

1 A bill to be entitled
 2 An act relating to the Florida Communications Fraud
 3 Act; amending s. 817.034, F.S.; providing a
 4 limitations period for civil and criminal actions
 5 under that act; providing that in a criminal
 6 proceeding the period does not run during any time the
 7 defendant is absent from the state or without a
 8 reasonably ascertainable place of abode or work within
 9 the state; limiting the amount of such an exception;
 10 amending s. 921.0022, F.S.; reclassifying the offense
 11 of communications fraud with a value greater than
 12 \$50,000 on the offense severity ranking chart of the
 13 Criminal Punishment Code; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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

19 817.034 Florida Communications Fraud Act.—

20 (4) OFFENSES.—

21 (d) Notwithstanding any other provision of law, a criminal
 22 action or civil action or proceeding under this section may be
 23 commenced at any time within 5 years after the cause of action
 24 accrues; however, in a criminal proceeding under this section,
 25 the period of limitation does not run during any time when the
 26 defendant is continuously absent from the state or is without a
 27 reasonably ascertainable place of abode or work within the
 28 state, but in no case shall this extend the period of limitation

29 | otherwise applicable by more than 1 year.

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

32 | 921.0022 Criminal Punishment Code; offense severity
 33 | ranking chart.—

34 | (3) OFFENSE SEVERITY RANKING CHART

35 | (f) LEVEL 6

36 |

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

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43	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
44	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
45	784.041	3rd	Felony battery; domestic battery by strangulation.
46	784.048 (3)	3rd	Aggravated stalking; credible threat.
47	784.048 (5)	3rd	Aggravated stalking of person under 16.
48	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
49	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
50	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
51	784.081 (2)	2nd	Aggravated assault on specified official or employee.

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52	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
53	784.083 (2)	2nd	Aggravated assault on code inspector.
54	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
55	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
56	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
57	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
58	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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59	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
60	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
61	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.
62	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
63	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
64	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
65	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or

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66			more, but less than \$100,000, grand theft in 2nd degree.
67	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
68	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
69	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
70	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
71	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
72	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
73	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.

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74	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
75	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
76	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
77	827.03 (2) (c)	3rd	Abuse of a child.
78	827.03 (2) (d)	3rd	Neglect of a child.
79	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
80	836.05	2nd	Threats; extortion.
81	836.10	2nd	Written threats to kill or do bodily injury.
82	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to

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83	847.012	3rd	distribute, or possessing with intent to distribute obscene materials depicting minors.
84	847.0135(2)	3rd	Knowingly using a minor in the production of materials harmful to minors.
85	914.23	2nd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
86	944.35(3)(a)2.	3rd	Retaliation against a witness, victim, or informant, with bodily injury.
87	944.40	2nd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
88	944.46	3rd	Escapes.
89			Harboring, concealing, aiding escaped prisoners.

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944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
(g) LEVEL 7		
Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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98	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
99	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
100	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
101	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
102	456.065 (2)	3rd	Practicing a health care profession without a license.
103	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
104	458.327 (1)	3rd	Practicing medicine without a license.
	459.013 (1)	3rd	Practicing osteopathic medicine

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without a license.

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

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

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462.17 3rd Practicing naturopathy without
a license.

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

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

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

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

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467.201 3rd Practicing midwifery without a
license.

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468.366 3rd Delivering respiratory care
services without a license.

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114	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
115	483.901 (9)	3rd	Practicing medical physics without a license.
116	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
117	484.053	3rd	Dispensing hearing aids without a license.
118	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.
119	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.
120	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency

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or payment instruments
 exceeding \$300 but less than
 \$20,000.

121 655.50(10) (b) 1. 3rd Failure to report financial
 transactions exceeding \$300 but
 less than \$20,000 by financial
 institution.

122 775.21(10) (a) 3rd Sexual predator; failure to
 register; failure to renew
 driver's license or
 identification card; other
 registration violations.

123 775.21(10) (b) 3rd Sexual predator working where
 children regularly congregate.

124 775.21(10) (g) 3rd Failure to report or providing
 false information about a
 sexual predator; harbor or
 conceal a sexual predator.

125 782.051(3) 2nd Attempted felony murder of a
 person by a person other than
 the perpetrator or the
 perpetrator of an attempted
 felony.

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126	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
127	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
128	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
129	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
130	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
131	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
132	784.048(4)	3rd	Aggravated stalking; violation

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of injunction or court order.

133

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

134

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

135

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

136

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

137

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

138

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

139

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

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

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141	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.
142	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
143	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
144	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
145	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
146	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
147	790.166(4)	2nd	Possessing, displaying, or

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threatening to use a hoax
 weapon of mass destruction
 while committing or attempting
 to commit a felony.

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

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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.

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

151

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

152

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

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153	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
154	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
155	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
156	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
157	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
158	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.
159	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand

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theft in 2nd degree.

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

161

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

162

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

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

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

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

166

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

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

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defraud.

168

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

169

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

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

171

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

172

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.

173

827.03 (2) (b) 2nd Neglect of a child causing

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great bodily harm, disability,
or disfigurement.

174

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

175

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

176

838.015 2nd Bribery.

177

838.016 2nd Unlawful compensation or reward
for official behavior.

178

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

179

838.22 2nd Bid tampering.

180

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

181

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

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872.06 2nd Abuse of a dead human body.

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

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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

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187	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).
188	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
189	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
190	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
191	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
192	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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193	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
194	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
195	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
196	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
197	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
198	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
199	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration

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

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

201

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

202

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

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

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

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206	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
207	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
208	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
209	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
210	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
211	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to

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report and reregister; failure
to respond to address
verification.

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