

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 and fees associated
90 with services provided by certified public accountants licensed
91 under chapter 473, incurred by the victim in clearing the
92 victim's credit history or credit rating, or costs incurred in
93 connection with a civil or administrative proceeding to satisfy
94 a debt, lien, or other obligation of the victim arising as a
95 result of the actions of the defendant.

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

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

103 (b) For purposes of this subsection, the term "victim"
104 includes, to the extent not already included within s. 817.568,

105 a person whose identity was falsely personated or who suffers a
 106 loss of property as a result of the false personation.

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

109 817.032 Information available to identity theft victims.-

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

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

- 131 (a) The victim;
- 132 (b) A federal, state, or local government law enforcement
- 133 agency, or officer specified by the victim in such a request; or
- 134 (c) A law enforcement agency investigating the identity
- 135 theft and authorized by the victim to take receipt of records
- 136 provided under this section.

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

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

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

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

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

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

156 1. A copy of a police report evidencing the claim of the

157 victim of identity theft; or

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

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

162 (a) Be in writing;

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

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

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

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

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

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

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

182 (b) After reviewing the information provided pursuant to

183 subsection (3), the business entity does not have a high degree
 184 of confidence in knowing the true identity of the individual
 185 requesting the information;

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

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

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

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

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

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

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

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

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

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

222 (2) ~~817.12~~ A person who violates this section commits
 223 ~~Penalty for violation of s. 817.11. Any person guilty of~~
 224 ~~violating the provisions of s. 817.11 shall be deemed guilty of~~
 225 ~~a felony of the third degree, punishable as provided in s.~~
 226 ~~775.082, s. 775.083, or s. 775.084.~~

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

233 Section 5. Section 817.14, Florida Statutes, is amended to
 234 read:

235 817.14 Procuring assignments of produce upon false
 236 representations.—A Any person acting for himself or herself or
 237 another person, who shall procure any consignment of produce
 238 grown in this state, to himself or herself or such other, for
 239 sale on commission or for other compensation by any knowingly
 240 false representation as to the prevailing market price at such
 241 time for such produce at the point to which it is consigned, or
 242 as to the price which such person for whom he or she is acting
 243 is at said time paying to other consignors for like produce at
 244 said place, or as to the condition of the market for such
 245 produce at such time and place, and any such person acting for
 246 another who shall procure any consignment for sale as aforesaid
 247 by false representation of authority to him or her by such other
 248 to make a guaranteed price to the consignor, commits ~~shall be~~
 249 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 250 provided in s. 775.082 or s. 775.083.

251 Section 6. Section 817.15, Florida Statutes, is amended to
 252 read:

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

261 with intent to defraud, commits ~~shall be guilty of~~ a felony of
 262 the third degree, punishable as provided in s. 775.082, s.
 263 775.083, or s. 775.084.

264 Section 7. Section 817.17, Florida Statutes, is amended to
 265 read:

266 817.17 Wrongful use of city, county, or other political
 267 subdivision name.—

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

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

283 Section 8. Section 817.18, Florida Statutes, is amended to
 284 read:

285 817.18 Wrongful marking with a city, county, or other
 286 political subdivision name ~~stamping, marking, etc.; penalty.—~~

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

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

303 Section 9. Section 817.19, Florida Statutes, is amended to
 304 read:

305 817.19 Fraudulent issue of stock certificate or indicia of
 306 membership interest ~~of stock of corporation.~~ Any officer, agent,
 307 clerk or servant of a corporation, or any other person, who
 308 fraudulently issues or transfers a certificate of stock of a
 309 corporation or indicia of a membership interest in a limited
 310 liability company to any person not entitled thereto, or
 311 fraudulently signs such certificate or other indicia of
 312 membership interest, in blank or otherwise, with the intent that

313 it shall be so issued or transferred by himself or herself or
 314 any other person, commits ~~shall be guilty of~~ a felony of the
 315 third degree, punishable as provided in s. 775.082, s. 775.083,
 316 or s. 775.084.

