

1 A bill to be entitled

2 An act relating to fraud; creating s. 817.011, F.S.;

3 defining the term "business entity"; amending s.

4 817.02, F.S.; providing for restitution to victims for

5 certain victim out-of-pocket costs; providing for a

6 civil cause of action for certain victims; creating s.

7 817.032, F.S.; defining the term "victim"; requiring

8 business entities to provide copies of business

9 records of fraudulent transactions involving identity

10 theft to victims and law enforcement agencies in

11 certain circumstances; providing for verification of a

12 victim's identity and claim; providing procedures for

13 claims; requiring that certain information be provided

14 to victims without charge; specifying circumstances in

15 which business entities may decline to provide

16 information; providing a limitation on civil liability

17 for business entities that provide information;

18 specifying that no new record retention is required;

19 providing an affirmative defense to business entities

20 in actions seeking enforcement of provisions; amending

21 s. 817.11, F.S.; making editorial changes; amending

22 and renumbering ss. 817.12 and 817.13, F.S.; combining

23 offense, penalty, and evidence provisions and

24 transferring such provisions to s. 817.11, F.S.;

25 amending s. 817.14, F.S.; clarifying provisions;

26 amending s. 817.15, F.S.; substituting the term

27 "business entity" for the term "corporation"; amending
28 ss. 817.17 and 817.18, F.S.; including counties and
29 other political subdivisions in provisions prohibiting
30 the false marking of goods or packaging with a
31 location of origin; reorganizing penalty provisions;
32 amending s. 817.19, F.S.; prohibiting fraudulent
33 issuance of indicia of membership interest in a
34 limited liability company; amending s. 817.39, F.S.;
35 substituting the term "business entity" for the term
36 "corporation"; amending s. 817.40, F.S.; specifying
37 that the term "misleading advertising" includes
38 electronic forms of dissemination; amending s.
39 817.411, F.S.; substituting the term "business entity"
40 for the term "corporation"; specifying that certain
41 false statements made through electronic means are
42 prohibited; amending s. 817.412, F.S.; specifying that
43 electronic statements are included in provisions
44 prohibiting false representations of used goods as
45 new; amending s. 817.481, F.S.; clarifying provisions;
46 amending s. 817.50, F.S.; revising criminal penalties
47 for fraudulently obtaining goods or services from a
48 health care provider; amending s. 817.568, F.S.;
49 expanding specified identity theft offenses to include
50 all persons rather than being limited to natural
51 persons; including dissolved business entities within
52 certain offenses involving fraudulent use of personal

53 identification information of deceased persons;
 54 amending s. 817.569, F.S.; prohibiting a person from
 55 knowingly providing false information that becomes
 56 part of a public record to facilitate or further the
 57 commission of certain offenses; providing criminal
 58 penalties; amending s. 921.0022, F.S.; conforming
 59 provisions to changes made by the act; providing an
 60 effective date.

61

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

63

64 Section 1. Section 817.011, Florida Statutes, is created
 65 to read:

66 817.011 Definition.—As used in this chapter, the term
 67 "business entity" means any corporation, partnership, limited
 68 partnership, company, limited liability company, proprietorship,
 69 firm, enterprise, franchise, association, self-employed
 70 individual, or trust, whether fictitiously named or not, doing
 71 business in this state.

72 Section 2. Section 817.02, Florida Statutes, is amended to
 73 read:

74 817.02 Obtaining property by false personation.—

75 (1) Whoever falsely personates or represents another
 76 person, and in such assumed character:

77 (a) Receives any property intended to be delivered to that
 78 person ~~the party so personated,~~ with intent to convert the same

79 | to his or her own use; or

80 | (b) To the extent not subject to s. 817.568, damages the
 81 | credit history or rating of, or otherwise causes harm to, the
 82 | person whose identity has been assumed through the taking of
 83 | property from any person,

84 |
 85 | shall be punished as if he or she had been convicted of larceny.

