

1 of age without first obtaining the consent of that individual
2 or of his or her legal guardian commits a felony of the second
3 degree, punishable as provided in s. 775.082, s. 775.083, or
4 s. 775.084.

5 (b) Any person who willfully and without authorization
6 fraudulently uses personal identification information
7 concerning an individual who is 65 years of age or older
8 without first obtaining the consent of that individual or of
9 his or her legal guardian commits a felony of the second
10 degree, punishable as provided in s. 775.082, s. 775.083, or
11 s. 775.084.

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

19 (b) Any person who is in the relationship of adult
20 child or legal guardian, or who otherwise exercises custodial
21 authority over an individual who is 65 years of age or older,
22 who willfully and fraudulently uses personal identification
23 information of that individual commits a felony of the second
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084.

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

28 921.0022 Criminal Punishment Code; offense severity
29 ranking chart.--

30 (3) OFFENSE SEVERITY RANKING CHART
31

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(h) LEVEL 8
6	316.193		
7	(3)(c)3.a.	2nd	DUI manslaughter.
8	316.1935(4)(b)	1st	Aggravated fleeing or attempted
9			eluding with serious bodily
10			injury or death.
11	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
12	499.0051(7)	1st	Forgery of prescription or legend
13			drug labels.
14	499.0052	1st	Trafficking in contraband legend
15			drugs.
16	560.123(8)(b)2.	2nd	Failure to report currency or
17			payment instruments totaling or
18			exceeding \$20,000, but less than
19			\$100,000 by money transmitter.
20	560.125(5)(b)	2nd	Money transmitter business by
21			unauthorized person, currency or
22			payment instruments totaling or
23			exceeding \$20,000, but less than
24			\$100,000.
25	655.50(10)(b)2.	2nd	Failure to report financial
26			transactions totaling or
27			exceeding \$20,000, but less than
28			\$100,000 by financial
29			institutions.
30	777.03(2)(a)	1st	Accessory after the fact, capital
31			felony.

1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.051(2)	1st	Attempted felony murder while
9			perpetrating or attempting to
10			perpetrate a felony not
11			enumerated in s. 782.04(3).
12	782.071(1)(b)	1st	Committing vehicular homicide and
13			failing to render aid or give
14			information.
15	782.072(2)	1st	Committing vessel homicide and
16			failing to render aid or give
17			information.
18	790.161(3)	1st	Discharging a destructive device
19			which results in bodily harm or
20			property damage.
21	794.011(5)	2nd	Sexual battery, victim 12 years
22			or over, offender does not use
23			physical force likely to cause
24			serious injury.
25	800.04(4)	2nd	Lewd or lascivious battery.
26	806.01(1)	1st	Maliciously damage dwelling or
27			structure by fire or explosive,
28			believing person in structure.
29	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
30	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
31			or dangerous weapon.