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

319 817.39 Simulated forms of court or legal process, or
 320 official seal or stationery; publication, sale or circulation
 321 unlawful; penalty.-

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

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

339 Section 11. Subsection (5) of section 817.40, Florida
 340 Statutes, is amended to read:

341 817.40 False, misleading and deceptive advertising and
 342 sales; definitions.—When construing ss. 817.40, 817.41, 817.43–
 343 817.47, and each and every word, phrase or part thereof, where
 344 the context will permit:

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

356 Section 12. Section 817.411, Florida Statutes, is amended
 357 to read:

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

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

372 Section 13. Section 817.412, Florida Statutes, is amended
 373 to read:

374 817.412 Sale of used goods as new; penalty.—

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

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

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

385 817.481 Credit or purchases ~~cards~~; obtaining illicitly
 386 ~~goods by use of false, expired, etc.~~; penalty.—

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

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

399 Section 15. Section 817.50, Florida Statutes, is amended
 400 to read:

401 817.50 Fraudulently obtaining goods or, ~~services, etc.,~~
 402 from a health care provider.-

403 (1) Whoever shall, willfully and with intent to defraud,
 404 obtain or attempt to obtain goods, products, merchandise, or
 405 services from any health care provider in this state, as defined
 406 in s. 641.19(14), commits a felony ~~misdemeanor~~ of the third
 407 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
 408 775.083, or s. 775.084.

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

417 | investigative actions taken by law enforcement officers for law
 418 | enforcement purposes in the course of their official duties.

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

422 | 817.568 Criminal use of personal identification
 423 | information.—

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

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

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

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

441 | 3. Unique electronic identification number, address, or
 442 | routing code;

- 443 4. Medical records;
- 444 5. Telecommunication identifying information or access
- 445 device; or
- 446 6. Other number or information that can be used to access
- 447 a person's financial resources.

448 (2)(a) Any person who willfully and without authorization
 449 fraudulently uses, or possesses with intent to fraudulently use,
 450 personal identification information concerning another person ~~an~~
 451 ~~individual~~ without first obtaining that person's ~~individual's~~
 452 consent, commits the offense of fraudulent use of personal
 453 identification information, which is a felony of the third
 454 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 455 775.084.

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

469 mandatory minimum sentence of 3 years' imprisonment.

470 (c) Any person who willfully and without authorization
471 fraudulently uses personal identification information concerning
472 a person ~~an individual~~ without first obtaining that person's
473 ~~individual's~~ consent commits a felony of the first degree,
474 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
475 if the pecuniary benefit, the value of the services received,
476 the payment sought to be avoided, or the amount of the injury or
477 fraud perpetrated is \$50,000 or more or if the person
478 fraudulently uses the personal identification information of 20
479 or more persons ~~individuals~~, but fewer than 30 persons
480 ~~individuals~~, without their consent. Notwithstanding any other
481 provision of law, the court shall sentence any person convicted
482 of committing the offense described in this paragraph to a
483 mandatory minimum sentence of 5 years' imprisonment. If the
484 pecuniary benefit, the value of the services received, the
485 payment sought to be avoided, or the amount of the injury or
486 fraud perpetrated is \$100,000 or more, or if the person
487 fraudulently uses the personal identification information of 30
488 or more persons ~~individuals~~ without their consent,
489 notwithstanding any other provision of law, the court shall
490 sentence any person convicted of committing the offense
491 described in this paragraph to a mandatory minimum sentence of
492 10 years' imprisonment.

493 (4) Any person who willfully and without authorization
494 possesses, uses, or attempts to use personal identification

495 information concerning a person ~~an individual~~ without first
496 obtaining that person's ~~individual's~~ consent, and who does so
497 for the purpose of harassing that person ~~individual~~, commits the
498 offense of harassment by use of personal identification
499 information, which is a misdemeanor of the first degree,
500 punishable as provided in s. 775.082 or s. 775.083.

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

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

521 mandatory minimum sentence of 3 years' imprisonment.

522 (c) Any person who willfully and fraudulently uses
523 personal identification information concerning a deceased
524 individual or dissolved business entity commits the offense of
525 aggravated fraudulent use of the personal identification
526 information of multiple deceased individuals or dissolved
527 business entities, a felony of the first degree, punishable as
528 provided in s. 775.082, s. 775.083, or s. 775.084, if the
529 pecuniary benefit, the value of the services received, the
530 payment sought to be avoided, or the amount of injury or fraud
531 perpetrated is \$50,000 or more, or if the person fraudulently
532 uses the personal identification information of 20 or more but
533 fewer than 30 deceased individuals or dissolved business
534 entities. Notwithstanding any other provision of law, the court
535 shall sentence any person convicted of the offense described in
536 this paragraph to a minimum mandatory sentence of 5 years'
537 imprisonment. If the pecuniary benefit, the value of the
538 services received, the payment sought to be avoided, or the
539 amount of the injury or fraud perpetrated is \$100,000 or more,
540 or if the person fraudulently uses the personal identification
541 information of 30 or more deceased individuals or dissolved
542 business entities, notwithstanding any other provision of law,
543 the court shall sentence any person convicted of an offense
544 described in this paragraph to a mandatory minimum sentence of
545 10 years' imprisonment.

