

By Senator Richter

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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;
22 transferring, renumbering, and amending ss. 817.12 and
23 817.13, F.S.; combining offense, penalty, and evidence
24 provisions and transferring such provisions to s.
25 817.11, F.S.; amending s. 817.14, F.S.; clarifying
26 provisions; amending s. 817.15, F.S.; substituting the
27 term "business entity" for the term "corporation";
28 amending ss. 817.17 and 817.18, F.S.; including
29 counties and other political subdivisions in

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30 provisions prohibiting the false marking of goods or
31 packaging with a location of origin; reorganizing
32 penalty provisions; amending s. 817.19, F.S.;
33 prohibiting fraudulent issuance of indicia of
34 membership interest in a limited liability company;
35 amending s. 817.39, F.S.; substituting the term
36 "business entity" for the term "corporation"; amending
37 s. 817.40, F.S.; specifying that the term "misleading
38 advertising" includes electronic forms of
39 dissemination; amending s. 817.411, F.S.; substituting
40 the term "business entity" for the term "corporation";
41 specifying that certain false statements made through
42 electronic means are prohibited; amending s. 817.412,
43 F.S.; specifying that electronic statements are
44 included in provisions prohibiting false
45 representations of used goods as new; amending s.
46 817.481, F.S.; clarifying provisions; amending s.
47 817.50, F.S.; revising criminal penalties for
48 fraudulently obtaining goods or services from a health
49 care provider; amending s. 817.568, F.S.; expanding
50 specified identity theft offenses to include all
51 persons rather than being limited to natural persons;
52 including dissolved business entities within certain
53 offenses involving fraudulent use of personal
54 identification information of deceased persons;
55 amending s. 817.569, F.S.; prohibiting a person from
56 knowingly providing false information that becomes
57 part of a public record to facilitate or further the
58 commission of certain offenses; providing criminal

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59 penalties; amending s. 921.0022, F.S.; conforming
60 provisions to changes made by the act; providing an
61 effective date.

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

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

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

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

75 817.02 Obtaining property by false personation.—

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

78 (a) Receives any property intended to be delivered to that
79 person ~~the party so personated~~, with intent to convert the same
80 to his or her own use; or

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

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

87 (2) (a) In sentencing a defendant convicted of a violation

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

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

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

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

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

108 817.032 Information available to identity theft victims.—

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

115 (2) GENERALLY.—For the purpose of documenting fraudulent
116 transactions resulting from identity theft, within 30 days after

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

130 (a) The victim;

131 (b) A federal, state, or local government law enforcement
132 agency, or officer specified by the victim in such a request; or

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

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

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

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

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

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

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

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

157 2. A properly completed affidavit of fact that is
158 acceptable to the business entity for that purpose.

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

161 (a) Be in writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

208 Section 4. Section 817.11, Florida Statutes, is amended,
209 and sections 817.12 and 817.13, Florida Statutes, are
210 transferred and renumbered as subsections (2) and (3),
211 respectively, of section 817.11, Florida Statutes, and amended,
212 to read:

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

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

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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.

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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 this
267 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

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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.—

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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

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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.

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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 obtain
 386 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 to
 398 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.

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407 (2) If any person gives to any health care provider in this
408 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 subsections
418 (2), (4), (8), and (9) of section 817.568, Florida Statutes, are
419 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 or
424 number that may be used, alone or in conjunction with any other
425 information, to identify a specific person ~~individual~~, including
426 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;

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

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

440 4. Medical records;

441 5. Telecommunication identifying information or access
442 device; or

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

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

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

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465 of committing the offense described in this paragraph to a
466 mandatory minimum sentence of 3 years' imprisonment.

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

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

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

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

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

519 (c) Any person who willfully and fraudulently uses personal
520 identification information concerning a deceased individual or
521 dissolved business entity commits the offense of aggravated
522 fraudulent use of the personal identification information of

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

543 (9) Any person who willfully and fraudulently creates or
544 uses, or possesses with intent to fraudulently use, counterfeit
545 or fictitious personal identification information concerning a
546 fictitious person individual, or concerning a real person
547 individual without first obtaining that real person's
548 individual's consent, with intent to use such counterfeit or
549 fictitious personal identification information for the purpose
550 of committing or facilitating the commission of a fraud on
551 another person, commits the offense of fraudulent creation or

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552 use, or possession with intent to fraudulently use, counterfeit
 553 or fictitious personal identification information, a felony of
 554 the third degree, punishable as provided in s. 775.082, s.
 555 775.083, or s. 775.084.

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

558 817.569 Criminal use of a public record or public records
 559 information; providing false information; penalties.—A person
 560 who knowingly uses any public record, as defined in s. 119.011,
 561 ~~or~~ who knowingly uses information obtainable only through such
 562 public record, or who knowingly provides false information that
 563 becomes part of a public record to facilitate or further the
 564 commission of:

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

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

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

572 921.0022 Criminal Punishment Code; offense severity ranking
 573 chart.—

574 (3) OFFENSE SEVERITY RANKING CHART

575 (a) LEVEL 1

576

577

Florida Statute	Felony Degree	Description
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578

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579	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
580	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
581	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
582	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
583	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
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.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated

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identification.

586

322.212(4)

3rd

Supply or aid in supplying unauthorized driver license or identification card.

587

322.212(5)(a)

3rd

False application for driver license or identification card.

588

414.39(2)

3rd

Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.

589

414.39(3)(a)

3rd

Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

590

443.071(1)

3rd

False statement or representation to obtain or increase reemployment assistance benefits.

591

509.151(1)

3rd

Defraud an innkeeper, food or lodging value greater than \$300.

592

517.302(1)

3rd

Violation of the Florida

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Securities and Investor
Protection Act.

593

562.27(1) 3rd Possess still or still
apparatus.

594

713.69 3rd Tenant removes property upon
which lien has accrued, value
more than \$50.

595

812.014(3)(c) 3rd Petit theft (3rd conviction);
theft of any property not
specified in subsection (2).

596

812.081(2) 3rd Unlawfully makes or causes to
be made a reproduction of a
trade secret.

597

815.04(5)(a) 3rd Offense against intellectual
property (i.e., computer
programs, data).

598

817.52(2) 3rd Hiring with intent to defraud,
motor vehicle services.

599

817.569(2) 3rd Use of public record or public
records information or
providing false information to
facilitate commission of a

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felony.

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826.01	3rd	Bigamy.
828.122 (3)	3rd	Fighting or baiting animals.
831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
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.
838.15 (2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.

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609	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
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.

619 (e) LEVEL 5
620
621

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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 personal injury; leaving scene.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny

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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

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634	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
635	790.01 (2)	3rd	Carrying a concealed firearm.
636	790.162	2nd	Threat to throw or discharge destructive device.
637	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
638	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
639	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
640	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
641	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.

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806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
812.131 (2) (b)	3rd	Robbery by sudden snatching.
812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.

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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.
652	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more <u>persons</u> individuals .
653	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
654	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a

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child.

655

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

656

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

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662	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
663	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
664	893.13 (1) (a) 1.	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	893.13 (1) (c) 2.	2nd	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.
665	893.13 (1) (d) 1.	1st	Sell, manufacture, or deliver

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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.

666

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.

667

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.

668

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)

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drugs).

669

893.1351(1)

3rd

Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

670

Section 19. This act shall take effect October 1, 2015.