

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; amending and renumbering ss.
24 817.12 and 817.13, F.S.; combining offense, penalty,
25 and evidence provisions and transferring such
26 provisions to s. 817.11, F.S.; amending s. 817.14,

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

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

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. Section 817.011, Florida Statutes, is created
 70 to read:

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

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

79 817.02 Obtaining property by false personation.—

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

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

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

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

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

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

103 (3) (a) A victim of the conduct subject to this section
 104

105 shall have a civil cause of action against a person who has
 106 engaged in the conduct prohibited by this section as provided in
 107 s. 772.11.

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

112 Section 3. Section 817.032, Florida Statutes, is created
 113 to read:

114 817.032 Information available to identity theft victims.-

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

121 (2) GENERALLY.-

122 (a) For the purpose of documenting fraudulent transactions
 123 resulting from identity theft, within 30 days after the date of
 124 receipt of a request from a victim in accordance with subsection
 125 (4), and subject to verification of the identity of the victim
 126 and the claim of identity theft in accordance with subsection
 127 (3), a business entity that has provided credit to; provided for
 128 consideration products, goods, or services to; accepted payment
 129 from; or otherwise entered into a commercial transaction for
 130 consideration with, a person who has allegedly made unauthorized

131 use of the means of identification of the victim, shall provide
132 a copy of the application and business transaction records in
133 the control of the business entity, whether maintained by the
134 business entity or by another person on behalf of the business
135 entity, evidencing any transaction alleged to be a result of
136 identity theft to:

137 1. The victim;

138 2. A federal, state, or local government law enforcement
139 agency, or officer specified by the victim in such a request; or

140 3. A law enforcement agency investigating the identity
141 theft and authorized by the victim to take receipt of records
142 provided under this section.

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

146 (3) VERIFICATION OF IDENTITY AND CLAIM.—Before a business
147 entity provides any information under subsection (2), unless the
148 business entity, at its discretion, otherwise has a high degree
149 of confidence that it knows the identity of the victim making a
150 request under subsection (2), the victim shall provide to the
151 business entity:

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

154 1. The presentation of a government-issued identification
155 card;

156 2. Personal identifying information of the same type as

157 provided to the business entity by the unauthorized person; or

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

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

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

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

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

171 (a) Be in writing;

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

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

178 1. If known by the victim or readily obtainable by the
179 victim, the date of the application or transaction.

180 2. If known by the victim or readily obtainable by the
181 victim, any other identifying information such as an account
182 number or transaction number.

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

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

189 (a) This section does not require disclosure of the
190 information;

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

195 (c) The request for the information is based on a
196 misrepresentation of fact by the individual requesting the
197 information;

198 (d) The information requested is Internet navigational
199 data or similar information about a person's visit to a website
200 or online service; or

201 (e) The disclosure is otherwise prohibited by state or
202 federal law.

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

207 (8) NO NEW RECORDKEEPING OBLIGATION.—This section does not
208 create an obligation on the part of a business entity to obtain,

209 retain, or maintain information or records that are not
 210 otherwise required to be obtained, retained, or maintained in
 211 the ordinary course of its business or under other applicable
 212 law.

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

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

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

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

226 817.11 Obtaining property by fraudulent promise to furnish
 227 inside information.—

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

234 (2) ~~817.12~~ A person who violates this section commits

235 ~~Penalty for violation of s. 817.11.—Any person guilty of~~
 236 ~~violating the provisions of s. 817.11 shall be deemed guilty of~~
 237 a felony of the third degree, punishable as provided in s.
 238 775.082, s. 775.083, or s. 775.084.

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

245 Section 5. Section 817.14, Florida Statutes, is amended to
 246 read:

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

261 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 262 provided in s. 775.082 or s. 775.083.

263 Section 6. Section 817.15, Florida Statutes, is amended to
 264 read:

265 817.15 ~~Making~~ False entries ~~in, etc., on~~ books of business
 266 entity corporation.—Any officer, agent, clerk or servant of a
 267 business entity corporation who makes a false entry in the books
 268 thereof, with intent to defraud, and any person whose duty it is
 269 to make in such books a record or entry of the transfer of
 270 stock, or of the issuing and canceling of certificates thereof,
 271 or of the amount of stock issued by such business entity
 272 ~~corporation~~, who omits to make a true record or entry thereof,
 273 with intent to defraud, commits ~~shall be guilty of~~ a felony of
 274 the third degree, punishable as provided in s. 775.082, s.
 275 775.083, or s. 775.084.

