

By Senator Fasano

11-1703-07

See HB

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A bill to be entitled

An act relating to criminal use of personal identification information; amending s. 817.568, F.S.; providing an enhanced penalty for certain uses of personal identification information concerning an individual 65 years of age or older without consent; deleting fraudulent intent as an element of certain offenses involving personal identification information; amending s. 921.0022, F.S.; conforming the offense Severity Ranking Chart of the Criminal Punishment Code; providing an effective date.

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

Section 1. Subsections (8) through (17) of section 817.568, Florida Statutes, are renumbered as subsections (9) through (18), respectively, paragraph (a) of subsection (2), present paragraph (a) of subsection (8), and subsection (9) of that section are amended, and a new subsection (8) is added to that section, to read:

817.568 Criminal use of personal identification information.--

(2)(a) Any person who willfully and without authorization fraudulently uses, or possesses ~~with intent to fraudulently use,~~ personal identification information concerning an individual without first obtaining that individual's consent, commits the offense of fraudulent use of personal identification information, which is a felony of the

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

3 | (8) Any person who willfully and without authorization
4 | fraudulently uses personal identification information
5 | concerning an individual 65 years of age or older without
6 | first obtaining the consent of that individual commits a
7 | felony of the first degree, punishable as provided in s.
8 | 775.082, s. 775.083, or s. 775.084.

9 | ~~(9)(8)~~(a) Any person who willfully and fraudulently
10 | uses, or possesses ~~with intent to fraudulently use,~~ personal
11 | identification information concerning a deceased individual
12 | commits the offense of fraudulent use or possession of ~~with~~
13 | ~~intent to use~~ personal identification information of a
14 | deceased individual, a felony of the third degree, punishable
15 | as provided in s. 775.082, s. 775.083, or s. 775.084.

16 | ~~(10)(9)~~ Any person who willfully and fraudulently
17 | creates, ~~or~~ uses, or possesses ~~with intent to fraudulently~~
18 | ~~use,~~ counterfeit or fictitious personal identification
19 | information concerning a fictitious individual, or concerning
20 | a real individual without first obtaining that real
21 | individual's consent, with intent to use such counterfeit or
22 | fictitious personal identification information for the purpose
23 | of committing or facilitating the commission of a fraud on
24 | another person, commits the offense of fraudulent creation, ~~or~~
25 | use, or possession of ~~with intent to fraudulently use,~~
26 | counterfeit or fictitious personal identification information,
27 | a felony of the third degree, punishable as provided in s.
28 | 775.082, s. 775.083, or s. 775.084.

29 | Section 2. Paragraph (h) of subsection (3) of section
30 | 921.0022, Florida Statutes, is amended to read:

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1 921.0022 Criminal Punishment Code; offense severity
2 ranking chart.--

3 (3) OFFENSE SEVERITY RANKING CHART

4 Florida	Felony	Description
5 Statute	Degree	
6		(h) LEVEL 8
7 316.193(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)	2nd	Fraudulent use of personal
13			identification information of an
14			individual under the age of 18.
15	<u>817.568(8)</u>	<u>2nd</u>	<u>Fraudulent use of personal</u>
16			<u>identification information of an</u>
17			<u>individual age 65 or older.</u>
18	825.102(2)	2nd	Aggravated abuse of an elderly
19			person or disabled adult.
20	825.1025(2)	2nd	Lewd or lascivious battery upon
21			an elderly person or disabled
22			adult.
23	825.103(2)(a)	1st	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$100,000 or more.
26	837.02(2)	2nd	Perjury in official proceedings
27			relating to prosecution of a
28			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(1)(b)1.b.	1st	Trafficking in cocaine, more than
23			200 grams, less than 400 grams.
24	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs,
25			more than 14 grams, less than 28
26			grams.
27	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine,
28			more than 200 grams, less than
29			400 grams.
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1	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more
2			than 5 kilograms, less than 25
3			kilograms.
4	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more
5			than 28 grams, less than 200
6			grams.
7	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
8			grams or more, less than 28
9			grams.
10	893.135(1)(h)1.b.	1st	Trafficking in
11			gamma-hydroxybutyric acid (GHB),
12			5 kilograms or more, less than 10
13			kilograms.
14	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
15			kilograms or more, less than 10
16			kilograms.
17	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines,
18			200 grams or more, less than 400
19			grams.
20	895.03(1)	1st	Use or invest proceeds derived
21			from pattern of racketeering
22			activity.
23	895.03(2)	1st	Acquire or maintain through
24			racketeering activity any
25			interest in or control of any
26			enterprise or real property.
27	895.03(3)	1st	Conduct or participate in any
28			enterprise through pattern of
29			racketeering activity.
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1 896.101(5)(b) 2nd Money laundering, financial
2 transactions totaling or
3 exceeding \$20,000, but less than
4 \$100,000.
5 896.104(4)(a)2. 2nd Structuring transactions to evade
6 reporting or registration
7 requirements, financial
8 transactions totaling or
9 exceeding \$20,000 but less than
10 \$100,000.

11 Section 3. This act shall take effect July 1, 2007.
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