86 | (2) (a) In sentencing a defendant convicted of a violation
 87 | of this section, in addition to restitution to the victim under
 88 | s. 775.089, the court may order restitution for the victim's
 89 | out-of-pocket costs, including attorney fees incurred by the
 90 | victim in clearing the victim's credit history or credit rating,
 91 | or costs incurred in connection with a civil or administrative
 92 | proceeding to satisfy a debt, lien, or other obligation of the
 93 | victim arising as a result of the actions of the defendant.

94 | (b) The sentencing court may issue such orders as are
 95 | necessary to correct a public record that contains false
 96 | information given in violation of this section.

97 | (3) (a) A victim of the conduct subject to this section
 98 | shall have a civil cause of action against a person who has
 99 | engaged in the conduct prohibited by this section as provided in
 100 | s. 772.11.

101 | (b) For purposes of this subsection, the term "victim"
 102 | includes, to the extent not already included within s. 817.568,
 103 | a person whose identity was falsely personated or who suffers a
 104 | loss of property as a result of the false personation.

105 Section 3. Section 817.032, Florida Statutes, is created
 106 to read:

107 817.032 Information available to identity theft victims.—

108 (1) DEFINITION.—As used in this section, the term "victim"
 109 means a consumer whose means of identification or financial
 110 information is used or transferred or is alleged to be used or
 111 transferred without the authority of that consumer with the
 112 intent to commit or to aid or abet an identity theft or a
 113 similar crime.

114 (2) GENERALLY.—For the purpose of documenting fraudulent
 115 transactions resulting from identity theft, within 30 days after
 116 the date of receipt of a request from a victim in accordance
 117 with subsection (4), and subject to verification of the identity
 118 of the victim and the claim of identity theft in accordance with
 119 subsection (3), a business entity that has provided credit to;
 120 provided for consideration products, goods, or services to;
 121 accepted payment from; or otherwise entered into a commercial
 122 transaction for consideration with, a person who has allegedly
 123 made unauthorized use of the means of identification of the
 124 victim, shall provide a copy of the application and business
 125 transaction records in the control of the business entity,
 126 whether maintained by the business entity or by another person
 127 on behalf of the business entity, evidencing any transaction
 128 alleged to be a result of identity theft to:

129 (a) The victim;

130 (b) A federal, state, or local government law enforcement

131 agency, or officer specified by the victim in such a request; or

132 (c) A law enforcement agency investigating the identity
133 theft and authorized by the victim to take receipt of records
134 provided under this section.

135 (3) VERIFICATION OF IDENTITY AND CLAIM.—Before a business
136 entity provides any information under subsection (2), unless the
137 business entity, at its discretion, otherwise has a high degree
138 of confidence that it knows the identity of the victim making a
139 request under subsection (2), the victim shall provide to the
140 business entity:

141 (a) As proof of positive identification of the victim, at
142 the election of the business entity:

143 1. The presentation of a government-issued identification
144 card;

145 2. Personal identifying information of the same type as
146 provided to the business entity by the unauthorized person; or

147 3. Personal identifying information that the business
148 entity typically requests from new applicants or for new
149 transactions, at the time of the victim's request for
150 information, including any documentation described in
151 subparagraphs 1. and 2.

152 (b) As proof of a claim of identity theft, at the election
153 of the business entity:

154 1. A copy of a police report evidencing the claim of the
155 victim of identity theft; or

156 2. A properly completed affidavit of fact that is

157 acceptable to the business entity for that purpose.

158 (4) PROCEDURES.—The request of a victim under subsection
159 (2) shall:

160 (a) Be in writing;

161 (b) Be mailed or delivered to an address specified by the
162 business entity, if any.

163 (c) If asked by the business entity, include relevant
164 information about any transaction alleged to be a result of
165 identity theft to facilitate compliance with this section,
166 including:

167 1. If known by the victim or readily obtainable by the
168 victim, the date of the application or transaction.

169 2. If known by the victim or readily obtainable by the
170 victim, any other identifying information such as an account
171 number or transaction number.