276 Section 7. Section 817.17, Florida Statutes, is amended to
 277 read:

278 817.17 Wrongful use of city, county, or other political
 279 subdivision name.—

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

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

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

295 | Section 8. Section 817.18, Florida Statutes, is amended to
 296 | read:

297 | 817.18 Wrongful marking with a city, county, or other
 298 | political subdivision name ~~stamping, marking, etc.; penalty.-~~

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

312 | (2) A ~~Any~~ person violating ~~the provisions of this or the~~

313 ~~preceding~~ section commits ~~shall be guilty of~~ a misdemeanor of
 314 the second degree, punishable as provided in s. 775.083.

315 Section 9. Section 817.19, Florida Statutes, is amended to
 316 read:

317 817.19 Fraudulent issue of stock certificate or indicia of
 318 membership interest ~~of stock of corporation.~~—Any officer, agent,
 319 clerk or servant of a corporation, or any other person, who
 320 fraudulently issues or transfers a certificate of stock of a
 321 corporation or indicia of a membership interest in a limited
 322 liability company to any person not entitled thereto, or
 323 fraudulently signs such certificate or other indicia of
 324 membership interest, in blank or otherwise, with the intent that
 325 it shall be so issued or transferred by himself or herself or
 326 any other person, ~~commits shall be guilty of~~ a felony of the
 327 third degree, punishable as provided in s. 775.082, s. 775.083,
 328 or s. 775.084.

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

331 817.39 Simulated forms of court or legal process, or
 332 official seal or stationery; publication, sale or circulation
 333 unlawful; penalty.—

334 (1) Any person, ~~firm,~~ or business entity ~~corporation~~ who
 335 prints shall print, for the purpose of sale or distribution and
 336 for use in the state, or who circulates, publishes, or offers
 337 ~~shall circulate, publish, or offer~~ for sale any letter, paper,
 338 document, notice of intent to bring suit, or other notice or

339 demand, which simulates a form of court or legal process, or any
 340 person who without authority of the state prints ~~shall print~~,
 341 for the purpose of sale or distribution for use in the state, or
 342 who without authority of the state circulates, publishes, or
 343 offers ~~shall circulate, publish, use, or offer~~ for sale any
 344 letters, papers, or documents which simulate the seal of the
 345 state, or the stationery of a state agency or fictitious state
 346 agency commits ~~is guilty of~~ a misdemeanor of the second degree,
 347 punishable as provided in s. 775.082 or s. 775.083.

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

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

353 817.40 False, misleading and deceptive advertising and
 354 sales; definitions.—When construing ss. 817.40, 817.41, 817.43-
 355 817.47, and each and every word, phrase or part thereof, where
 356 the context will permit:

357 (5) The phrase "misleading advertising" includes any
 358 statements made, or disseminated, in oral, written, electronic,
 359 or printed form or otherwise, to or before the public, or any
 360 portion thereof, which are known, or through the exercise of
 361 reasonable care or investigation could or might have been
 362 ascertained, to be untrue or misleading, and which are or were
 363 so made or disseminated with the intent or purpose, either
 364 directly or indirectly, of selling or disposing of real or

365 personal property, services of any nature whatever, professional
 366 or otherwise, or to induce the public to enter into any
 367 obligation relating to such property or services.

368 Section 12. Section 817.411, Florida Statutes, is amended
 369 to read:

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

384 Section 13. Section 817.412, Florida Statutes, is amended
 385 to read:

386 817.412 Sale of used goods as new; penalty.—

387 (1) It is unlawful for a seller in a transaction where the
 388 purchase price of goods exceeds \$100 to misrepresent orally, in
 389 writing, electronically, or by failure to speak that the goods
 390 are new or original when they are used or repossessed or where

391 they have been used for sales demonstration.

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

395 Section 14. Section 817.414, Florida Statutes, is created
 396 to read:

397 817.414 Sale of counterfeit security signs and decals.—A
 398 person who willfully and knowingly sells or attempts to sell a
 399 counterfeit sign or decal in this state with the name or logo of
 400 a security company without the express written consent of the
 401 company commits:

402 (1) For the first offense, a misdemeanor of the second
 403 degree, punishable as provided in s. 775.082 or s. 775.083.

