

By the Committees on Criminal Justice; and 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 an exception;
12 providing for verification of a victim's identity and
13 claim; providing procedures for claims; requiring that
14 certain information be provided to victims without
15 charge; specifying circumstances in which business
16 entities may decline to provide information; providing
17 a limitation on civil liability for business entities
18 that provide or decline to provide information in
19 certain circumstances; specifying that no new record
20 retention is required; providing an affirmative
21 defense to business entities in actions seeking
22 enforcement of provisions; amending s. 817.11, F.S.;
23 making editorial changes; transferring, renumbering,
24 and amending ss. 817.12 and 817.13, F.S.; combining
25 offense, penalty, and evidence provisions and
26 transferring such provisions to s. 817.11, F.S.;
27 amending s. 817.14, F.S.; clarifying provisions;
28 amending s. 817.15, F.S.; substituting the term
29 "business entity" for the term "corporation"; amending

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30 ss. 817.17 and 817.18, F.S.; including counties and
31 other political subdivisions in provisions prohibiting
32 the false marking of goods or packaging with a
33 location of origin; reorganizing penalty provisions;
34 amending s. 817.19, F.S.; prohibiting fraudulent
35 issuance of indicia of membership interest in a
36 limited liability company; amending s. 817.39, F.S.;
37 substituting the term "business entity" for the term
38 "corporation"; amending s. 817.40, F.S.; specifying
39 that the term "misleading advertising" includes
40 electronic forms of dissemination; amending s.
41 817.411, F.S.; substituting the term "business entity"
42 for the term "corporation"; specifying that certain
43 false statements made through electronic means are
44 prohibited; amending s. 817.412, F.S.; specifying that
45 electronic statements are included in provisions
46 prohibiting false representations of used goods as
47 new; amending s. 817.481, F.S.; clarifying provisions;
48 amending s. 817.50, F.S.; revising criminal penalties
49 for fraudulently obtaining goods or services from a
50 health care provider; amending s. 817.568, F.S.;
51 expanding specified identity theft offenses to include
52 all persons rather than being limited to natural
53 persons; including dissolved business entities within
54 certain offenses involving fraudulent use of personal
55 identification information of deceased persons;
56 amending s. 817.569, F.S.; prohibiting a person from
57 knowingly providing false information that becomes
58 part of a public record to facilitate or further the

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

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

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

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

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

76 817.02 Obtaining property by false personation.—

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

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

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

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

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88 (2) (a) In sentencing a defendant convicted of a violation
89 of this section, in addition to restitution to the victim under
90 s. 775.089, the court may order restitution for the victim's
91 out-of-pocket costs, including attorney fees and fees associated
92 with services provided by certified public accountants licensed
93 under chapter 473, incurred by the victim in clearing the
94 victim's credit history or credit rating, or costs incurred in
95 connection with a civil or administrative proceeding to satisfy
96 a debt, lien, or other obligation of the victim arising as a
97 result of the actions of the defendant.

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

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

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

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

111 817.032 Information available to identity theft victims.—

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

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117 crime.

118 (2) GENERALLY.—

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

134 1. The victim;

135 2. A federal, state, or local governmental law enforcement
136 agency, or officer specified by the victim in such a request; or

137 3. A law enforcement agency investigating the identity
138 theft and authorized by the victim to take receipt of records
139 provided under this section.

140 (b) This subsection does not apply to a third party
141 providing a service to effect, administer, facilitate, process,
142 or enforce a financial transaction initiated by an individual.

143 (3) VERIFICATION OF IDENTITY AND CLAIM.—Before a business
144 entity provides any information under subsection (2), unless the
145 business entity, at its discretion, has a high degree of

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146 confidence that it knows the identity of the victim making a
147 request under subsection (2), the victim shall provide to the
148 business entity:

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

151 1. The presentation of a government-issued identification
152 card;

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

155 3. Personal identifying information that the business
156 entity typically requests from new applicants or for new
157 transactions, at the time of the victim's request for
158 information, including any documentation described in
159 subparagraphs 1. and 2.

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

162 1. A copy of a police report evidencing the claim of the
163 victim of identity theft; and

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

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

168 (a) Be in writing;

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

171 (c) If asked by the business entity, include relevant
172 information about any transaction alleged to be a result of
173 identity theft to facilitate compliance with this section,
174 including:

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175 1. If known by the victim or readily obtainable by the
176 victim, the date of the application or transaction.

