082, s. 775.083, or s. 775.084.

30 (b) Any person who willfully and without authorization
 31 fraudulently uses personal identification information concerning
 32 an individual who is 65 years of age or older without first
 33 obtaining the consent of that individual or of his or her legal
 34 guardian commits a felony of the second degree, punishable as
 35 provided in s. 775.082, s. 775.083, or s. 775.084.

36 (7)(a) Any person who is in the relationship of parent or
 37 legal guardian, or who otherwise exercises custodial authority
 38 over an individual who is less than 18 years of age, who
 39 willfully and fraudulently uses personal identification
 40 information of that individual commits a felony of the second
 41 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 42 775.084.

43 (b) Any person who is in the relationship of adult child
 44 or legal guardian, or who otherwise exercises custodial
 45 authority over an individual who is 65 years of age or older,
 46 who willfully and fraudulently uses personal identification
 47 information of that individual commits a felony of the second
 48 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 49 775.084.

50 Section 2. Paragraphs (h) and (i) of subsection (3) of
 51 section 921.0022, Florida Statutes, are amended to read:

52 921.0022 Criminal Punishment Code; offense severity
 53 ranking chart.--

54 (3) OFFENSE SEVERITY RANKING CHART

Florida Felony

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	Statute	Degree	Description
55			(h) LEVEL 8
56	316.193 (3) (c) 3 . a .	2nd	DUI manslaughter.
57	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
58	327.35 (3) (c) 3 .	2nd	Vessel BUI manslaughter.
59	499.0051 (7)	1st	Forgery of prescription or legend drug labels.
60	499.0052	1st	Trafficking in contraband legend drugs.
61	560.123 (8) (b) 2 .	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
62	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
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64	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
65	777.03(2)(a)	1st	Accessory after the fact, capital felony.
66	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.
67	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
68	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
69	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property

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			damage.
70	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
71	800.04 (4)	2nd	Lewd or lascivious battery.
72	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
73	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
74	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
75	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
76	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
77	812.13 (2) (b)	1st	Robbery with a weapon.
78	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
79	817.568 (6) <u>(a)</u>	2nd	Fraudulent use of personal

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80	<u>817.568 (6) (b)</u>	<u>2nd</u>	<p>identification information of an individual under the age of 18.</p> <p><u>Fraudulent use of personal identification information of an individual 65 years of age or older.</u></p>
81	825.102 (2)	2nd	<p>Aggravated abuse of an elderly person or disabled adult.</p>
82	825.1025 (2)	2nd	<p>Lewd or lascivious battery upon an elderly person or disabled adult.</p>
83	825.103 (2) (a)	1st	<p>Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.</p>
84	837.02 (2)	2nd	<p>Perjury in official proceedings relating to prosecution of a capital felony.</p>
85	837.021 (2)	2nd	<p>Making contradictory statements in official proceedings relating to prosecution of a capital felony.</p>
86	860.121 (2) (c)	1st	<p>Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.</p>
87	860.16	1st	<p>Aircraft piracy.</p>

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88	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
89	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
90	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
91	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
92	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
93	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
94	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
95	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
96	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
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98	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
99	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
100	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
101	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
102	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
103	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
104	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
105	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

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106	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
			(i) LEVEL 9
107	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
108	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
109	499.00535	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
110	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
111	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
112	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
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114	775.0844	1st	Aggravated white collar crime.
115	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
116	782.04 (3)	1st, PBL	robbery, burglary, and other specified felonies.
117	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .
118	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
119	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
120	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
121	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
	787.02 (3) (a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious

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battery, molestation, conduct, or
exhibition.

122

790.161 1st Attempted capital destructive device
offense.

123

790.166 (2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of mass
destruction.

124

794.011 (2) 1st Attempted sexual battery; victim less
than 12 years of age.

125

794.011 (2) Life Sexual battery; offender younger than
18 years and commits sexual battery on
a person less than 12 years.

126

794.011 (4) 1st Sexual battery; victim 12 years or
older, certain circumstances.

127

794.011 (8) (b) 1st Sexual battery; engage in sexual
conduct with minor 12 to 18 years by
person in familial or custodial
authority.

128

800.04 (5) (b) Life Lewd or lascivious molestation; victim
less than 12 years; offender 18 years
or older.

129

812.13 (2) (a) 1st,PBL Robbery with firearm or other deadly

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weapon.

130

812.133 (2) (a) 1st, PBL Carjacking; firearm or other deadly
weapon.

131

812.135 (2) (b) 1st Home-invasion robbery with weapon.

132

817.568 (7) (a) 2nd, PBL Fraudulent use of personal
identification information of an
individual under the age of 18 by his
or her parent, legal guardian, or
person exercising custodial authority.

133

817.568 (7) (b) 2nd Fraudulent use of personal
identification information of an
individual 65 years of age or older by
his or her adult child, legal
guardian, or person exercising
custodial authority.

134

827.03 (2) 1st Aggravated child abuse.

135

847.0145 (1) 1st Selling, or otherwise transferring
custody or control, of a minor.

136

847.0145 (2) 1st Purchasing, or otherwise obtaining
custody or control, of a minor.

137

859.01 1st Poisoning or introducing bacteria,
radioactive materials, viruses, or

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chemical compounds into food, drink,
medicine, or water with intent to kill
or injure another person.

138 893.135 1st Attempted capital trafficking offense.

139 893.135(1)(a)3. 1st Trafficking in cannabis, more than
10,000 lbs.

140 893.135 1st Trafficking in cocaine, more than 400
(1)(b)1.c. grams, less than 150 kilograms.

141 893.135 1st Trafficking in illegal drugs, more
(1)(c)1.c. than 28 grams, less than 30 kilograms.

142 893.135 1st Trafficking in phencyclidine, more
(1)(d)1.c. than 400 grams.

143 893.135 1st Trafficking in methaqualone, more than
(1)(e)1.c. 25 kilograms.

144 893.135 1st Trafficking in amphetamine, more than
(1)(f)1.c. 200 grams.

145 893.135 1st Trafficking in gamma-hydroxybutyric
(1)(h)1.c. acid (GHB), 10 kilograms or more.

146 893.135 1st Trafficking in 1,4-Butanediol, 10
(1)(j)1.c. kilograms or more.

147 893.135 1st Trafficking in Phenethylamines, 400

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148	(1) (k) 2.c.		grams or more.
149	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
150	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
151	Section 3. This act shall take effect July 1, 2006.		