

HB 7115

2008

1 A bill to be entitled
 2 An act relating to counterfeiting a payment instrument;
 3 amending s. 831.28, F.S.; increasing the penalty for the
 4 offense of counterfeiting a payment instrument; amending
 5 s. 921.0022, F.S.; conforming the offense severity ranking
 6 chart ranking levels to the increased penalty for
 7 counterfeiting a payment instrument; providing an
 8 effective date.

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

11
 12 Section 1. Paragraph (a) of subsection (2) of section
 13 831.28, Florida Statutes, is amended to read:

14 831.28 Counterfeiting a payment instrument; possessing a
 15 counterfeit payment instrument; penalties.--

16 (2) (a) It is unlawful to counterfeit a payment instrument
 17 with the intent to defraud a financial institution, account
 18 holder, or any other person or organization or for a person to
 19 have any counterfeit payment instrument in such person's
 20 possession. Any person who violates this subsection commits a
 21 felony of the second ~~third~~ degree, punishable as provided in s.
 22 775.082, s. 775.083, or s. 775.084.

23 Section 2. Paragraphs (c) and (g) of subsection (3) of
 24 section 921.0022, Florida Statutes, are amended to read:

25 921.0022 Criminal Punishment Code; offense severity
 26 ranking chart.--

27 (3) OFFENSE SEVERITY RANKING CHART

28 (c) LEVEL 3

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Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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38	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
39	327.35 (2) (b)	3rd	Felony BUI.
40	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
41	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
42	370.12 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
43	370.12 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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44	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
45	400.903 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.
46	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
47	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
48	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
49	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
50	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
51	697.08	3rd	Equity skimming.

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52	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
53	796.05 (1)	3rd	Live on earnings of a prostitute.
54	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
55	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
56	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
57	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
58	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
59	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida

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			Communications Fraud Act), property valued at less than \$20,000.
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	817.233	3rd	Burning to defraud insurer.
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	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
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	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
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	817.236	3rd	Filing a false motor vehicle insurance application.
64			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
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	817.413 (2)	3rd	Sale of used goods as new.
66			
	817.505 (4)	3rd	Patient brokering.
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	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
68			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument

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69	with intent to defraud or possessing a counterfeit payment instrument.		
70	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
71	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
72	843.19	3rd	Injure, disable, or kill police dog or horse.
73	860.15(3)	3rd	Overcharging for repairs and parts.
74	870.01(2)	3rd	Riot; inciting or encouraging.
75	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
75	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

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76	893.13 (1) (f) 2.	2nd	(2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of university.
77	893.13 (6) (a)	3rd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of public housing facility.
78	893.13 (7) (a) 8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
79	893.13 (7) (a) 9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
80	893.13 (7) (a) 10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
81			Affix false or forged label to package of controlled substance.

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- 82 893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.
- 83 893.13 (8) (a) 1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
- 84 893.13 (8) (a) 2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
- 85 893.13 (8) (a) 3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.
- 893.13 (8) (a) 4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the

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86			practitioner.
87	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
88	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
89	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
90	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
91	(g) LEVEL 7		
92	Florida Statute	Felony Degree	Description
93	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
94	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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96	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
97	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
98	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
99	409.920 (2)	3rd	Medicaid provider fraud.
100	456.065 (2)	3rd	Practicing a health care profession without a license.
101	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
102	458.327 (1)	3rd	Practicing medicine without a license.

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103	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
104	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
105	461.012 (1)	3rd	Practicing podiatric medicine without a license.
106	462.17	3rd	Practicing naturopathy without a license.
107	463.015 (1)	3rd	Practicing optometry without a license.
108	464.016 (1)	3rd	Practicing nursing without a license.
109	465.015 (2)	3rd	Practicing pharmacy without a license.
110	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
111	467.201	3rd	Practicing midwifery without a license.
	468.366	3rd	Delivering respiratory care services

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without a license.

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483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

113

483.901 (9) 3rd Practicing medical physics without a license.

114

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

115

484.053 3rd Dispensing hearing aids without a license.

116

494.0018 (2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

117

560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

118

560.125 (5) (a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300

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but less than \$20,000.

119

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

120

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

121

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

122

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

123

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

124

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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126	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
127	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
128	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
129	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
130	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
131	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
132	784.048 (7)	3rd	Aggravated stalking; violation of court order.
133	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.

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134	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
135	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
136	784.081 (1)	1st	Aggravated battery on specified official or employee.
137	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
138	784.083 (1)	1st	Aggravated battery on code inspector.
139	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
140	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
141	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to

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commit a felony.

142

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

144

794.08 (4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

145

796.03 2nd Procuring any person under 16 years for prostitution.

146

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

147

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

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149	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
150	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
151	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
152	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
153	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
154	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
155	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
156	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

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157	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
158	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
159	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
160	812.131 (2) (a)	2nd	Robbery by sudden snatching.
161	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
162	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
163	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
164	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.

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165	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
166	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
167	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
168	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
169	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
	<u>831.28 (2)</u>	<u>2nd</u>	<u>Counterfeiting a payment instrument with intent to defraud a financial institution, account holder, or other</u>

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person or organization or possessing
any counterfeit payment instrument.

170

837.05 (2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

171

838.015 2nd Bribery.

172

838.016 2nd Unlawful compensation or reward for
official behavior.

173

838.021 (3) (a) 2nd Unlawful harm to a public servant.

174

838.22 2nd Bid tampering.

175

847.0135 (3) 3rd Solicitation of a child, via a
computer service, to commit an
unlawful sex act.

176

847.0135 (4) 2nd Traveling to meet a minor to commit
an unlawful sex act.

177

872.06 2nd Abuse of a dead human body.

178

893.13 (1) (c) 1. 1st Sell, manufacture, or deliver cocaine
(or other drug prohibited under s.

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893.03 (1) (a), (1) (b), (1) (d), (2) (a),
 (2) (b), or (2) (c) 4.) within 1,000
 feet of a child care facility,
 school, or state, county, or
 municipal park or publicly owned
 recreational facility or community
 center.

179

893.13 (1) (e) 1. 1st Sell, manufacture, or deliver cocaine
 or other drug prohibited under s.
 893.03 (1) (a), (1) (b), (1) (d), (2) (a),
 (2) (b), or (2) (c) 4., within 1,000
 feet of property used for religious
 services or a specified business
 site.

180

893.13 (4) (a) 1st Deliver to minor cocaine (or other s.
 893.03 (1) (a), (1) (b), (1) (d), (2) (a),
 (2) (b), or (2) (c) 4. drugs).

181

893.135 (1) (a) 1. 1st Trafficking in cannabis, more than 25
 lbs., less than 2,000 lbs.

182

893.135 (1) (b) 1.a. 1st Trafficking in cocaine, more than 28
 grams, less than 200 grams.

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893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more

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than 4 grams, less than 14 grams.

184

893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

185

893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

186

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

187

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

188

893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

189

893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

190

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

191

896.101 (5) (a) 3rd Money laundering, financial

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transactions exceeding \$300 but less than \$20,000.

192

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

193

943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

194

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

195

943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

196

943.0435 (13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

197

943.0435 (14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

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199	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
200	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
201	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
202	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
203	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
204	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
205	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
206	Section 3. This act shall take effect October 1, 2008.		