

By the Committee on Judiciary; and 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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penalties; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

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

817.02 Obtaining property by false personation.—

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

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

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

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

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

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

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

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

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

110 817.032 Information available to identity theft victims.—

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

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

132 (a) The victim;

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

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

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

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

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

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

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

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

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

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

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

163 (a) Be in writing;

164 (b) Be mailed or delivered to an address specified by the
165 business entity, if any; and

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

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

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

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

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

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

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

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

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

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

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

202 (9) AFFIRMATIVE DEFENSE.—In any civil action brought to
203 enforce this section, it is an affirmative defense, which the

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204 defendant must establish by a preponderance of the evidence, for
205 a business entity to file an affidavit or answer stating that:

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

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

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

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

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

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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

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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 this
269 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

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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

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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

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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

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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 obtain
388 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 to
400 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

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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 this
410 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 subsections
420 (2), (4), (8), and (9) of section 817.568, Florida Statutes, are
421 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 or
426 number that may be used, alone or in conjunction with any other
427 information, to identify a specific person ~~individual~~, including
428 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

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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 print,
439 retina or iris image, or other unique physical representation;

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

442 4. Medical records;

443 5. Telecommunication identifying information or access
444 device; or

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

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

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

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465 ~~individuals~~, without their consent. Notwithstanding any other
466 provision of law, the court shall sentence any person convicted
467 of committing the offense described in this paragraph to a
468 mandatory minimum sentence of 3 years' imprisonment.

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

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

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

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

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

521 (c) Any person who willfully and fraudulently uses personal
522 identification information concerning a deceased individual or

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523 dissolved business entity commits the offense of aggravated
524 fraudulent use of the personal identification information of
525 multiple deceased individuals or dissolved business entities, a
526 felony of the first degree, punishable as provided in s.
527 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,
528 the value of the services received, the payment sought to be
529 avoided, or the amount of injury or fraud perpetrated is \$50,000
530 or more, or if the person fraudulently uses the personal
531 identification information of 20 or more but fewer than 30
532 deceased individuals or dissolved business entities.

533 Notwithstanding any other provision of law, the court shall
534 sentence any person convicted of the offense described in this
535 paragraph to a minimum mandatory sentence of 5 years'
536 imprisonment. If the pecuniary benefit, the value of the
537 services received, the payment sought to be avoided, or the
538 amount of the injury or fraud perpetrated is \$100,000 or more,
539 or if the person fraudulently uses the personal identification
540 information of 30 or more deceased individuals or dissolved
541 business entities, notwithstanding any other provision of law,
542 the court shall sentence any person convicted of an offense
543 described in this paragraph to a mandatory minimum sentence of
544 10 years' imprisonment.

545 (9) Any person who willfully and fraudulently creates or
546 uses, or possesses with intent to fraudulently use, counterfeit
547 or fictitious personal identification information concerning a
548 fictitious person individual, or concerning a real person
549 individual without first obtaining that real person's
550 ~~individual's~~ consent, with intent to use such counterfeit or
551 fictitious personal identification information for the purpose

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552 of committing or facilitating the commission of a fraud on
 553 another person, commits the offense of fraudulent creation or
 554 use, or possession with intent to fraudulently use, counterfeit
 555 or fictitious personal identification information, a felony of
 556 the third degree, punishable as provided in s. 775.082, s.
 557 775.083, or s. 775.084.

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

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

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

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

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

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

576 (3) OFFENSE SEVERITY RANKING CHART

577 (a) LEVEL 1

578

579

Florida	Felony	Description
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Statute

Degree

580

24.118(3)(a)

3rd

Counterfeit or altered state lottery ticket.

581

212.054(2)(b)

3rd

Discretionary sales surtax; limitations, administration, and collection.

582

212.15(2)(b)

3rd

Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.

583

316.1935(1)

3rd

Fleeing or attempting to elude law enforcement officer.

584

319.30(5)

3rd

Sell, exchange, give away certificate of title or identification number plate.

585

319.35(1)(a)

3rd

Tamper, adjust, change, etc., an odometer.

586

320.26(1)(a)

3rd

Counterfeit, manufacture, or sell registration license plates or validation stickers.

587

322.212

3rd

Possession of forged, stolen, counterfeit, or unlawfully

(1)(a)-(c)

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issued driver license;
possession of simulated
identification.

588

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.

590

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.

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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

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

598

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

599

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

600

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

601

817.569 (2) 3rd Use of public record or public records information or

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610	838.16	3rd	Commercial bribery.
611	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
612	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
613	849.01	3rd	Keeping gambling house.
614	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.
615	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
616	849.25 (2)	3rd	Engaging in bookmaking.
617	860.08	3rd	Interfere with a railroad signal.
618	860.13 (1) (a)	3rd	Operate aircraft while under the influence.

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619 893.13(2)(a)2. 3rd Purchase of cannabis.

620 893.13(6)(a) 3rd Possession of cannabis (more
than 20 grams).

621 934.03(1)(a) 3rd Intercepts, or procures any
other person to intercept, any
wire or oral communication.

622 (e) LEVEL 5

623

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.

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

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more but less than \$100,000.

635

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

636

790.01 (2) 3rd Carrying a concealed firearm.

637

790.162 2nd Threat to throw or discharge destructive device.

638

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

639

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

640

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

641

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

642

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

643

800.04 (7) (b) 2nd Lewd or lascivious exhibition;

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offender 18 years of age or
older.

644

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

645

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

646

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

647

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

648

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

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\$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 persons ~~individuals~~.

654

817.625(2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

655

825.1025(4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

656

827.071(4)

2nd

Possess with intent to promote any photographic material,

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motion picture, etc., which includes sexual conduct by a child.

657

827.071 (5)

3rd

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

658

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.

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

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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.

665

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).

666

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.

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667

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.

668

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.

669

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.

670

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.,