177 2. If known by the victim or readily obtainable by the
178 victim, any other identifying information such as an account
179 number or transaction number.

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

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

186 (a) This section does not require disclosure of the
187 information;

188 (b) After reviewing the information provided pursuant to
189 subsection (3), the business entity does not have a high degree
190 of confidence in knowing the true identity of the individual
191 requesting the information;

192 (c) The request for the information is based on a
193 misrepresentation of fact by the individual requesting the
194 information;

195 (d) The information requested is Internet navigational data
196 or similar information about a person's visit to a website or
197 online service; or

198 (e) The disclosure is otherwise prohibited by state or
199 federal law.

200 (7) LIMITATION ON CIVIL LIABILITY.—A business entity may
201 not be held civilly liable in this state for a disclosure made
202 in good faith pursuant to this section or a decision to decline
203 to provide information as provided in subsection (6).

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204 (8) NO NEW RECORDKEEPING OBLIGATION.—This section does not
205 create an obligation on the part of a business entity to obtain,
206 retain, or maintain information or records that are not
207 otherwise required to be obtained, retained, or maintained in
208 the ordinary course of its business or under other applicable
209 law.

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

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

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

218 Section 4. Section 817.11, Florida Statutes, is amended,
219 and sections 817.12 and 817.13, Florida Statutes, are
220 transferred and renumbered as subsections (2) and (3),
221 respectively, of section 817.11, Florida Statutes, and amended,
222 to read:

223 817.11 Obtaining property by fraudulent promise to furnish
224 inside information.—

225 (1) A No person may not shall defraud or attempt to defraud
226 any individual out of anything ~~any thing~~ of value by assuming to
227 have or be able to obtain any secret, advance or inside
228 information regarding any person, transaction, act or thing,
229 whether such person, transaction, act or thing exists or not.

230 (2) ~~817.12~~ A person who violates this section commits
231 ~~Penalty for violation of s. 817.11. Any person guilty of~~
232 ~~violating the provisions of s. 817.11 shall be deemed guilty of~~

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233 a felony of the third degree, punishable as provided in s.
234 775.082, s. 775.083, or s. 775.084.

235 ~~(3) 817.13 Paraphernalia as evidence of violation of s.~~
236 ~~817.11.~~ All paraphernalia of whatsoever kind in possession of
237 any person and used in defrauding or attempting to defraud as
238 specified in this section ~~s. 817.11~~ shall be held and accepted
239 by any court of competent jurisdiction in this state as prima
240 facie evidence of guilt.

241 Section 5. Section 817.14, Florida Statutes, is amended to
242 read:

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

259 Section 6. Section 817.15, Florida Statutes, is amended to
260 read:

261 817.15 ~~Making~~ False entries in, etc., on books of business

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262 ~~entity corporation.~~—Any officer, agent, clerk or servant of a
263 business entity ~~corporation~~ who makes a false entry in the books
264 thereof, with intent to defraud, and any person whose duty it is
265 to make in such books a record or entry of the transfer of
266 stock, or of the issuing and canceling of certificates thereof,
267 or of the amount of stock issued by such business entity
268 ~~corporation~~, who omits to make a true record or entry thereof,
269 with intent to defraud, commits ~~shall be guilty of~~ a felony of
270 the third degree, punishable as provided in s. 775.082, s.
271 775.083, or s. 775.084.

272 Section 7. Section 817.17, Florida Statutes, is amended to
273 read:

274 817.17 Wrongful use of city, county, or other political
275 subdivision name.—

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

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

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291 Section 8. Section 817.18, Florida Statutes, is amended to
292 read:

293 817.18 Wrongful marking with a city, county, or other
294 political subdivision name ~~stamping, marking, etc.; penalty.-~~

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

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

311 Section 9. Section 817.19, Florida Statutes, is amended to
312 read:

313 817.19 Fraudulent issue of stock certificate or indicia of
314 membership interest ~~of stock of corporation.-~~Any officer, agent,
315 clerk or servant of a corporation, or any other person, who
316 fraudulently issues or transfers a certificate of stock of a
317 corporation or indicia of a membership interest in a limited
318 liability company to any person not entitled thereto, or
319 fraudulently signs such certificate or other indicia of

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320 membership interest, in blank or otherwise, with the intent that
321 it shall be so issued or transferred by himself or herself or
322 any other person, commits ~~shall be guilty of~~ a felony of the
323 third degree, punishable as provided in s. 775.082, s. 775.083,
324 or s. 775.084.

