

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

18
 19 Be It Enacted by the Legislature of the State of Florida:
 20

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

23 817.034 Florida Communications Fraud Act.—

24 (4) OFFENSES.—

25 (d) Notwithstanding any other provision of law, a criminal
 26 action or civil action or proceeding under this section may be
 27 commenced at any time within 5 years after the cause of action
 28 accrues; however, in a criminal proceeding under this section,

29 | the period of limitation does not run during any time when the
 30 | defendant is continuously absent from the state or is without a
 31 | reasonably ascertainable place of abode or work within the
 32 | state, but in no case shall this extend the period of limitation
 33 | otherwise applicable by more than 1 year. If a criminal
 34 | prosecution or civil action or other proceeding is brought, or
 35 | intervened in, to punish, prevent, or restrain any violation of
 36 | this section, the running of the period of limitations
 37 | prescribed by this section with respect to any cause of action
 38 | arising under this section which is based in whole or in part
 39 | upon any matter complained of in any such prosecution, action,
 40 | or proceeding shall be suspended during the pendency of such
 41 | prosecution, action, or proceeding and for 2 years after its
 42 | termination.

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

45 | 921.0022 Criminal Punishment Code; offense severity
 46 | ranking chart.—

47 | (3) OFFENSE SEVERITY RANKING CHART

48 | (f) LEVEL 6

49 |

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree

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			papers.
52	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
53	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
54	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
55	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
56	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
57	784.041	3rd	Felony battery; domestic battery by strangulation.
58	784.048 (3)	3rd	Aggravated stalking; credible threat.
59	784.048 (5)	3rd	Aggravated stalking of person under 16.
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61	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
62	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
63	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
64	784.081 (2)	2nd	Aggravated assault on specified official or employee.
65	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
66	784.083 (2)	2nd	Aggravated assault on code inspector.
67	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
68	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
	790.161 (2)	2nd	Make, possess, or throw

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			destructive device with intent to do bodily harm or damage property.
69	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
70	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
71	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
72	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
73	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
74	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.

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75	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
76	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
77	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
78	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
79	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
80	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
81	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
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83	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
84	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
85	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
86	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
87	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
88	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
89	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
90	827.03(2)(c)	3rd	Abuse of a child.
91	827.03(2)(d)	3rd	Neglect of a child.

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92	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
93	836.05	2nd	Threats; extortion.
94	836.10	2nd	Written threats to kill or do bodily injury.
95	843.12	3rd	Aids or assists person to escape.
96	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
97	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
98	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

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99	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
100	944.40	2nd	Escapes.
101	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
102	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
103	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
104			
105	(g) LEVEL 7		
106	Florida	Felony	
	Statute	Degree	Description
107	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.

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108	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
109	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
110	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
111	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
112	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
113	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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114	456.065 (2)	3rd	Practicing a health care profession without a license.
115	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
116	458.327 (1)	3rd	Practicing medicine without a license.
117	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
118	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
119	461.012 (1)	3rd	Practicing podiatric medicine without a license.
120	462.17	3rd	Practicing naturopathy without a license.
121	463.015 (1)	3rd	Practicing optometry without a license.
122	464.016 (1)	3rd	Practicing nursing without a

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license.

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

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

125

467.201 3rd Practicing midwifery without a license.

126

468.366 3rd Delivering respiratory care services without a license.

127

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

128

483.901 (9) 3rd Practicing medical physics without a license.

129

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

130

484.053 3rd Dispensing hearing aids without a license.

131

494.0018 (2) 1st Conviction of any violation of

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ss. 494.001-494.0077 in which
the total money and property
unlawfully obtained exceeded
\$50,000 and there were five or
more victims.

132

560.123 (8) (b) 1. 3rd Failure to report currency or
payment instruments exceeding
\$300 but less than \$20,000 by a
money services business.

133

560.125 (5) (a) 3rd Money services business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

134

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

135

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

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137	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
138	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
139	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
140	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
141	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel

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homicide).

142

784.045 (1) (a) 1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

143

784.045 (1) (a) 2. 2nd Aggravated battery; using
deadly weapon.

144

784.045 (1) (b) 2nd Aggravated battery; perpetrator
aware victim pregnant.

145

784.048 (4) 3rd Aggravated stalking; violation
of injunction or court order.

146

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

147

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

148

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

149

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

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151	784.081 (1)	1st	Aggravated battery on specified official or employee.
152	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
153	784.083 (1)	1st	Aggravated battery on code inspector.
154	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
155	787.06 (3) (e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
156	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
157	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.

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158	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
159	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
160	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
161	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
162	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

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163	796.03	2nd	Procuring any person under 16 years for prostitution.
164	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
165	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
166	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
167	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
168	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
169	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
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171	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
172	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
173	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
174	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
175	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
176	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the

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theft of property and traffics
in stolen property.

177

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

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

179

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

180

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

181

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

182

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

183

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

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insolvency of that entity.

184

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

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825.103 (2) (b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

186

827.03 (2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

187

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

188

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

189

838.015 2nd Bribery.

190

838.016 2nd Unlawful compensation or reward for official behavior.

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191	838.021(3)(a)	2nd	Unlawful harm to a public servant.
192	838.22	2nd	Bid tampering.
193	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
194	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
195	872.06	2nd	Abuse of a dead human body.
196	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
197	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal

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park or publicly owned recreational facility or community center.

198

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

199

893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

200

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

201

893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

202

893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14

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grams.

203

893.135 (1) (d) 1. 1st Trafficking in phencyclidine,
more than 28 grams, less than
200 grams.

204

893.135 (1) (e) 1. 1st Trafficking in methaqualone,
more than 200 grams, less than
5 kilograms.

205

893.135 (1) (f) 1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.

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893.135 1st Trafficking in flunitrazepam, 4
(1) (g) 1.a. grams or more, less than 14
grams.

207

893.135 1st Trafficking in gamma-
(1) (h) 1.a. hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.

208

893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.a. 1 kilogram or more, less than 5
kilograms.

209

893.135 1st Trafficking in Phenethylamines,

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210	(1) (k) 2.a.		10 grams or more, less than 200 grams.
211	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
212	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
213	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
214	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
215	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
	943.0435 (9) (a)	3rd	Sexual offender; failure to

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comply with reporting requirements.

216

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

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

218

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

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944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

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944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

221

944.607(13) 3rd Sexual offender; failure to report and reregister; failure

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to respond to address
verification.

222

985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

223

985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

224

985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

225

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