

By Senator Stargel

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1 A bill to be entitled
2 An act relating to the Florida Communications Fraud
3 Act; amending s. 817.034, F.S.; establishing a statute
4 of limitations for criminal and civil causes of
5 actions under the act; specifying circumstances that
6 toll the statute of limitations; amending s. 921.0022,
7 F.S.; increasing the severity of a violation of the
8 act for purposes of the criminal punishment code;
9 providing an effective date.

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

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13 Section 1. Paragraph (d) is added to subsection (4) of
14 section 817.034, Florida Statutes, to read:

15 817.034 Florida Communications Fraud Act.—

16 (4) OFFENSES.—

17 (d) Notwithstanding any other provision of law, a criminal
18 action, civil action, or proceeding under this act may be
19 commenced at any time within 5 years after the cause of action
20 accrues; however, in a criminal action under this act, the
21 period of limitation does not run during any time when the
22 defendant is continuously absent from the state or is without a
23 reasonably ascertainable place of abode or work within the
24 state, but in no case shall this extend the period of limitation
25 otherwise applicable by more than 1 year. If a criminal action,
26 civil action, or other proceeding is brought or intervened in to
27 punish, prevent, or restrain any violation of this act, the
28 running of the period of limitation prescribed by this
29 subsection with respect to any cause of action arising under

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30 this act which is based in whole or in part upon any matter
 31 complained of in any such action or proceeding shall be
 32 suspended during the pendency of such action or proceeding and
 33 for 2 years following its termination.

34 Section 2. Paragraphs (f) and (g) of subsection (3) of
 35 section 921.0022, Florida Statutes, are amended to read:

36 921.0022 Criminal Punishment Code; offense severity ranking
 37 chart.-

38 (3) OFFENSE SEVERITY RANKING CHART

39 (f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon

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without intent to kill.

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- 784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.
- 784.041 3rd Felony battery; domestic battery by strangulation.
- 784.048 (3) 3rd Aggravated stalking; credible threat.
- 784.048 (5) 3rd Aggravated stalking of person under 16.
- 784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.
- 784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.
- 784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.
- 784.081 (2) 2nd Aggravated assault on specified official or employee.
- 784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.
- 784.083 (2) 2nd Aggravated assault on code inspector.

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57	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
58	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
59	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
60	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
61	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
62	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
63	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
64	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.

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806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.

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75	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
76	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
77	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
78	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
79	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
80	827.03(2)(c)	3rd	Abuse of a child.
81	827.03(2)(d)	3rd	Neglect of a child.
82	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
83	836.05	2nd	Threats; extortion.
	836.10	2nd	Written threats to kill or do bodily injury.

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843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.

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944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

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95 (g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

96

316.027(1)(b) 1st Accident involving death, failure to stop; leaving scene.

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316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.

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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.

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327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

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402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great

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bodily harm, permanent disfiguration,
permanent disability, or death.

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409.920 3rd Medicaid provider fraud; \$10,000 or
(2) (b) 1.a. less.

102

409.920 2nd Medicaid provider fraud; more than
(2) (b) 1.b. \$10,000, but less than \$50,000.

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456.065 (2) 3rd Practicing a health care profession
without a license.

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456.065 (2) 2nd Practicing a health care profession
without a license which results in
serious bodily injury.

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458.327 (1) 3rd Practicing medicine without a license.

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459.013 (1) 3rd Practicing osteopathic medicine without
a license.

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460.411 (1) 3rd Practicing chiropractic medicine
without a license.

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461.012 (1) 3rd Practicing podiatric medicine without a
license.

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462.17 3rd Practicing naturopathy without a
license.

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463.015 (1) 3rd Practicing optometry without a license.

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464.016 (1) 3rd Practicing nursing without a license.

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465.015 (2) 3rd Practicing pharmacy without a license.

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466.026 (1) 3rd Practicing dentistry or dental hygiene
without a license.

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467.201 3rd Practicing midwifery without a license.

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468.366 3rd Delivering respiratory care services
without a license.

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

117

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

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

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484.053 3rd Dispensing hearing aids without a
license.

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494.0018 (2) 1st Conviction of any violation of ss.
494.001-494.0077 in which the total

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money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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

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560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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

124

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

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

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

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

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

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782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

131

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

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784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

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784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

784.048(4) 3rd Aggravated stalking; violation of injunction or court order.

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784.048 (7)	3rd	Aggravated stalking; violation of court order.
784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
784.081 (1)	1st	Aggravated battery on specified official or employee.
784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083 (1)	1st	Aggravated battery on code inspector.
787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
787.06 (3) (e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.

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145	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
146	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
147	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
148	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
149	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
150	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
151	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in

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custodial authority to a victim younger than 18 years of age.

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

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

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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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806.01 (2) 2nd Maliciously damage structure by fire or explosive.

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810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

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810.02 (3) (b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

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810.02 (3) (d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

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810.02 (3) (e) 2nd Burglary of authorized emergency vehicle.

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- 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.
- 812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.
- 812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131(2)(a) 2nd Robbery by sudden snatching.
- 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

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169	<u>817.034 (4) (a) 1.</u>	<u>1st</u>	<u>Communications fraud, value greater than \$50,000.</u>
170	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
171	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
172	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
173	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.
174	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
175	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.
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily

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harm, disability, or disfigurement.

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827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

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

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838.015 2nd Bribery.

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838.016 2nd Unlawful compensation or reward for official behavior.

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

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838.22 2nd Bid tampering.

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

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

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872.06 2nd Abuse of a dead human body.

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874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or

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supervises criminal gang-related activity.

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893.13(1)(c)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 a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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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.

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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).

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

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

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192	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
193	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
194	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
195	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
196	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
197	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
198	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
199	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.

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896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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208 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

209 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

210 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

211 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

212 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

213 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

214 985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

215 Section 3. This act shall take effect October 1, 2013.