

By the Committee on Criminal Justice; and Senator Stargel

591-03354-13

20131404c1

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:

12
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.

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

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

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30 (3) OFFENSE SEVERITY RANKING CHART

31 (f) LEVEL 6

Florida Felony

Statute Degree Description

32 316.193(2)(b) 3rd Felony DUI, 4th or subsequent
conviction.

33 499.0051(3) 2nd Knowing forgery of pedigree papers.

34 499.0051(4) 2nd Knowing purchase or receipt of
prescription drug from unauthorized
person.

35 499.0051(5) 2nd Knowing sale or transfer of prescription
drug to unauthorized person.

36 775.0875(1) 3rd Taking firearm from law enforcement
officer.

37 784.021(1)(a) 3rd Aggravated assault; deadly weapon
without intent to kill.

38 784.021(1)(b) 3rd Aggravated assault; intent to commit
felony.

39 784.041 3rd Felony battery; domestic battery by
strangulation.

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784.048 (3) 3rd Aggravated stalking; credible threat.

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784.048 (5) 3rd Aggravated stalking of person under 16.

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784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.

44

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

45

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

46

784.081 (2) 2nd Aggravated assault on specified official or employee.

47

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

48

784.083 (2) 2nd Aggravated assault on code inspector.

49

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

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790.115 (2) (d) 2nd Discharging firearm or weapon on school property.

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or

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damage property.

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790.164 (1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

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790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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794.011 (8) (a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

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794.05 (1) 2nd Unlawful sexual activity with specified minor.

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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.

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800.04 (6) (b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

57

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

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

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810.145 (8) (b) 2nd Video voyeurism; certain minor victims;

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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.~~

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

825.102 (3) (c) 3rd Neglect of an elderly person or disabled

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adult.

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

827.03 (2) (c) 3rd Abuse of a child.

827.03 (2) (d) 3rd Neglect of a child.

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

836.05 2nd Threats; extortion.

836.10 2nd Written threats to kill or do bodily injury.

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

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production of materials harmful to
minors.

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847.0135(2) 3rd Facilitates sexual conduct of or with a
minor or the visual depiction of such
conduct.

80

914.23 2nd Retaliation against a witness, victim,
or informant, with bodily injury.

81

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.

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944.40 2nd Escapes.

83

944.46 3rd Harboring, concealing, aiding escaped
prisoners.

84

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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87 (g) LEVEL 7

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	Florida Statute	Felony Degree	Description
88	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
89	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
90	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.
91	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
92	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
93	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
94	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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95	456.065 (2)	3rd	Practicing a health care profession without a license.
96	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
97	458.327 (1)	3rd	Practicing medicine without a license.
98	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
99	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
100	461.012 (1)	3rd	Practicing podiatric medicine without a license.
101	462.17	3rd	Practicing naturopathy without a license.
102	463.015 (1)	3rd	Practicing optometry without a license.
103	464.016 (1)	3rd	Practicing nursing without a license.
104	465.015 (2)	3rd	Practicing pharmacy without a license.
105	466.026 (1)	3rd	Practicing dentistry or dental hygiene

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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.

109

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

110

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

111

484.053 3rd Dispensing hearing aids without a
license.

112

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.

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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.

115

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

116

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

117

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

118

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

119

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

120

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).

123

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

124

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

125

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

126

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

127

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

128

784.048 (7) 3rd Aggravated stalking; violation of court order.

129

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

784.074 (1) (a) 1st Aggravated battery on sexually violent

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predators facility staff.

130

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

131

784.081 (1) 1st Aggravated battery on specified official or employee.

132

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

133

784.083 (1) 1st Aggravated battery on code inspector.

134

787.06 (3) (a) 1st Human trafficking using coercion for labor and services.

135

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.

136

790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

137

790.16 (1) 1st Discharge of a machine gun under specified circumstances.

138

790.165 (2) 2nd Manufacture, sell, possess, or deliver

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hoax bomb.

139

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

140

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

141

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

142

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

143

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.

144

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

145

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

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less than 18 years.

146

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.

147

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

148

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

149

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

150

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

151

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

152

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.

153

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less
than \$50,000, grand theft in 2nd

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degree.

154

812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

155

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

156

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

157

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

158

812.131 (2) (a) 2nd Robbery by sudden snatching.

159

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

160

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

161

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

162

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle

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collision.

163

817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.

164

817.2341 1st Making false entries of material fact
(2) (b) & or false statements regarding property
(3) (b) values relating to the solvency of an
insuring entity which are a significant
cause of the insolvency of that entity.

165

825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great bodily
harm, disability, or disfigurement.

166

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.

167

827.03 (2) (b) 2nd Neglect of a child causing great bodily
harm, disability, or disfigurement.

168

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

169

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

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officer.

170

838.015 2nd Bribery.

171

838.016 2nd Unlawful compensation or reward for
official behavior.

172

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

173

838.22 2nd Bid tampering.

174

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

175

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

176

872.06 2nd Abuse of a dead human body.

177

874.10 1st,PBL Knowingly initiates, organizes, plans,
finances, directs, manages, or
supervises criminal gang-related
activity.

178

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

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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.

183

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

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186

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

187

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

188

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

189

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

190

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

191

893.1351 (2) 2nd Possession of place for trafficking in
or manufacturing of controlled
substance.

192

896.101 (5) (a) 3rd Money laundering, financial
transactions exceeding \$300 but less
than \$20,000.

193

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

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but less than \$20,000.

194

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

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

196

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

197

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

198

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

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;

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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.

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207

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