404 (2) For a second or subsequent offense, a misdemeanor of
 405 the first degree, punishable as provided in s. 775.082 or s.
 406 775.083.

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

409 817.481 Credit or purchases cards; obtaining illicitly
 410 ~~goods by use of false, expired, etc.; penalty.—~~

411 (1) It shall be unlawful for any person knowingly to
 412 obtain or attempt to obtain credit, or to purchase or attempt to
 413 purchase any goods, property, or service, by the use of any
 414 false, fictitious, counterfeit, or expired credit card,
 415 telephone number, credit number, or other credit device, or by
 416 the use of any credit card, telephone number, credit number, or

417 other credit device of another person without the authority of
418 the person to whom such card, number or device was issued, or by
419 the use of any credit card, telephone number, credit number, or
420 other credit device in any case where such card, number or
421 device has been revoked and notice of revocation has been given
422 to the person to whom issued.

423 Section 16. Section 817.50, Florida Statutes, is amended
424 to read:

425 817.50 Fraudulently obtaining goods or, ~~services, etc.,~~
426 from a health care provider.—

427 (1) Whoever shall, willfully and with intent to defraud,
428 obtain or attempt to obtain goods, products, merchandise, or
429 services from any health care provider in this state, as defined
430 in s. 641.19(14), commits a felony ~~misdemeanor~~ of the third
431 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
432 775.083, or s. 775.084.

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

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

446 817.568 Criminal use of personal identification
447 information.—

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

449 (f) "Personal identification information" means any name
450 or number that may be used, alone or in conjunction with any
451 other information, to identify a specific person ~~individual~~,
452 including any:

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

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

465 3. Unique electronic identification number, address, or
466 routing code;

467 4. Medical records;

468 5. Telecommunication identifying information or access

469 device; or

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

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

480 (b) Any person who willfully and without authorization
481 fraudulently uses personal identification information concerning
482 a person ~~an individual~~ without first obtaining that person's
483 ~~individual's~~ consent commits a felony of the second degree,
484 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
485 if the pecuniary benefit, the value of the services received,
486 the payment sought to be avoided, or the amount of the injury or
487 fraud perpetrated is \$5,000 or more or if the person
488 fraudulently uses the personal identification information of 10
489 or more persons individuals, but fewer than 20 persons
490 ~~individuals~~, without their consent. Notwithstanding any other
491 provision of law, the court shall sentence any person convicted
492 of committing the offense described in this paragraph to a
493 mandatory minimum sentence of 3 years' imprisonment.

494 (c) Any person who willfully and without authorization

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

517 (4) Any person who willfully and without authorization
518 possesses, uses, or attempts to use personal identification
519 information concerning a person ~~an individual~~ without first
520 obtaining that person's ~~individual's~~ consent, and who does so

521 for the purpose of harassing that person ~~individual~~, commits the
522 offense of harassment by use of personal identification
523 information, which is a misdemeanor of the first degree,
524 punishable as provided in s. 775.082 or s. 775.083.

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

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

546 (c) Any person who willfully and fraudulently uses

547 personal identification information concerning a deceased
548 individual or dissolved business entity commits the offense of
549 aggravated fraudulent use of the personal identification
550 information of multiple deceased individuals or dissolved
551 business entities, a felony of the first degree, punishable as
552 provided in s. 775.082, s. 775.083, or s. 775.084, if the
553 pecuniary benefit, the value of the services received, the
554 payment sought to be avoided, or the amount of injury or fraud
555 perpetrated is \$50,000 or more, or if the person fraudulently
556 uses the personal identification information of 20 or more but
557 fewer than 30 deceased individuals or dissolved business
558 entities. Notwithstanding any other provision of law, the court
559 shall sentence any person convicted of the offense described in
560 this paragraph to a minimum mandatory sentence of 5 years'
561 imprisonment. If the pecuniary benefit, the value of the
562 services received, the payment sought to be avoided, or the
563 amount of the injury or fraud perpetrated is \$100,000 or more,
564 or if the person fraudulently uses the personal identification
565 information of 30 or more deceased individuals or dissolved
566 business entities, notwithstanding any other provision of law,
567 the court shall sentence any person convicted of an offense
568 described in this paragraph to a mandatory minimum sentence of
569 10 years' imprisonment.