172 (5) NO CHARGE TO VICTIM.—Information required to be
173 provided under subsection (2) shall be provided without charge.

174 (6) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A
175 business entity may decline to provide information under
176 subsection (2) if, in the exercise of good faith, the business
177 entity determines that:

178 (a) This section does not require disclosure of the
179 information;

180 (b) After reviewing the information provided pursuant to
181 subsection (3), the business entity does not have a high degree
182 of confidence in knowing the true identity of the individual

183 requesting the information;

184 (c) The request for the information is based on a
185 misrepresentation of fact by the individual requesting the
186 information relevant to the request for information; or

187 (d) The information requested is Internet navigational
188 data or similar information about a person's visit to a website
189 or online service.

190 (7) LIMITATION ON CIVIL LIABILITY.—A business entity may
191 not be held civilly liable in this state for disclosure made in
192 good faith pursuant to this section.

193 (8) NO NEW RECORDKEEPING OBLIGATION.—This section does not
194 create an obligation on the part of a business entity to obtain,
195 retain, or maintain information or records that are not
196 otherwise required to be obtained, retained, or maintained in
197 the ordinary course of its business or under other applicable
198 law.

199 (9) AFFIRMATIVE DEFENSE.—In any civil action brought to
200 enforce this section, it is an affirmative defense, which the
201 defendant must establish by a preponderance of the evidence, for
202 a business entity to file an affidavit or answer stating that:

203 (a) The business entity has made a reasonably diligent
204 search of its available business records.

205 (b) The records requested under this section do not exist
206 or are not reasonably available.

207 Section 4. Section 817.11, Florida Statutes, is amended,
208 and sections 817.12 and 817.13, Florida Statutes, are

209 transferred and renumbered as subsections (2) and (3),
 210 respectively, of section 817.11, Florida Statutes, and amended,
 211 to read:

212 817.11 Obtaining property by fraudulent promise to furnish
 213 inside information.—

214 (1) A ~~No~~ person may not ~~shall~~ defraud or attempt to
 215 defraud any individual out of anything ~~any thing~~ of value by
 216 assuming to have or be able to obtain any secret, advance or
 217 inside information regarding any person, transaction, act or
 218 thing, whether such person, transaction, act or thing exists or
 219 not.

220 (2) ~~817.12~~ A person who violates this section commits
 221 ~~Penalty for violation of s. 817.11. Any person guilty of~~
 222 ~~violating the provisions of s. 817.11 shall be deemed guilty of~~
 223 a felony of the third degree, punishable as provided in s.
 224 775.082, s. 775.083, or s. 775.084.

225 (3) ~~817.13 Paraphernalia as evidence of violation of s.~~
 226 ~~817.11.—~~All paraphernalia of whatsoever kind in possession of
 227 any person and used in defrauding or attempting to defraud as
 228 specified in this section ~~s. 817.11~~ shall be held and accepted
 229 by any court of competent jurisdiction in this state as prima
 230 facie evidence of guilt.

231 Section 5. Section 817.14, Florida Statutes, is amended to
 232 read:

233 817.14 Procuring assignments of produce upon false
 234 representations.—A Any person acting for himself or herself or

235 another person, who shall procure any consignment of produce
 236 grown in this state, to himself or herself or such other, for
 237 sale on commission or for other compensation by any knowingly
 238 false representation as to the prevailing market price at such
 239 time for such produce at the point to which it is consigned, or
 240 as to the price which such person for whom he or she is acting
 241 is at said time paying to other consignors for like produce at
 242 said place, or as to the condition of the market for such
 243 produce at such time and place, and any such person acting for
 244 another who shall procure any consignment for sale as aforesaid
 245 by false representation of authority to him or her by such other
 246 to make a guaranteed price to the consignor, commits ~~shall be~~
 247 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 248 provided in s. 775.082 or s. 775.083.

