

By the Committees on Fiscal Policy; 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 that causing damage to a
5 victim's credit history or credit rating or otherwise
6 causing harm to the victim in the course of falsely
7 personating the victim is punishable; providing for
8 restitution to victims for certain costs; authorizing
9 the court to issue orders to correct a public record
10 under certain circumstances; providing for a civil
11 cause of action for certain victims; defining the term
12 "victim"; creating s. 817.032, F.S.; defining the term
13 "victim"; requiring business entities to provide
14 copies of business records of fraudulent transactions
15 involving identity theft to victims and law
16 enforcement agencies in certain circumstances;
17 providing an exception; providing for verification of
18 a victim's identity and claim; providing procedures
19 for claims; requiring that certain information be
20 provided to victims without charge; specifying
21 circumstances in which business entities may decline
22 to provide information; providing a limitation on
23 civil liability for business entities that provide or
24 decline to provide information in certain
25 circumstances; specifying that no new record retention
26 is required; providing an affirmative defense to
27 business entities in actions seeking enforcement of
28 provisions; amending s. 817.11, F.S.; making editorial
29 changes; transferring, renumbering, and amending ss.

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30 817.12 and 817.13, F.S.; combining offense, penalty,
31 and evidence provisions and transferring such
32 provisions to s. 817.11, F.S.; amending s. 817.14,
33 F.S.; clarifying provisions; amending s. 817.15, F.S.;
34 substituting the term "business entity" for the term
35 "corporation"; amending ss. 817.17 and 817.18, F.S.;
36 including counties and other political subdivisions in
37 provisions prohibiting the false marking of goods or
38 packaging with a location of origin; reorganizing
39 penalty provisions; amending s. 817.19, F.S.;
40 prohibiting fraudulent issuance of indicia of
41 membership interest in a limited liability company;
42 amending s. 817.39, F.S.; substituting the term
43 "business entity" for the term "corporation"; amending
44 s. 817.40, F.S.; specifying that the term "misleading
45 advertising" includes electronic forms of
46 dissemination; amending s. 817.411, F.S.; substituting
47 the term "business entity" for the term "corporation";
48 specifying that certain false statements made through
49 electronic means are prohibited; amending s. 817.412,
50 F.S.; specifying that electronic statements are
51 included in provisions prohibiting false
52 representations of used goods as new; creating s.
53 817.414, F.S.; prohibiting the sale of counterfeit
54 security company signs or decals; providing criminal
55 penalties; amending s. 817.481, F.S.; clarifying
56 provisions; amending s. 817.50, F.S.; revising
57 criminal penalties for fraudulently obtaining goods or
58 services from a health care provider; amending s.

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59 817.568, F.S.; expanding specified identity theft
60 offenses to include all persons rather than being
61 limited to natural persons; including dissolved
62 business entities within certain offenses involving
63 fraudulent use of personal identification information
64 of deceased persons; amending s. 817.569, F.S.;
65 prohibiting a person from knowingly providing false
66 information that becomes part of a public record to
67 facilitate or further the commission of certain
68 offenses; providing criminal penalties; amending s.
69 921.0022, F.S.; conforming provisions to changes made
70 by the act; providing an effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Section 817.011, Florida Statutes, is created to
75 read:

76 817.011 Definition.—As used in this chapter, the term
77 “business entity” means any corporation, partnership, limited
78 partnership, company, limited liability company, proprietorship,
79 firm, enterprise, franchise, association, self-employed
80 individual, or trust, whether fictitiously named or not, doing
81 business in this state.

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

84 817.02 Obtaining property by false personation.—

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

87 (a) Receives any property intended to be delivered to that

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88 person ~~the party so personated~~, with intent to convert the same
89 to his or her own use; or

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

94
95 shall be punished as if he or she had been convicted of larceny.

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

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

109 (3) (a) A victim of the conduct subject to this section
110 shall have a civil cause of action against a person who has
111 engaged in the conduct prohibited by this section as provided in
112 s. 772.11.