1	810.02(2)(c)	1st	Burglary of a dwelling or
2			structure causing structural
3			damage or \$1,000 or more property
4			damage.
5	812.014(2)(a)2.	1st	Property stolen; cargo valued at
6			\$50,000 or more, grand theft in
7			1st degree.
8	812.13(2)(b)	1st	Robbery with a weapon.
9	812.135(2)(c)	1st	Home-invasion robbery, no
10			firearm, deadly weapon, or other
11			weapon.
12	817.568(6)(a)	2nd	Fraudulent use of personal
13			identification information of an
14			individual under the age of 18.
15	<u>817.568(6)(b)</u>	<u>2nd</u>	<u>Fraudulent use of personal</u>
16			<u>identification information of an</u>
17			<u>individual 65 years of age or</u>
18			<u>older.</u>
19	825.102(2)	2nd	Aggravated abuse of an elderly
20			person or disabled adult.
21	825.1025(2)	2nd	Lewd or lascivious battery upon
22			an elderly person or disabled
23			adult.
24	825.103(2)(a)	1st	Exploiting an elderly person or
25			disabled adult and property is
26			valued at \$100,000 or more.
27	837.02(2)	2nd	Perjury in official proceedings
28			relating to prosecution of a
29			capital felony.
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1	837.021(2)	2nd	Making contradictory statements
2			in official proceedings relating
3			to prosecution of a capital
4			felony.
5	860.121(2)(c)	1st	Shooting at or throwing any
6			object in path of railroad
7			vehicle resulting in great bodily
8			harm.
9	860.16	1st	Aircraft piracy.
10	893.13(1)(b)	1st	Sell or deliver in excess of 10
11			grams of any substance specified
12			in s. 893.03(1)(a) or (b).
13	893.13(2)(b)	1st	Purchase in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.13(6)(c)	1st	Possess in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.135(1)(a)2.	1st	Trafficking in cannabis, more
20			than 2,000 lbs., less than 10,000
21			lbs.
22	893.135		
23	(1)(b)1.b.	1st	Trafficking in cocaine, more than
24			200 grams, less than 400 grams.
25	893.135		
26	(1)(c)1.b.	1st	Trafficking in illegal drugs,
27			more than 14 grams, less than 28
28			grams.
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1	893.135		
2	(1)(d)1.b.	1st	Trafficking in phencyclidine,
3			more than 200 grams, less than
4			400 grams.
5	893.135		
6	(1)(e)1.b.	1st	Trafficking in methaqualone, more
7			than 5 kilograms, less than 25
8			kilograms.
9	893.135		
10	(1)(f)1.b.	1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135		
14	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
15			grams or more, less than 28
16			grams.
17	893.135		
18	(1)(h)1.b.	1st	Trafficking in
19			gamma-hydroxybutyric acid (GHB),
20			5 kilograms or more, less than 10
21			kilograms.
22	893.135		
23	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
24			kilograms or more, less than 10
25			kilograms.
26	893.135		
27	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
28			200 grams or more, less than 400
29			grams.
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1	895.03(1)	1st	Use or invest proceeds derived
2			from pattern of racketeering
3			activity.
4	895.03(2)	1st	Acquire or maintain through
5			racketeering activity any
6			interest in or control of any
7			enterprise or real property.
8	895.03(3)	1st	Conduct or participate in any
9			enterprise through pattern of
10			racketeering activity.
11	896.101(5)(b)	2nd	Money laundering, financial
12			transactions totaling or
13			exceeding \$20,000, but less than
14			\$100,000.
15	896.104(4)(a)2.	2nd	Structuring transactions to evade
16			reporting or registration
17			requirements, financial
18			transactions totaling or
19			exceeding \$20,000 but less than
20			\$100,000.
21			(i) LEVEL 9
22	316.193		
23	(3)(c)3.b.	1st	DUI manslaughter; failing to
24			render aid or give information.
25	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
26			render aid or give information.
27	499.00535	1st	Sale or purchase of contraband
28			legend drugs resulting in great
29			bodily harm.
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1	560.123(8)(b)3.	1st	Failure to report currency or
2			payment instruments totaling or
3			exceeding \$100,000 by money
4			transmitter.
5	560.125(5)(c)	1st	Money transmitter business by
6			unauthorized person, currency, or
7			payment instruments totaling or
8			exceeding \$100,000.
9	655.50(10)(b)3.	1st	Failure to report financial
10			transactions totaling or
11			exceeding \$100,000 by financial
12			institution.
13	775.0844	1st	Aggravated white collar crime.
14	782.04(1)	1st	Attempt, conspire, or solicit to
15			commit premeditated murder.
16	782.04(3)	1st,PBL	Accomplice to murder in
17			connection with arson, sexual
18			battery, robbery, burglary, and
19			other specified felonies.
20	782.051(1)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony enumerated in
23			s. 782.04(3).
24	782.07(2)	1st	Aggravated manslaughter of an
25			elderly person or disabled adult.
26	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
27			reward or as a shield or hostage.
28	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
29			or facilitate commission of any
30			felony.
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1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	790.166(2)	1st,PBL	Possessing, selling, using, or
14			attempting to use a weapon of
15			mass destruction.
16	794.011(2)	1st	Attempted sexual battery; victim
17			less than 12 years of age.
18	794.011(2)	Life	Sexual battery; offender younger
19			than 18 years and commits sexual
20			battery on a person less than 12
21			years.
22	794.011(4)	1st	Sexual battery; victim 12 years
23			or older, certain circumstances.
24	794.011(8)(b)	1st	Sexual battery; engage in sexual
25			conduct with minor 12 to 18 years
26			by person in familial or
27			custodial authority.
28	800.04(5)(b)	Life	Lewd or lascivious molestation;
29			victim less than 12 years;
30			offender 18 years or older.
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1	812.13(2)(a)	1st,PBL	Robbery with firearm or other
2			deadly weapon.
3	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
4			deadly weapon.
5	812.135(2)(b)	1st	Home-invasion robbery with
6			weapon.
7	817.568(7)(a)	2nd,PBL	Fraudulent use of personal
8			identification information of an
9			individual under the age of 18 by
10			his or her parent, legal
11			guardian, or person exercising
12			custodial authority.
13	<u>817.568(7)(b)</u>	<u>2nd</u>	<u>Fraudulent use of personal</u>
14			<u>identification information of an</u>
15			<u>individual 65 years of age or</u>
16			<u>older by his or her adult child,</u>
17			<u>legal guardian, or person</u>
18			<u>exercising custodial authority.</u>
19	827.03(2)	1st	Aggravated child abuse.
20	847.0145(1)	1st	Selling, or otherwise
21			transferring custody or control,
22			of a minor.
23	847.0145(2)	1st	Purchasing, or otherwise
24			obtaining custody or control, of
25			a minor.
26	859.01	1st	Poisoning or introducing
27			bacteria, radioactive materials,
28			viruses, or chemical compounds
29			into food, drink, medicine, or
30			water with intent to kill or
31			injure another person.

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

1 896.101(5)(c) 1st Money laundering, financial
2 instruments totaling or exceeding
3 \$100,000.
4 896.104(4)(a)3. 1st Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions totaling or
8 exceeding \$100,000.

9 Section 3. This act shall take effect July 1, 2006.

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12 SENATE SUMMARY

13 Provides that any person who willfully and without
14 authorization fraudulently uses personal identification
15 information concerning an individual who is 65 years of
16 age or older without first obtaining the consent of the
17 individual or of his or her legal guardian commits a
18 felony of the second degree. Provides that a person who
19 is in the relationship of adult child or legal guardian,
20 or who otherwise exercises custodial authority over an
21 individual who is 65 years of age or older, who willfully
22 and fraudulently uses personal identification information
23 of that individual commits a felony of the second degree.
24 Provides criminal penalties.
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