

By Senator Fasano

11-00136-08

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1 A bill to be entitled

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

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Present subsections (8) through (17) of section  
16 817.568, Florida Statutes, are renumbered as subsections (9)  
17 through (18), respectively, paragraph (a) of subsection (2),  
18 paragraph (a) of present subsection (8), and present subsection  
19 (9) of that section are amended, and a new subsection (8) is  
20 added to that section, to read:

21 817.568 Criminal use of personal identification  
22 information.--

23 (2)(a) Any person who willfully and without authorization  
24 fraudulently uses, or possesses ~~with intent to fraudulently use,~~  
25 personal identification information concerning an individual  
26 without first obtaining that individual's consent, commits the  
27 offense of fraudulent use of personal identification information,  
28 which is a felony of the third degree, punishable as provided in  
29 s. 775.082, s. 775.083, or s. 775.084.

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

36       (9)~~(8)~~(a) Any person who willfully and fraudulently uses~~,~~  
37 or possesses ~~with intent to fraudulently use,~~ personal  
38 identification information concerning a deceased individual  
39 commits the offense of fraudulent use or possession of ~~with~~  
40 ~~intent to use~~ personal identification information of a deceased  
41 individual, a felony of the third degree, punishable as provided  
42 in s. 775.082, s. 775.083, or s. 775.084.

43       (10)~~(9)~~ Any person who willfully and fraudulently creates,  
44 ~~or~~ uses, or possesses ~~with intent to fraudulently use,~~  
45 counterfeit or fictitious personal identification information  
46 concerning a fictitious individual, or concerning a real  
47 individual without first obtaining that real individual's  
48 consent, with intent to use such counterfeit or fictitious  
49 personal identification information for the purpose of committing  
50 or facilitating the commission of a fraud on another person,  
51 commits the offense of fraudulent creation, ~~or~~ use, or possession  
52 of ~~with intent to fraudulently use,~~ counterfeit or fictitious  
53 personal identification information, a felony of the third  
54 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
55 775.084.

56       Section 2. Paragraph (h) of subsection (3) of section  
57 921.0022, Florida Statutes, is amended to read:

58       921.0022 Criminal Punishment Code; offense severity ranking

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59 | chart.--

60 |       (3) OFFENSE SEVERITY RANKING CHART

61 |       (h) LEVEL 8

62 |

Florida Statute	Felony Degree	Description
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63 |

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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64 |

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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66 |

499.0051 (7)	1st	Forgery of prescription or legend drug labels.
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499.0052	1st	Trafficking in contraband legend drugs.
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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.
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560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000,
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			but less than \$100,000.
70	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
71	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
72	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.
73	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
74	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
75	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.

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76	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
77	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
78	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
79	800.04 (4)	2nd	Lewd or lascivious battery.
80	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
81	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
82	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
83	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural

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			damage or \$1,000 or more property damage.
84	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
85	812.13 (2) (b)	1st	Robbery with a weapon.
86	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
87	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
88	<u>817.568 (8)</u>	<u>2nd</u>	<u>Fraudulent use of personal identification information of an individual age 65 or older.</u>
89	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
90	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
91	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property

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			is valued at \$100,000 or more.
92	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
93	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
94	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
95	860.16	1st	Aircraft piracy.
96	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).
97	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
98	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in

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			s. 893.03(1) (a) or (b).
99	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
100	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
101	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
102	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
103	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
104	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
105	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
106	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-



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			hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
107	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
108	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
109	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
110	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
111	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
112	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
113	896.104(4)(a)2.	2nd	Structuring transactions to

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evade reporting or  
registration requirements,  
financial transactions  
totaling or exceeding \$20,000  
but less than \$100,000.

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Section 3. This act shall take effect July 1, 2008.