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

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117 Section 3. Section 817.032, Florida Statutes, is created to
118 read:

119 817.032 Information available to identity theft victims.—

120 (1) DEFINITION.—As used in this section, the term “victim”
121 means a person whose means of identification or financial
122 information is used or transferred or is alleged to be used or
123 transferred without the authority of that person with the intent
124 to commit or to aid or abet an identity theft or a similar
125 crime.

126 (2) GENERALLY.—

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

142 1. The victim;

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

145 3. A law enforcement agency investigating the identity

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146 theft and authorized by the victim to take receipt of records
147 provided under this section.

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

151 (3) VERIFICATION OF IDENTITY AND CLAIM.—Before a business
152 entity provides any information under subsection (2), unless the
153 business entity, at its discretion, has a high degree of
154 confidence that it knows the identity of the victim making a
155 request under subsection (2), the victim shall provide to the
156 business entity:

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

159 1. The presentation of a government-issued identification
160 card;

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

163 3. Personal identifying information that the business
164 entity typically requests from new applicants or for new
165 transactions, at the time of the victim's request for
166 information, including any documentation described in
167 subparagraphs 1. and 2.

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

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

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

174 (4) PROCEDURES.—The request of a victim under subsection

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175 (2) must:

176 (a) Be in writing;

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

179 (c) If asked by the business entity, include relevant
180 information about any transaction alleged to be a result of
181 identity theft to facilitate compliance with this section,
182 including:

183 1. If known by the victim or readily obtainable by the
184 victim, the date of the application or transaction.

185 2. If known by the victim or readily obtainable by the
186 victim, any other identifying information such as an account
187 number or transaction number.

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

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

194 (a) This section does not require disclosure of the
195 information;

196 (b) After reviewing the information provided pursuant to
197 subsection (3), the business entity does not have a high degree
198 of confidence in knowing the true identity of the individual
199 requesting the information;

200 (c) The request for the information is based on a
201 misrepresentation of fact by the individual requesting the
202 information;

203 (d) The information requested is Internet navigational data

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204 or similar information about a person's visit to a website or
205 online service; or

206 (e) The disclosure is otherwise prohibited by state or
207 federal law.

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

212 (8) NO NEW RECORDKEEPING OBLIGATION.—This section does not
213 create an obligation on the part of a business entity to obtain,
214 retain, or maintain information or records that are not
215 otherwise required to be obtained, retained, or maintained in
216 the ordinary course of its business or under other applicable
217 law.

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

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

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

226 Section 4. Section 817.11, Florida Statutes, is amended,
227 and sections 817.12 and 817.13, Florida Statutes, are
228 transferred and renumbered as subsections (2) and (3),
229 respectively, of section 817.11, Florida Statutes, and amended,
230 to read:

231 817.11 Obtaining property by fraudulent promise to furnish
232 inside information.—

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233 (1) A ~~No~~ person may not shall defraud or attempt to defraud
234 any individual out of anything ~~any thing~~ of value by assuming to
235 have or be able to obtain any secret, advance or inside
236 information regarding any person, transaction, act or thing,
237 whether such person, transaction, act or thing exists or not.

238 (2) ~~817.12~~ A person who violates this section commits
239 ~~Penalty for violation of s. 817.11. Any person guilty of~~
240 ~~violating the provisions of s. 817.11 shall be deemed guilty of~~
241 a felony of the third degree, punishable as provided in s.
242 775.082, s. 775.083, or s. 775.084.

243 (3) ~~817.13 Paraphernalia as evidence of violation of s.~~
244 ~~817.11.~~ All paraphernalia of whatsoever kind in possession of
245 any person and used in defrauding or attempting to defraud as
246 specified in this section ~~s. 817.11~~ shall be held and accepted
247 by any court of competent jurisdiction in this state as prima
248 facie evidence of guilt.