570 (9) Any person who willfully and fraudulently creates or
571 uses, or possesses with intent to fraudulently use, counterfeit
572 or fictitious personal identification information concerning a

573 fictitious person individual, or concerning a real person
574 ~~individual~~ without first obtaining that real person's
575 ~~individual's~~ consent, with intent to use such counterfeit or
576 fictitious personal identification information for the purpose
577 of committing or facilitating the commission of a fraud on
578 another person, commits the offense of fraudulent creation or
579 use, or possession with intent to fraudulently use, counterfeit
580 or fictitious personal identification information, a felony of
581 the third degree, punishable as provided in s. 775.082, s.
582 775.083, or s. 775.084.

583 Section 18. Section 817.569, Florida Statutes, is amended
584 to read:

585 817.569 Criminal use of a public record or public records
586 information; providing false information; penalties.—A person
587 who knowingly uses any public record, as defined in s. 119.011,
588 ~~or~~ who knowingly uses information obtainable only through such
589 public record, or who knowingly provides false information that
590 becomes part of a public record to facilitate or further the
591 commission of:

592 (1) A misdemeanor of the first degree, commits a
593 misdemeanor of the first degree, punishable as provided in s.
594 775.082 or s. 775.083.

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

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

599 | 921.0022 Criminal Punishment Code; offense severity
 600 | ranking chart.—

601 | (3) OFFENSE SEVERITY RANKING CHART

602 | (a) LEVEL 1

603 |

Florida	Felony	
Statute	Degree	Description

604 |

24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
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605 |

212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
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606 |

212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
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607 |

316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
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608 |

319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
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609 |

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610	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
611	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
612	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
613	322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
614	322.212(5)(a)	3rd	False application for driver license or identification card.
615	414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
	414.39(3)(a)	3rd	Fraudulent misappropriation of

			public assistance funds by employee/official, value more than \$200.
616	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
617	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
618	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
619	562.27 (1)	3rd	Possess still or still apparatus.
620	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
621	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not

specified in subsection (2).

622

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

623

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

624

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

625

817.569 (2) 3rd Use of public record or public records information or providing false information to facilitate commission of a felony.

626

826.01 3rd Bigamy.

627

828.122 (3) 3rd Fighting or baiting animals.

628

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

in s. 92.28.

629

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

630

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

631

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.

632

838.15(2) 3rd Commercial bribe receiving.

633

838.16 3rd Commercial bribery.

634

843.18 3rd Fleeing by boat to elude a law enforcement officer.

635

847.011(1)(a) 3rd Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).

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636	849.01	3rd	Keeping gambling house.
637	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.
638	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
639	849.25(2)	3rd	Engaging in bookmaking.
640	860.08	3rd	Interfere with a railroad signal.
641	860.13(1)(a)	3rd	Operate aircraft while under the influence.
642	893.13(2)(a)2.	3rd	Purchase of cannabis.
643	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
644			

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645	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
646	(e) LEVEL 5		
647	Florida	Felony	
648	Statute	Degree	Description
649	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
650	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
651	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
652	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny

653			lobster trap, line, or buoy.
	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
654			
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
655			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
656			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
657			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
658			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority;

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			premium collected \$20,000 or more but less than \$100,000.
659	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
660	790.01 (2)	3rd	Carrying a concealed firearm.
661	790.162	2nd	Threat to throw or discharge destructive device.
662	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
663	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
664	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
665	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
666	800.04 (6) (c)	3rd	Lewd or lascivious conduct;

			offender less than 18 years of age.
667	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
668	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
669	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
670	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
671	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
672	812.131 (2) (b)	3rd	Robbery by sudden snatching.
673	812.16 (2)	3rd	Owning, operating, or

conducting a chop shop.

674

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

675

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

676

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

677

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~~.

678

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679	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
680	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
681	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
682	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
683	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.

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684	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
685	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
686	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
687	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
688	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
689	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s.

690	893.13(1)(c)2.	2nd	<p>893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).</p> <p>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.</p>
691	893.13(1)(d)1.	1st	<p>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.</p>
692	893.13(1)(e)2.	2nd	<p>Sell, manufacture, or deliver cannabis or other drug</p>

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.

693

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.

694

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).

695

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

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697

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