249 Section 6. Section 817.15, Florida Statutes, is amended to
 250 read:

251 817.15 ~~Making~~ False entries in, etc., on books of business
 252 entity corporation.—Any officer, agent, clerk or servant of a
 253 business entity corporation who makes a false entry in the books
 254 thereof, with intent to defraud, and any person whose duty it is
 255 to make in such books a record or entry of the transfer of
 256 stock, or of the issuing and canceling of certificates thereof,
 257 or of the amount of stock issued by such business entity
 258 ~~corporation~~, who omits to make a true record or entry thereof,
 259 with intent to defraud, commits ~~shall be guilty of~~ a felony of
 260 the third degree, punishable as provided in s. 775.082, s.

261 775.083, or s. 775.084.

262 Section 7. Section 817.17, Florida Statutes, is amended to
 263 read:

264 817.17 Wrongful use of city, county, or other political
 265 subdivision name.—

266 (1) A ~~No~~ person or persons engaged in manufacturing in
 267 this state, may not ~~shall~~ cause to be printed, stamped, marked,
 268 engraved or branded, upon any of the articles manufactured by
 269 them, or on any of the boxes, packages, or bands containing such
 270 manufactured articles, the name of any city, county, or other
 271 political subdivision of ~~in~~ the state, other than that in which
 272 said articles are manufactured; provided, that ~~nothing in~~ this
 273 section does not ~~shall~~ prohibit any person from offering for
 274 sale any goods having marked thereon the name of any city,
 275 county, or other political subdivision of the state ~~in Florida~~
 276 other than that in which said goods were manufactured, if there
 277 be no manufactory of similar goods in the city, county, or other
 278 political subdivision the name of which is used.

279 (2) A person violating this section commits a misdemeanor
 280 of the second degree, punishable as provided in s. 775.083.

281 Section 8. Section 817.18, Florida Statutes, is amended to
 282 read:

283 817.18 Wrongful marking with a city, county, or other
 284 political subdivision name ~~stamping, marking, etc.; penalty.—~~

285 (1) A ~~No~~ person may not ~~shall~~ knowingly sell or offer for
 286 sale, within the state, any manufactured articles which shall

287 have printed, stamped, marked, engraved, or branded upon them,
 288 or upon the boxes, packages, or bands containing said
 289 manufactured articles, the name of any city, county, or other
 290 political subdivision of ~~in~~ the state, other than that in which
 291 such articles were manufactured; provided, that ~~nothing in this~~
 292 section does not ~~shall~~ prohibit any person from offering for
 293 sale any goods, having marked thereon the name of any city,
 294 county, or other political subdivision of the state ~~in Florida,~~
 295 other than that in which said goods are manufactured, if there
 296 be no manufactory of similar goods in the city, county, or other
 297 political subdivision the name of which is used.

298 (2) A ~~Any~~ person violating ~~the provisions of this or the~~
 299 ~~preceding~~ section commits ~~shall be guilty of~~ a misdemeanor of
 300 the second degree, punishable as provided in s. 775.083.

301 Section 9. Section 817.19, Florida Statutes, is amended to
 302 read:

303 817.19 Fraudulent issue of stock certificate or indicia of
 304 membership interest ~~of stock of corporation.~~ Any officer, agent,
 305 clerk or servant of a corporation, or any other person, who
 306 fraudulently issues or transfers a certificate of stock of a
 307 corporation or indicia of a membership interest in a limited
 308 liability company to any person not entitled thereto, or
 309 fraudulently signs such certificate or other indicia of
 310 membership interest, in blank or otherwise, with the intent that
 311 it shall be so issued or transferred by himself or herself or
 312 any other person, commits ~~shall be guilty of~~ a felony of the

313 | third degree, punishable as provided in s. 775.082, s. 775.083,
 314 | or s. 775.084.