249 Section 5. Section 817.14, Florida Statutes, is amended to
250 read:

251 817.14 Procuring assignments of produce upon false
252 representations. ~~A~~ Any person acting for himself or herself or
253 another person, who shall procure any consignment of produce
254 grown in this state, to himself or herself or such other, for
255 sale on commission or for other compensation by any knowingly
256 false representation as to the prevailing market price at such
257 time for such produce at the point to which it is consigned, or
258 as to the price which such person for whom he or she is acting
259 is at said time paying to other consignors for like produce at
260 said place, or as to the condition of the market for such
261 produce at such time and place, and any such person acting for

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262 another who shall procure any consignment for sale as aforesaid
263 by false representation of authority to him or her by such other
264 to make a guaranteed price to the consignor, commits ~~shall be~~
265 ~~guilty of~~ a misdemeanor of the first degree, punishable as
266 provided in s. 775.082 or s. 775.083.

267 Section 6. Section 817.15, Florida Statutes, is amended to
268 read:

269 817.15 ~~Making~~ False entries ~~in, etc., on~~ books of business
270 entity corporation.—Any officer, agent, clerk or servant of a
271 business entity corporation who makes a false entry in the books
272 thereof, with intent to defraud, and any person whose duty it is
273 to make in such books a record or entry of the transfer of
274 stock, or of the issuing and canceling of certificates thereof,
275 or of the amount of stock issued by such business entity
276 ~~corporation~~, who omits to make a true record or entry thereof,
277 with intent to defraud, commits ~~shall be guilty of~~ a felony of
278 the third degree, punishable as provided in s. 775.082, s.
279 775.083, or s. 775.084.

280 Section 7. Section 817.17, Florida Statutes, is amended to
281 read:

282 817.17 Wrongful use of city, county, or other political
283 subdivision name.—

284 (1) A ~~No~~ person or persons engaged in manufacturing in this
285 state, may not ~~shall~~ cause to be printed, stamped, marked,
286 engraved or branded, upon any of the articles manufactured by
287 them, or on any of the boxes, packages, or bands containing such
288 manufactured articles, the name of any city, county, or other
289 political subdivision of ~~in~~ the state, other than that in which
290 said articles are manufactured; provided, that ~~nothing in~~ this

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291 section does not ~~shall~~ prohibit any person from offering for
 292 sale any goods having marked thereon the name of any city,
 293 county, or other political subdivision of the state ~~in Florida~~
 294 other than that in which said goods were manufactured, if there
 295 be no manufactory of similar goods in the city, county, or other
 296 political subdivision the name of which is used.

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

299 Section 8. Section 817.18, Florida Statutes, is amended to
 300 read:

301 817.18 Wrongful marking with a city, county, or other
 302 political subdivision name ~~stamping, marking, etc.; penalty.-~~

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

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

319 Section 9. Section 817.19, Florida Statutes, is amended to

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320 read:

321 817.19 Fraudulent issue of stock certificate or indicia of
322 membership interest ~~of stock of corporation.~~—Any officer, agent,
323 clerk or servant of a corporation, or any other person, who
324 fraudulently issues or transfers a certificate of stock of a
325 corporation or indicia of a membership interest in a limited
326 liability company to any person not entitled thereto, or
327 fraudulently signs such certificate or other indicia of
328 membership interest, in blank or otherwise, with the intent that
329 it shall be so issued or transferred by himself or herself or
330 any other person, commits ~~shall be guilty of~~ a felony of the
331 third degree, punishable as provided in s. 775.082, s. 775.083,
332 or s. 775.084.

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

335 817.39 Simulated forms of court or legal process, or
336 official seal or stationery; publication, sale or circulation
337 unlawful; penalty.—

338 (1) Any person, ~~firm,~~ or business entity ~~corporation~~ who
339 prints ~~shall print~~, for the purpose of sale or distribution and
340 for use in the state, or who circulates, publishes, or offers
341 ~~shall circulate, publish, or offer~~ for sale any letter, paper,
342 document, notice of intent to bring suit, or other notice or
343 demand, which simulates a form of court or legal process, or any
344 person who without authority of the state prints ~~shall print~~,
345 for the purpose of sale or distribution for use in the state, or
346 who without authority of the state circulates, publishes, or
347 offers ~~shall circulate, publish, use, or offer~~ for sale any
348 letters, papers, or documents which simulate the seal of the

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349 state, or the stationery of a state agency or fictitious state
350 agency commits ~~is guilty of~~ a misdemeanor of the second degree,
351 punishable as provided in s. 775.082 or s. 775.083.