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

327 817.39 Simulated forms of court or legal process, or
328 official seal or stationery; publication, sale or circulation
329 unlawful; penalty.-

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

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

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

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349 817.40 False, misleading and deceptive advertising and
350 sales; definitions.—When construing ss. 817.40, 817.41, 817.43-
351 817.47, and each and every word, phrase or part thereof, where
352 the context will permit:

353 (5) The phrase “misleading advertising” includes any
354 statements made, or disseminated, in oral, written, electronic,
355 or printed form or otherwise, to or before the public, or any
356 portion thereof, which are known, or through the exercise of
357 reasonable care or investigation could or might have been
358 ascertained, to be untrue or misleading, and which are or were
359 so made or disseminated with the intent or purpose, either
360 directly or indirectly, of selling or disposing of real or
361 personal property, services of any nature whatever, professional
362 or otherwise, or to induce the public to enter into any
363 obligation relating to such property or services.

364 Section 12. Section 817.411, Florida Statutes, is amended
365 to read:

366 817.411 False information; advertising.—A ~~No~~ person, ~~firm~~
367 or business entity may not ~~corporation shall~~ knowingly publish,
368 disseminate, circulate, or place before the public, or cause
369 directly or indirectly, to be made, published, disseminated,
370 circulated, or placed before the public, in a newspaper,
371 magazine or other publication, or in the form of a notice,
372 circular, pamphlet, letter or poster, or over any radio or
373 television station, electronically, or in any other way, any
374 advertisement, announcement, or statement containing any
375 assertion, representation, or statement that commodities,
376 mortgages, promissory notes, securities, or other things of
377 value offered for sale are covered by insurance guaranties where

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378 such insurance is nonexistent or does not in fact insure against
379 the risks covered.

380 Section 13. Section 817.412, Florida Statutes, is amended
381 to read:

382 817.412 Sale of used goods as new; penalty.-

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

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

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

393 817.481 Credit or purchases cards; obtaining illicitly
394 ~~goods by use of false, expired, etc.;~~ penalty.-

395 (1) It shall be unlawful for any person knowingly to obtain
396 or attempt to obtain credit, or to purchase or attempt to
397 purchase any goods, property, or service, by the use of any
398 false, fictitious, counterfeit, or expired credit card,
399 telephone number, credit number, or other credit device, or by
400 the use of any credit card, telephone number, credit number, or
401 other credit device of another person without the authority of
402 the person to whom such card, number or device was issued, or by
403 the use of any credit card, telephone number, credit number, or
404 other credit device in any case where such card, number or
405 device has been revoked and notice of revocation has been given
406 to the person to whom issued.

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407 Section 15. Section 817.50, Florida Statutes, is amended to
408 read:

409 817.50 Fraudulently obtaining goods or services, ~~etc.~~,
410 from a health care provider.—

411 (1) Whoever shall, willfully and with intent to defraud,
412 obtain or attempt to obtain goods, products, merchandise, or
413 services from any health care provider in this state, as defined
414 in s. 641.19(14), commits a felony ~~misdemeanor~~ of the third
415 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
416 775.083, or s. 775.084.

417 (2) If any person gives to any health care provider in this
418 state a false or fictitious name or a false or fictitious
419 address or assigns to any health care provider the proceeds of
420 any health maintenance contract or insurance contract, then
421 knowing that such contract is no longer in force, is invalid, or
422 is void for any reason, such action shall be prima facie
423 evidence of the intent of such person to defraud the health care
424 provider. However, this subsection does not apply to
425 investigative actions taken by law enforcement officers for law
426 enforcement purposes in the course of their official duties.