315 | Section 10. Subsections (1) and (3) of section 817.39,
 316 | Florida Statutes, are amended to read:

317 | 817.39 Simulated forms of court or legal process, or
 318 | official seal or stationery; publication, sale or circulation
 319 | unlawful; penalty.—

320 | (1) Any person, ~~firm,~~ or business entity ~~corporation~~ who
 321 | prints shall print, for the purpose of sale or distribution and
 322 | for use in the state, or who circulates, publishes, or offers
 323 | ~~shall circulate, publish, or offer~~ for sale any letter, paper,
 324 | document, notice of intent to bring suit, or other notice or
 325 | demand, which simulates a form of court or legal process, or any
 326 | person who without authority of the state prints shall print,
 327 | for the purpose of sale or distribution for use in the state, or
 328 | who without authority of the state circulates, publishes, or
 329 | offers shall circulate, publish, use, or offer for sale any
 330 | letters, papers, or documents which simulate the seal of the
 331 | state, or the stationery of a state agency or fictitious state
 332 | agency commits ~~is guilty of~~ a misdemeanor of the second degree,
 333 | punishable as provided in s. 775.082 or s. 775.083.

334 | (3) ~~Nothing in~~ This section does not shall prevent the
 335 | printing, publication, sale, or distribution of genuine legal
 336 | forms for the use of attorneys or clerks of courts.

337 | Section 11. Subsection (5) of section 817.40, Florida
 338 | Statutes, is amended to read:

339 817.40 False, misleading and deceptive advertising and
 340 sales; definitions.—When construing ss. 817.40, 817.41, 817.43-
 341 817.47, and each and every word, phrase or part thereof, where
 342 the context will permit:

343 (5) The phrase "misleading advertising" includes any
 344 statements made, or disseminated, in oral, written, electronic,
 345 or printed form or otherwise, to or before the public, or any
 346 portion thereof, which are known, or through the exercise of
 347 reasonable care or investigation could or might have been
 348 ascertained, to be untrue or misleading, and which are or were
 349 so made or disseminated with the intent or purpose, either
 350 directly or indirectly, of selling or disposing of real or
 351 personal property, services of any nature whatever, professional
 352 or otherwise, or to induce the public to enter into any
 353 obligation relating to such property or services.

354 Section 12. Section 817.411, Florida Statutes, is amended
 355 to read:

356 817.411 False information; advertising.—A ~~No~~ person, ~~firm~~
 357 or business entity may not ~~corporation shall~~ knowingly publish,
 358 disseminate, circulate, or place before the public, or cause
 359 directly or indirectly, to be made, published, disseminated,
 360 circulated, or placed before the public, in a newspaper,
 361 magazine or other publication, or in the form of a notice,
 362 circular, pamphlet, letter or poster, or over any radio or
 363 television station, electronically, or in any other way, any
 364 advertisement, announcement, or statement containing any

365 assertion, representation, or statement that commodities,
 366 mortgages, promissory notes, securities, or other things of
 367 value offered for sale are covered by insurance guaranties where
 368 such insurance is nonexistent or does not in fact insure against
 369 the risks covered.

370 Section 13. Section 817.412, Florida Statutes, is amended
 371 to read:

372 817.412 Sale of used goods as new; penalty.—

373 (1) It is unlawful for a seller in a transaction where the
 374 purchase price of goods exceeds \$100 to misrepresent orally, in
 375 writing, electronically, or by failure to speak that the goods
 376 are new or original when they are used or repossessed or where
 377 they have been used for sales demonstration.

378 (2) A person who violates ~~the provisions of~~ this section
 379 commits a misdemeanor of the first degree, punishable as
 380 provided in s. 775.082 or s. 775.083.

381 Section 14. Subsection (1) of section 817.481, Florida
 382 Statutes, is amended to read:

383 817.481 Credit or purchases ~~cards~~; obtaining illicitly
 384 ~~goods by use of false, expired, etc.;~~ penalty.—

385 (1) It shall be unlawful for any person knowingly to
 386 obtain or attempt to obtain credit, or to purchase or attempt to
 387 purchase any goods, property, or service, by the use of any
 388 false, fictitious, counterfeit, or expired credit card,
 389 telephone number, credit number, or other credit device, or by
 390 the use of any credit card, telephone number, credit number, or

391 other credit device of another person without the authority of
 392 the person to whom such card, number or device was issued, or by
 393 the use of any credit card, telephone number, credit number, or
 394 other credit device in any case where such card, number or
 395 device has been revoked and notice of revocation has been given
 396 to the person to whom issued.