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

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

357 817.40 False, misleading and deceptive advertising and
358 sales; definitions.—When construing ss. 817.40, 817.41, 817.43-
359 817.47, and each and every word, phrase or part thereof, where
360 the context will permit:

361 (5) The phrase "misleading advertising" includes any
362 statements made, or disseminated, in oral, written, electronic,
363 or printed form or otherwise, to or before the public, or any
364 portion thereof, which are known, or through the exercise of
365 reasonable care or investigation could or might have been
366 ascertained, to be untrue or misleading, and which are or were
367 so made or disseminated with the intent or purpose, either
368 directly or indirectly, of selling or disposing of real or
369 personal property, services of any nature whatever, professional
370 or otherwise, or to induce the public to enter into any
371 obligation relating to such property or services.

372 Section 12. Section 817.411, Florida Statutes, is amended
373 to read:

374 817.411 False information; advertising.—A ~~No~~ person, ~~firm~~
375 or business entity may not ~~corporation~~ ~~shall~~ knowingly publish,
376 disseminate, circulate, or place before the public, or cause
377 directly or indirectly, to be made, published, disseminated,

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378 circulated, or placed before the public, in a newspaper,
379 magazine or other publication, or in the form of a notice,
380 circular, pamphlet, letter or poster, or over any radio or
381 television station, electronically, or in any other way, any
382 advertisement, announcement, or statement containing any
383 assertion, representation, or statement that commodities,
384 mortgages, promissory notes, securities, or other things of
385 value offered for sale are covered by insurance guaranties where
386 such insurance is nonexistent or does not in fact insure against
387 the risks covered.

388 Section 13. Section 817.412, Florida Statutes, is amended
389 to read:

390 817.412 Sale of used goods as new; penalty.—

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

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

399 Section 14. Section 817.414, Florida Statutes, is created
400 to read:

401 817.414 Sale of counterfeit security signs and decals.—A
402 person who willfully and knowingly sells or attempts to sell a
403 counterfeit sign or decal in this state with the name or logo of
404 a security company without the express written consent of the
405 company commits:

406 (1) For the first offense, a misdemeanor of the second

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407 degree, punishable as provided in s. 775.082 or s. 775.083.

408 (2) For a second or subsequent offense, a misdemeanor of
409 the first degree, punishable as provided in s. 775.082 or s.
410 775.083.

411 Section 15. Subsection (1) of section 817.481, Florida
412 Statutes, is amended to read:

413 817.481 Credit or purchases ~~cards~~; obtaining illicitly
414 ~~goods by use of false, expired, etc.~~; penalty.—

415 (1) It shall be unlawful for any person knowingly to obtain
416 or attempt to obtain credit, or to purchase or attempt to
417 purchase any goods, property, or service, by the use of any
418 false, fictitious, counterfeit, or expired credit card,
419 telephone number, credit number, or other credit device, or by
420 the use of any credit card, telephone number, credit number, or
421 other credit device of another person without the authority of
422 the person to whom such card, number or device was issued, or by
423 the use of any credit card, telephone number, credit number, or
424 other credit device in any case where such card, number or
425 device has been revoked and notice of revocation has been given
426 to the person to whom issued.

427 Section 16. Section 817.50, Florida Statutes, is amended to
428 read:

429 817.50 Fraudulently obtaining goods or ~~services, etc.~~
430 from a health care provider.—

431 (1) Whoever shall, willfully and with intent to defraud,
432 obtain or attempt to obtain goods, products, merchandise, or
433 services from any health care provider in this state, as defined
434 in s. 641.19(14), commits a felony ~~misdemeanor~~ of the third
435 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.