546 (9) Any person who willfully and fraudulently creates or

547 uses, or possesses with intent to fraudulently use, counterfeit
548 or fictitious personal identification information concerning a
549 fictitious person individual, or concerning a real person
550 ~~individual~~ without first obtaining that real person's
551 ~~individual's~~ consent, with intent to use such counterfeit or
552 fictitious personal identification information for the purpose
553 of committing or facilitating the commission of a fraud on
554 another person, commits the offense of fraudulent creation or
555 use, or possession with intent to fraudulently use, counterfeit
556 or fictitious personal identification information, a felony of
557 the third degree, punishable as provided in s. 775.082, s.
558 775.083, or s. 775.084.

559 Section 17. Section 817.569, Florida Statutes, is amended
560 to read:

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

568 (1) A misdemeanor of the first degree, commits a
569 misdemeanor of the first degree, punishable as provided in s.
570 775.082 or s. 775.083.

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

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

575 921.0022 Criminal Punishment Code; offense severity
 576 ranking chart.—

577 (3) OFFENSE SEVERITY RANKING CHART

578 (a) LEVEL 1

579

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or

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CS/HB 157

2015

identification number plate.

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319.35(1)(a) 3rd Tamper, adjust, change, etc.,
an odometer.

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320.26(1)(a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation stickers.

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322.212 3rd Possession of forged, stolen,
(1)(a)-(c) counterfeit, or unlawfully
issued driver license;
possession of simulated
identification.

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322.212(4) 3rd Supply or aid in supplying
unauthorized driver license or
identification card.

589

322.212(5)(a) 3rd False application for driver
license or identification card.

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414.39(2) 3rd Unauthorized use, possession,
forgery, or alteration of food
assistance program, Medicaid
ID, value greater than \$200.

591	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
592	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
593	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
594	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
595	562.27 (1)	3rd	Possess still or still apparatus.
596	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
597			

CS/HB 157

2015

598	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
599	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
600	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
601	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
602	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.
603	826.01	3rd	Bigamy.
604	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.
605	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
606	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
607	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.
608	838.15(2)	3rd	Commercial bribe receiving.
609	838.16	3rd	Commercial bribery.
610	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
611	847.011(1)(a)	3rd	Sell, distribute, etc.,

			obscene, lewd, etc., material (2nd conviction).
612	849.01	3rd	Keeping gambling house.
613	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.
614	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
615	849.25(2)	3rd	Engaging in bookmaking.
616	860.08	3rd	Interfere with a railroad signal.
617	860.13(1)(a)	3rd	Operate aircraft while under the influence.
618	893.13(2)(a)2.	3rd	Purchase of cannabis.
619	893.13(6)(a)	3rd	Possession of cannabis (more

than 20 grams).

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934.03(1)(a)

3rd

Intercepts, or procures any other person to intercept, any wire or oral communication.

(e) LEVEL 5

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.

CS/HB 157

2015

629	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
630	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
631	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
632	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
633	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
634	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

CS/HB 157

2015

635	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
636	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
637	790.01 (2)	3rd	Carrying a concealed firearm.
638	790.162	2nd	Threat to throw or discharge destructive device.
639	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
640	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
641	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.

CS/HB 157

2015

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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.
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.

649	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
650	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
651	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
652	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.
653	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

654	817.625 (2) (b)	2nd	<p><u>persons</u> individuals.</p> <p>Second or subsequent fraudulent use of scanning device or reencoder.</p>
655	825.1025 (4)	3rd	<p>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</p>
656	827.071 (4)	2nd	<p>Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.</p>
657	827.071 (5)	3rd	<p>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.</p>
658	839.13 (2) (b)	2nd	<p>Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or</p>

			death.
659	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
660	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
661	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
662	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
663	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
664	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
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666	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).
667	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.
668	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.

669	893.13(1)(e)2.	2nd	<p>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.</p>
670	893.13(1)(f)1.	1st	<p>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.</p>
671	893.13(4)(b)	2nd	<p>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).</p>
	893.1351(1)	3rd	<p>Ownership, lease, or rental for</p>

trafficking in or manufacturing
of controlled substance.

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