397 Section 15. Section 817.50, Florida Statutes, is amended
 398 to read:

399 817.50 Fraudulently obtaining goods or, ~~services, etc.,~~
 400 from a health care provider.—

401 (1) Whoever shall, willfully and with intent to defraud,
 402 obtain or attempt to obtain goods, products, merchandise, or
 403 services from any health care provider in this state, as defined
 404 in s. 641.19(14), commits a felony ~~misdemeanor~~ of the third
 405 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
 406 775.083, or s. 775.084.

407 (2) If any person gives to any health care provider in
 408 this state a false or fictitious name or a false or fictitious
 409 address or assigns to any health care provider the proceeds of
 410 any health maintenance contract or insurance contract, then
 411 knowing that such contract is no longer in force, is invalid, or
 412 is void for any reason, such action shall be prima facie
 413 evidence of the intent of such person to defraud the health care
 414 provider. However, this subsection does not apply to
 415 investigative actions taken by law enforcement officers for law
 416 enforcement purposes in the course of their official duties.

417 Section 16. Paragraph (f) of subsection (1) and
418 subsections (2), (4), (8), and (9) of section 817.568, Florida
419 Statutes, are amended to read:

420 817.568 Criminal use of personal identification
421 information.—

422 (1) As used in this section, the term:

423 (f) "Personal identification information" means any name
424 or number that may be used, alone or in conjunction with any
425 other information, to identify a specific person ~~individual~~,
426 including any:

427 1. Name, postal or electronic mail address, telephone
428 number, social security number, date of birth, mother's maiden
429 name, official state-issued or United States-issued driver
430 license or identification number, alien registration number,
431 government passport number, employer or taxpayer identification
432 number, Medicaid or food assistance account number, bank account
433 number, credit or debit card number, or personal identification
434 number or code assigned to the holder of a debit card by the
435 issuer to permit authorized electronic use of such card;

436 2. Unique biometric data, such as fingerprint, voice
437 print, retina or iris image, or other unique physical
438 representation;

439 3. Unique electronic identification number, address, or
440 routing code;

441 4. Medical records;

442 5. Telecommunication identifying information or access

443 device; or

444 6. Other number or information that can be used to access
 445 a person's financial resources.

446 (2) (a) Any person who willfully and without authorization
 447 fraudulently uses, or possesses with intent to fraudulently use,
 448 personal identification information concerning another person ~~an~~
 449 ~~individual~~ without first obtaining that person's ~~individual's~~
 450 consent, commits the offense of fraudulent use of personal
 451 identification information, which is a felony of the third
 452 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 453 775.084.

454 (b) Any person who willfully and without authorization
 455 fraudulently uses personal identification information concerning
 456 a person ~~an individual~~ without first obtaining that person's
 457 ~~individual's~~ consent commits a felony of the second degree,
 458 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 459 if the pecuniary benefit, the value of the services received,
 460 the payment sought to be avoided, or the amount of the injury or
 461 fraud perpetrated is \$5,000 or more or if the person
 462 fraudulently uses the personal identification information of 10
 463 or more persons ~~individuals~~, but fewer than 20 persons
 464 ~~individuals~~, without their consent. Notwithstanding any other
 465 provision of law, the court shall sentence any person convicted
 466 of committing the offense described in this paragraph to a
 467 mandatory minimum sentence of 3 years' imprisonment.