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436 775.083, or s. 775.084.

437 (2) If any person gives to any health care provider in this
438 state a false or fictitious name or a false or fictitious
439 address or assigns to any health care provider the proceeds of
440 any health maintenance contract or insurance contract, then
441 knowing that such contract is no longer in force, is invalid, or
442 is void for any reason, such action shall be prima facie
443 evidence of the intent of such person to defraud the health care
444 provider. However, this subsection does not apply to
445 investigative actions taken by law enforcement officers for law
446 enforcement purposes in the course of their official duties.

447 Section 17. Paragraph (f) of subsection (1) and subsections
448 (2), (4), (8), and (9) of section 817.568, Florida Statutes, are
449 amended to read:

450 817.568 Criminal use of personal identification
451 information.—

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

453 (f) "Personal identification information" means any name or
454 number that may be used, alone or in conjunction with any other
455 information, to identify a specific person ~~individual~~, including
456 any:

457 1. Name, postal or electronic mail address, telephone
458 number, social security number, date of birth, mother's maiden
459 name, official state-issued or United States-issued driver
460 license or identification number, alien registration number,
461 government passport number, employer or taxpayer identification
462 number, Medicaid or food assistance account number, bank account
463 number, credit or debit card number, or personal identification
464 number or code assigned to the holder of a debit card by the

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465 issuer to permit authorized electronic use of such card;

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

468 3. Unique electronic identification number, address, or
469 routing code;

470 4. Medical records;

471 5. Telecommunication identifying information or access
472 device; or

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

475 (2) (a) Any person who willfully and without authorization
476 fraudulently uses, or possesses with intent to fraudulently use,
477 personal identification information concerning another person ~~an~~
478 ~~individual~~ without first obtaining that person's ~~individual's~~
479 consent, commits the offense of fraudulent use of personal
480 identification information, which is a felony of the third
481 degree, punishable as provided in s. 775.082, s. 775.083, or s.
482 775.084.

483 (b) Any person who willfully and without authorization
484 fraudulently uses personal identification information concerning
485 a person ~~an individual~~ without first obtaining that person's
486 ~~individual's~~ consent commits a felony of the second degree,
487 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
488 if the pecuniary benefit, the value of the services received,
489 the payment sought to be avoided, or the amount of the injury or
490 fraud perpetrated is \$5,000 or more or if the person
491 fraudulently uses the personal identification information of 10
492 or more persons ~~individuals~~, but fewer than 20 persons
493 ~~individuals~~, without their consent. Notwithstanding any other

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494 provision of law, the court shall sentence any person convicted
495 of committing the offense described in this paragraph to a
496 mandatory minimum sentence of 3 years' imprisonment.

497 (c) Any person who willfully and without authorization
498 fraudulently uses personal identification information concerning
499 a person ~~an individual~~ without first obtaining that person's
500 ~~individual's~~ consent commits a felony of the first degree,
501 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
502 if the pecuniary benefit, the value of the services received,
503 the payment sought to be avoided, or the amount of the injury or
504 fraud perpetrated is \$50,000 or more or if the person
505 fraudulently uses the personal identification information of 20
506 or more persons ~~individuals~~, but fewer than 30 persons
507 ~~individuals~~, without their consent. Notwithstanding any other
508 provision of law, the court shall sentence any person convicted
509 of committing the offense described in this paragraph to a
510 mandatory minimum sentence of 5 years' imprisonment. If the
511 pecuniary benefit, the value of the services received, the
512 payment sought to be avoided, or the amount of the injury or
513 fraud perpetrated is \$100,000 or more, or if the person
514 fraudulently uses the personal identification information of 30
515 or more persons ~~individuals~~ without their consent,
516 notwithstanding any other provision of law, the court shall
517 sentence any person convicted of committing the offense
518 described in this paragraph to a mandatory minimum sentence of
519 10 years' imprisonment.