427 Section 16. Paragraph (f) of subsection (1) and subsections
428 (2), (4), (8), and (9) of section 817.568, Florida Statutes, are
429 amended to read:

430 817.568 Criminal use of personal identification
431 information.—

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

433 (f) "Personal identification information" means any name or
434 number that may be used, alone or in conjunction with any other
435 information, to identify a specific person ~~individual~~, including

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436 any:

437 1. Name, postal or electronic mail address, telephone
438 number, social security number, date of birth, mother's maiden
439 name, official state-issued or United States-issued driver
440 license or identification number, alien registration number,
441 government passport number, employer or taxpayer identification
442 number, Medicaid or food assistance account number, bank account
443 number, credit or debit card number, or personal identification
444 number or code assigned to the holder of a debit card by the
445 issuer to permit authorized electronic use of such card;

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

448 3. Unique electronic identification number, address, or
449 routing code;

450 4. Medical records;

451 5. Telecommunication identifying information or access
452 device; or

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

455 (2) (a) Any person who willfully and without authorization
456 fraudulently uses, or possesses with intent to fraudulently use,
457 personal identification information concerning another person ~~an~~
458 ~~individual~~ without first obtaining that person's ~~individual's~~
459 consent, commits the offense of fraudulent use of personal
460 identification information, which is a felony of the third
461 degree, punishable as provided in s. 775.082, s. 775.083, or s.
462 775.084.

463 (b) Any person who willfully and without authorization
464 fraudulently uses personal identification information concerning

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465 a person ~~an individual~~ without first obtaining that person's
466 ~~individual's~~ consent commits a felony of the second degree,
467 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
468 if the pecuniary benefit, the value of the services received,
469 the payment sought to be avoided, or the amount of the injury or
470 fraud perpetrated is \$5,000 or more or if the person
471 fraudulently uses the personal identification information of 10
472 or more persons ~~individuals~~, but fewer than 20 persons
473 ~~individuals~~, without their consent. Notwithstanding any other
474 provision of law, the court shall sentence any person convicted
475 of committing the offense described in this paragraph to a
476 mandatory minimum sentence of 3 years' imprisonment.

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

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494 fraudulently uses the personal identification information of 30
495 or more persons ~~individuals~~ without their consent,
496 notwithstanding any other provision of law, the court shall
497 sentence any person convicted of committing the offense
498 described in this paragraph to a mandatory minimum sentence of
499 10 years' imprisonment.

500 (4) Any person who willfully and without authorization
501 possesses, uses, or attempts to use personal identification
502 information concerning a person ~~an individual~~ without first
503 obtaining that person's ~~individual's~~ consent, and who does so
504 for the purpose of harassing that person ~~individual~~, commits the
505 offense of harassment by use of personal identification
506 information, which is a misdemeanor of the first degree,
507 punishable as provided in s. 775.082 or s. 775.083.

508 (8) (a) Any person who willfully and fraudulently uses, or
509 possesses with intent to fraudulently use, personal
510 identification information concerning a deceased individual or
511 dissolved business entity commits the offense of fraudulent use
512 or possession with intent to use personal identification
513 information of a deceased individual or dissolved business
514 entity, a felony of the third degree, punishable as provided in
515 s. 775.082, s. 775.083, or s. 775.084.

516 (b) Any person who willfully and fraudulently uses personal
517 identification information concerning a deceased individual or
518 dissolved business entity commits a felony of the second degree,
519 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
520 if the pecuniary benefit, the value of the services received,
521 the payment sought to be avoided, or the amount of injury or
522 fraud perpetrated is \$5,000 or more, or if the person

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523 fraudulently uses the personal identification information of 10
524 or more but fewer than 20 deceased individuals or dissolved
525 business entities. Notwithstanding any other provision of law,
526 the court shall sentence any person convicted of committing the
527 offense described in this paragraph to a mandatory minimum
528 sentence of 3 years' imprisonment.

529 (c) Any person who willfully and fraudulently uses personal
530 identification information concerning a deceased individual or
531 dissolved business entity commits the offense of aggravated
532 fraudulent use of the personal identification information of
533 multiple deceased individuals or dissolved business entities, a
534 felony of the first degree, punishable as provided in s.
535 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,
536 the value of the services received, the payment sought to be
537 avoided, or the amount of injury or fraud perpetrated is \$50,000
538 or more, or if the person fraudulently uses the personal
539 identification information of 20 or more but fewer than 30
540 deceased individuals or dissolved business entities.

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

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552 10 years' imprisonment.

553 (9) Any person who willfully and fraudulently creates or
554 uses, or possesses with intent to fraudulently use, counterfeit
555 or fictitious personal identification information concerning a
556 fictitious person ~~individual~~, or concerning a real person
557 ~~individual~~ without first obtaining that real person's
558 ~~individual's~~ consent, with intent to use such counterfeit or
559 fictitious personal identification information for the purpose
560 of committing or facilitating the commission of a fraud on
561 another person, commits the offense of fraudulent creation or
562 use, or possession with intent to fraudulently use, counterfeit
563 or fictitious personal identification information, a felony of
564 the third degree, punishable as provided in s. 775.082, s.
565 775.083, or s. 775.084.