468 (c) Any person who willfully and without authorization

469 fraudulently uses personal identification information concerning
470 a person ~~an individual~~ without first obtaining that person's
471 ~~individual's~~ consent commits a felony of the first degree,
472 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
473 if the pecuniary benefit, the value of the services received,
474 the payment sought to be avoided, or the amount of the injury or
475 fraud perpetrated is \$50,000 or more or if the person
476 fraudulently uses the personal identification information of 20
477 or more persons ~~individuals~~, but fewer than 30 persons
478 ~~individuals~~, without their consent. Notwithstanding any other
479 provision of law, the court shall sentence any person convicted
480 of committing the offense described in this paragraph to a
481 mandatory minimum sentence of 5 years' imprisonment. If the
482 pecuniary benefit, the value of the services received, the
483 payment sought to be avoided, or the amount of the injury or
484 fraud perpetrated is \$100,000 or more, or if the person
485 fraudulently uses the personal identification information of 30
486 or more persons ~~individuals~~ without their consent,
487 notwithstanding any other provision of law, the court shall
488 sentence any person convicted of committing the offense
489 described in this paragraph to a mandatory minimum sentence of
490 10 years' imprisonment.

491 (4) Any person who willfully and without authorization
492 possesses, uses, or attempts to use personal identification
493 information concerning a person ~~an individual~~ without first
494 obtaining that person's ~~individual's~~ consent, and who does so

495 for the purpose of harassing that person ~~individual~~, commits the
496 offense of harassment by use of personal identification
497 information, which is a misdemeanor of the first degree,
498 punishable as provided in s. 775.082 or s. 775.083.

499 (8) (a) Any person who willfully and fraudulently uses, or
500 possesses with intent to fraudulently use, personal
501 identification information concerning a deceased individual or
502 dissolved business entity commits the offense of fraudulent use
503 or possession with intent to use personal identification
504 information of a deceased individual or dissolved business
505 entity, a felony of the third degree, punishable as provided in
506 s. 775.082, s. 775.083, or s. 775.084.

507 (b) Any person who willfully and fraudulently uses
508 personal identification information concerning a deceased
509 individual or dissolved business entity commits a felony of the
510 second degree, punishable as provided in s. 775.082, s. 775.083,
511 or s. 775.084, if the pecuniary benefit, the value of the
512 services received, the payment sought to be avoided, or the
513 amount of injury or fraud perpetrated is \$5,000 or more, or if
514 the person fraudulently uses the personal identification
515 information of 10 or more but fewer than 20 deceased individuals
516 or dissolved business entities. Notwithstanding any other
517 provision of law, the court shall sentence any person convicted
518 of committing the offense described in this paragraph to a
519 mandatory minimum sentence of 3 years' imprisonment.

520 (c) Any person who willfully and fraudulently uses

521 personal identification information concerning a deceased
522 individual or dissolved business entity commits the offense of
523 aggravated fraudulent use of the personal identification
524 information of multiple deceased individuals or dissolved
525 business entities, a felony of the first degree, punishable as
526 provided in s. 775.082, s. 775.083, or s. 775.084, if the
527 pecuniary benefit, the value of the services received, the
528 payment sought to be avoided, or the amount of injury or fraud
529 perpetrated is \$50,000 or more, or if the person fraudulently
530 uses the personal identification information of 20 or more but
531 fewer than 30 deceased individuals or dissolved business
532 entities. Notwithstanding any other provision of law, the court
533 shall sentence any person convicted of the offense described in
534 this paragraph to a minimum mandatory sentence of 5 years'
535 imprisonment. If the pecuniary benefit, the value of the
536 services received, the payment sought to be avoided, or the
537 amount of the injury or fraud perpetrated is \$100,000 or more,
538 or if the person fraudulently uses the personal identification
539 information of 30 or more deceased individuals or dissolved
540 business entities, notwithstanding any other provision of law,
541 the court shall sentence any person convicted of an offense
542 described in this paragraph to a mandatory minimum sentence of
543 10 years' imprisonment.