520 (4) Any person who willfully and without authorization
521 possesses, uses, or attempts to use personal identification
522 information concerning a person ~~an individual~~ without first

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523 obtaining that ~~person's individual's~~ consent, and who does so
524 for the purpose of harassing that person individual, commits the
525 offense of harassment by use of personal identification
526 information, which is a misdemeanor of the first degree,
527 punishable as provided in s. 775.082 or s. 775.083.

528 (8) (a) Any person who willfully and fraudulently uses, or
529 possesses with intent to fraudulently use, personal
530 identification information concerning a deceased individual or
531 dissolved business entity commits the offense of fraudulent use
532 or possession with intent to use personal identification
533 information of a deceased individual or dissolved business
534 entity, a felony of the third degree, punishable as provided in
535 s. 775.082, s. 775.083, or s. 775.084.

536 (b) Any person who willfully and fraudulently uses personal
537 identification information concerning a deceased individual or
538 dissolved business entity commits a felony of the second degree,
539 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
540 if the pecuniary benefit, the value of the services received,
541 the payment sought to be avoided, or the amount of injury or
542 fraud perpetrated is \$5,000 or more, or if the person
543 fraudulently uses the personal identification information of 10
544 or more but fewer than 20 deceased individuals or dissolved
545 business entities. Notwithstanding any other provision of law,
546 the court shall sentence any person convicted of committing the
547 offense described in this paragraph to a mandatory minimum
548 sentence of 3 years' imprisonment.

549 (c) Any person who willfully and fraudulently uses personal
550 identification information concerning a deceased individual or
551 dissolved business entity commits the offense of aggravated

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552 fraudulent use of the personal identification information of
553 multiple deceased individuals or dissolved business entities, a
554 felony of the first degree, punishable as provided in s.
555 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit,
556 the value of the services received, the payment sought to be
557 avoided, or the amount of injury or fraud perpetrated is \$50,000
558 or more, or if the person fraudulently uses the personal
559 identification information of 20 or more but fewer than 30
560 deceased individuals or dissolved business entities.

561 Notwithstanding any other provision of law, the court shall
562 sentence any person convicted of the offense described in this
563 paragraph to a minimum mandatory sentence of 5 years'
564 imprisonment. If the pecuniary benefit, the value of the
565 services received, the payment sought to be avoided, or the
566 amount of the injury or fraud perpetrated is \$100,000 or more,
567 or if the person fraudulently uses the personal identification
568 information of 30 or more deceased individuals or dissolved
569 business entities, notwithstanding any other provision of law,
570 the court shall sentence any person convicted of an offense
571 described in this paragraph to a mandatory minimum sentence of
572 10 years' imprisonment.

573 (9) Any person who willfully and fraudulently creates or
574 uses, or possesses with intent to fraudulently use, counterfeit
575 or fictitious personal identification information concerning a
576 fictitious person individual, or concerning a real person
577 individual without first obtaining that real person's
578 individual's consent, with intent to use such counterfeit or
579 fictitious personal identification information for the purpose
580 of committing or facilitating the commission of a fraud on

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581 another person, commits the offense of fraudulent creation or
 582 use, or possession with intent to fraudulently use, counterfeit
 583 or fictitious personal identification information, a felony of
 584 the third degree, punishable as provided in s. 775.082, s.
 585 775.083, or s. 775.084.

586 Section 18. Section 817.569, Florida Statutes, is amended
 587 to read:

588 817.569 Criminal use of a public record or public records
 589 information; providing false information; penalties.—A person
 590 who knowingly uses any public record, as defined in s. 119.011,
 591 ~~or~~ who knowingly uses information obtainable only through such
 592 public record, or who knowingly provides false information that
 593 becomes part of a public record to facilitate or further the
 594 commission of:

595 (1) A misdemeanor of the first degree, commits a
 596 misdemeanor of the first degree, punishable as provided in s.
 597 775.082 or s. 775.083.