566 Section 17. Section 817.569, Florida Statutes, is amended
567 to read:

568 817.569 Criminal use of a public record or public records
569 information; providing false information; penalties.—A person
570 who knowingly uses any public record, as defined in s. 119.011,
571 ~~or~~ who knowingly uses information obtainable only through such
572 public record, or who knowingly provides false information that
573 becomes part of a public record to facilitate or further the
574 commission of:

575 (1) A misdemeanor of the first degree, commits a
576 misdemeanor of the first degree, punishable as provided in s.
577 775.082 or s. 775.083.

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

580 Section 18. Paragraphs (a) and (e) of subsection (3) of

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581 section 921.0022, Florida Statutes, are amended to read:

582 921.0022 Criminal Punishment Code; offense severity ranking
583 chart.—

584 (3) OFFENSE SEVERITY RANKING CHART

585 (a) LEVEL 1

586
587

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 identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc.,

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an odometer.

594

320.26(1)(a)

3rd

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

595

322.212
(1)(a)-(c)

3rd

Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

596

322.212(4)

3rd

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

597

322.212(5)(a)

3rd

False application for driver license or identification card.

598

414.39(2)

3rd

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

599

414.39(3)(a)

3rd

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

600

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601	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
602	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
603	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
604	562.27 (1)	3rd	Possess still or still apparatus.
605	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
606	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
607	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
	815.04 (5) (a)	3rd	Offense against intellectual

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property (i.e., computer programs, data).

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- 817.52(2) 3rd Hiring with intent to defraud, motor vehicle services.
- 817.569(2) 3rd Use of public record or public records information or providing false information to facilitate commission of a felony.
- 826.01 3rd Bigamy.
- 828.122(3) 3rd Fighting or baiting animals.
- 831.04(1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
- 831.31(1)(a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
- 832.041(1) 3rd Stopping payment with intent to defraud \$150 or more.

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616	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.
617	838.15 (2)	3rd	Commercial bribe receiving.
618	838.16	3rd	Commercial bribery.
619	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
620	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
621	849.01	3rd	Keeping gambling house.
622	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.
623	849.23	3rd	Gambling-related machines; "common offender" as to property rights.

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624	849.25 (2)	3rd	Engaging in bookmaking.
625	860.08	3rd	Interfere with a railroad signal.
626	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
627	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
628	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
629	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
630	(e) LEVEL 5		

631	Florida Statute	Felony Degree	Description
632	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
633	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
634			

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635	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
636	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
637	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
638	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
639	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
640	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
641	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
	440.381 (2)	2nd	Submission of false,

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misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

642

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

643

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

644

790.01 (2) 3rd Carrying a concealed firearm.

645

790.162 2nd Threat to throw or discharge
destructive device.

646

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

647

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

648

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

649

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650	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
651	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
652	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
653	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
654	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
655	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
656	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
657	812.131 (2) (b)	3rd	Robbery by sudden snatching.

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658

812.16(2) 3rd Owning, operating, or
conducting a chop shop.

659

817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

660

817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

661

817.2341(1), 3rd Filing false financial
(2)(a) & (3)(a) statements, making false
entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

662

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~~.

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

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reencoder.

663

825.1025 (4)

3rd

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

664

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

665

827.071 (5)

3rd

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

666

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.

667

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

668

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition

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using computer; offender 18
years or older.

669

847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

670

847.0138 3rd Transmission of material
(2) & (3) harmful to minors to a minor by
electronic device or equipment.

671

874.05 (1) (b) 2nd Encouraging or recruiting
another to join a criminal
gang; second or subsequent
offense.

672

874.05 (2) (a) 2nd Encouraging or recruiting
person under 13 years of age to
join a criminal gang.

673

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).

674

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.,

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(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.

675

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.

676

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.

677

893.13(1) (f) 1. 1st Sell, manufacture, or deliver
 cocaine (or other s.

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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.

678

893.13(4)(b)

2nd

Deliver to minor cannabis (or
other s. 893.03(1)(c),
(2)(c)1., (2)(c)2., (2)(c)3.,
(2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4)
drugs).

679

893.1351(1)

3rd

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

680

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