544 (9) Any person who willfully and fraudulently creates or
545 uses, or possesses with intent to fraudulently use, counterfeit
546 or fictitious personal identification information concerning a

547 fictitious person ~~individual~~, or concerning a real person
548 ~~individual~~ without first obtaining that real person's
549 ~~individual's~~ consent, with intent to use such counterfeit or
550 fictitious personal identification information for the purpose
551 of committing or facilitating the commission of a fraud on
552 another person, commits the offense of fraudulent creation or
553 use, or possession with intent to fraudulently use, counterfeit
554 or fictitious personal identification information, a felony of
555 the third degree, punishable as provided in s. 775.082, s.
556 775.083, or s. 775.084.

557 Section 17. Section 817.569, Florida Statutes, is amended
558 to read:

559 817.569 Criminal use of a public record or public records
560 information; providing false information; penalties.—A person
561 who knowingly uses any public record, as defined in s. 119.011,
562 ~~or~~ who knowingly uses information obtainable only through such
563 public record, or who knowingly provides false information that
564 becomes part of a public record to facilitate or further the
565 commission of:

566 (1) A misdemeanor of the first degree, commits a
567 misdemeanor of the first degree, punishable as provided in s.
568 775.082 or s. 775.083.

569 (2) A felony, commits a felony of the third degree,
570 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

571 Section 18. Paragraphs (a) and (e) of subsection (3) of
572 section 921.0022, Florida Statutes, are amended to read:

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573 921.0022 Criminal Punishment Code; offense severity
 574 ranking chart.—

575 (3) OFFENSE SEVERITY RANKING CHART

576 (a) LEVEL 1

577

Florida	Felony	
Statute	Degree	Description

578

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
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579

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
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580

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
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581

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
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582

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
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584	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
585	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
586	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
587	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
588	322.212 (5) (a)	3rd	False application for driver license or identification card.
589	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.

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590	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
591	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
592	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
593	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
594	562.27 (1)	3rd	Possess still or still apparatus.
595	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.

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596	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
597	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
598	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
599	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
600	817.569(2)	3rd	Use of public record or public records information <u>or</u> <u>providing false information</u> to facilitate commission of a felony.
601	826.01	3rd	Bigamy.
602	828.122(3)	3rd	Fighting or baiting animals.

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603	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
604	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
605	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
606	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
607	838.15 (2)	3rd	Commercial bribe receiving.
608	838.16	3rd	Commercial bribery.
609	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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610	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
611	849.01	3rd	Keeping gambling house.
612	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
613	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
614	849.25(2)	3rd	Engaging in bookmaking.
615	860.08	3rd	Interfere with a railroad signal.
616	860.13(1)(a)	3rd	Operate aircraft while under the influence.
617	893.13(2)(a)2.	3rd	Purchase of cannabis.

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618	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
619	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
620	(e) LEVEL 5		
621	Florida	Felony	
622	Statute	Degree	Description
623	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
624	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
625	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
	327.30(5)	3rd	Vessel accidents involving

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			personal injury; leaving scene.
626	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
627	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
628	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
629	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
630	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
631	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of

avoiding or reducing workers' compensation premiums.

632

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

633

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

634

790.01 (2) 3rd Carrying a concealed firearm.

635

790.162 2nd Threat to throw or discharge destructive device.

636

790.163 (1) 2nd False report of deadly explosive or weapon of mass destruction.

637

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

638

790.23 2nd Felons in possession of firearms, ammunition, or

electronic weapons or devices.

639

796.05 (1) 2nd Live on earnings of a prostitute; 1st offense.

640

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

641

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

642

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

643

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

644

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

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646	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
647	812.131(2)(b)	3rd	Robbery by sudden snatching.
648	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
649	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
650	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
651	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services

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received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons ~~individuals~~.

652

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

653

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

654

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

655

827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes

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656			sexual conduct by a child.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
657			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
658			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
659			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
660			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
661			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal

662	874.05 (2) (a)	2nd	gang; second or subsequent offense.
663	893.13 (1) (a) 1.	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
664	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
665			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) 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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666 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

667 893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under 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) within 1,000 feet of property used for religious services or a specified business site.

668 893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

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669	893.13(4)(b)	2nd	Deliver to minor 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).
670	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
671	Section 19. This act shall take effect October 1, 2015.		