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

600 Section 19. Paragraphs (a) and (e) of subsection (3) of
 601 section 921.0022, Florida Statutes, are amended to read:

602 921.0022 Criminal Punishment Code; offense severity ranking
 603 chart.—

604 (3) OFFENSE SEVERITY RANKING CHART

605 (a) LEVEL 1

606
 607

Florida	Felony	Description
Statute	Degree	

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608

24.118 (3) (a) 3rd Counterfeit or altered state
lottery ticket.

609

212.054 (2) (b) 3rd Discretionary sales surtax;
limitations, administration,
and collection.

610

212.15 (2) (b) 3rd Failure to remit sales taxes,
amount greater than \$300 but
less than \$20,000.

611

316.1935 (1) 3rd Fleeing or attempting to elude
law enforcement officer.

612

319.30 (5) 3rd Sell, exchange, give away
certificate of title or
identification number plate.

613

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

614

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

615

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

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possession of simulated
identification.

616

322.212 (4)

3rd

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

617

322.212 (5) (a)

3rd

False application for driver
license or identification card.

618

414.39 (2)

3rd

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

619

414.39 (3) (a)

3rd

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

620

443.071 (1)

3rd

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

621

509.151 (1)

3rd

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

622

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623	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
624	562.27 (1)	3rd	Possess still or still apparatus.
625	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
626	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
627	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
628	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
629	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
	817.569 (2)	3rd	Use of public record or public records information <u>or</u> <u>providing false information</u> to

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facilitate commission of a
felony.

630

826.01 3rd Bigamy.

631

828.122 (3) 3rd Fighting or baiting animals.

632

831.04 (1) 3rd Any erasure, alteration, etc.,
of any replacement deed, map,
plat, or other document listed
in s. 92.28.

633

831.31 (1) (a) 3rd Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03 (5) drugs.

634

832.041 (1) 3rd Stopping payment with intent to
defraud \$150 or more.

635

832.05 (2) (b) & 3rd Knowing, making, issuing
(4) (c) worthless checks \$150 or more
or obtaining property in return
for worthless check \$150 or
more.

636

838.15 (2) 3rd Commercial bribe receiving.

637

838.16 3rd Commercial bribery.

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638	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
639	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
640	849.01	3rd	Keeping gambling house.
641	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.
642	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
643	849.25 (2)	3rd	Engaging in bookmaking.
644	860.08	3rd	Interfere with a railroad signal.
645	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
646	893.13 (2) (a) 2.	3rd	Purchase of cannabis.

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647

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

648

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

649

(e) LEVEL 5

650

651

Florida	Felony	Description
Statute	Degree	

652

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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653

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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654

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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655

327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
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656

379.367(4)	3rd	Willful molestation of a
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commercial harvester's spiny
lobster trap, line, or buoy.

657

379.3671
(2) (c) 3.

3rd

Willful molestation,
possession, or removal of a
commercial harvester's trap
contents or trap gear by
another harvester.

658

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs
knowing HIV positive.

659

440.10 (1) (g)

2nd

Failure to obtain workers'
compensation coverage.

660

440.105 (5)

2nd

Unlawful solicitation for the
purpose of making workers'
compensation claims.

661

440.381 (2)

2nd

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

662

624.401 (4) (b) 2.

2nd

Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

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663
664
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671

626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01 (2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
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.
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

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older.

672

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

673

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

674

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

675

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

676

812.131 (2) (b) 3rd Robbery by sudden snatching.

677

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

678

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

679

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

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680

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.

681

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~~.

682

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

683

825.1025(4) 3rd Lewd or lascivious exhibition
 in the presence of an elderly
 person or disabled adult.

684

827.071(4) 2nd Possess with intent to promote
 any photographic material,
 motion picture, etc., which

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includes sexual conduct by a child.

685

827.071 (5)

3rd

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

686

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.

687

843.01

3rd

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

688

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

689

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

690

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

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691

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

692

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

693

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).

694

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.

695

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696

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.

697

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.

698

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.

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.,

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(2)(c)8., (2)(c)9., (3), or (4)
drugs).

699

893.1351(1)

3rd

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

700

Section 20. This act shall take effect October 1, 2015.