

CHAPTER 2015-166

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 157

An act relating to fraud; creating s. 817.011, F.S.; defining the term “business entity”; amending s. 817.02, F.S.; providing for restitution to victims for certain victim out-of-pocket costs; providing for a civil cause of action for certain victims; creating s. 817.032, F.S.; defining the term “victim”; requiring business entities to provide copies of business records of fraudulent transactions involving identity theft to victims and law enforcement agencies in certain circumstances; providing an exception; providing for verification of a victim’s identity and claim; providing procedures for claims; requiring that certain information be provided to victims without charge; specifying circumstances in which business entities may decline to provide information; providing a limitation on civil liability for business entities that provide or decline to provide information in certain circumstances; specifying that no new record retention is required; providing an affirmative defense to business entities in actions seeking enforcement of provisions; amending s. 817.11, F.S.; making editorial changes; amending and renumbering ss. 817.12 and 817.13, F.S.; combining offense, penalty, and evidence provisions and transferring such provisions to s. 817.11, F.S.; amending s. 817.14, F.S.; making editorial changes; amending s. 817.15, F.S.; substituting the term “business entity” for the term “corporation”; amending ss. 817.17 and 817.18, F.S.; including counties and other political subdivisions in provisions prohibiting the false marking of goods or packaging with a location of origin; reorganizing penalty provisions; amending s. 817.19, F.S.; prohibiting fraudulent issuance of indicia of membership interest in a limited liability company; amending s. 817.39, F.S.; substituting the term “business entity” for the term “corporation”; amending s. 817.40, F.S.; specifying that the term “misleading advertising” includes electronic forms of dissemination; amending s. 817.411, F.S.; substituting the term “business entity” for the term “corporation”; specifying that certain false statements made through electronic means are prohibited; amending s. 817.412, F.S.; specifying that electronic statements are included in provisions prohibiting false representations of used goods as new; creating s. 817.414, F.S.; prohibiting the sale of counterfeit security company signs or decals; providing criminal penalties; amending s. 817.481, F.S.; revising a catchline; making technical changes; amending s. 817.50, F.S.; revising criminal penalties for fraudulently obtaining goods or services from a health care provider; amending s. 817.568, F.S.; expanding specified identity theft offenses to include all persons rather than being limited to natural persons; including dissolved business entities within certain offenses involving fraudulent use of personal identification information of deceased persons; amending s. 817.569, F.S.; prohibiting a person from knowingly providing false information that becomes part of a public record to facilitate or further the commission of certain offenses; providing

criminal penalties; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

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

817.02 Obtaining property by false personation.—

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

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

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

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

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

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

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

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

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

817.032 Information available to identity theft victims.—

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

(2) GENERALLY.—

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

- 1. The victim;
- 2. A federal, state, or local government law enforcement agency, or officer specified by the victim in such a request; or
- 3. A law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this section.

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

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

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

- 1. The presentation of a government-issued identification card;
- 2. Personal identifying information of the same type as provided to the business entity by the unauthorized person; or

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

(b) As proof of a claim of identity theft:

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

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

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

(a) Be in writing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

817.14 Procuring assignments of produce upon false representations.—A Any person acting for himself or herself or another person, who shall procure

any consignment of produce grown in this state, to himself or herself or such other, for sale on commission or for other compensation by any knowingly false representation as to the prevailing market price at such time for such produce at the point to which it is consigned, or as to the price which such person for whom he or she is acting is at said time paying to other consignors for like produce at said place, or as to the condition of the market for such produce at such time and place, and any such person acting for another who shall procure any consignment for sale as aforesaid by false representation of authority to him or her by such other to make a guaranteed price to the consignor, commits shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

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

817.18 Wrongful marking with a city, county, or other political subdivision name stamping, marking, etc.; penalty.—

(1) ~~A~~ No person may not shall knowingly sell or offer for sale, within the state, any manufactured articles which shall have printed, stamped, marked, engraved, or branded upon them, or upon the boxes, packages, or bands

containing said manufactured articles, the name of any city, county, or other political subdivision of ~~in~~ the state, other than that in which such articles were manufactured; provided, that ~~nothing in~~ this section does not shall prohibit any person from offering for sale any goods, having marked thereon the name of any city, county, or other political subdivision of the state in Florida, other than that in which said goods are manufactured, if there be no manufactory of similar goods in the city, county, or other political subdivision the name of which is used.

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

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

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

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

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

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

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

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

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

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

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

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

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

817.412 Sale of used goods as new; penalty.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

817.568 ~~Criminal use of personal identification information.—~~

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

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

1. Name, postal or electronic mail address, telephone number, social security number, date of birth, mother's maiden name, official state-issued or United States-issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, or personal identification number or code assigned to the holder of a debit card by the issuer to permit authorized electronic use of such card;
2. Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
3. Unique electronic identification number, address, or routing code;
4. Medical records;
5. Telecommunication identifying information or access device; or
6. Other number or information that can be used to access a person's financial resources.

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

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

(c) Any person who willfully and without authorization fraudulently uses personal identification information concerning a person ~~an individual~~ without first obtaining that person's ~~individual's~~ consent commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit, the value of the services received, the payment sought to be avoided, or the amount of the injury or fraud perpetrated is \$50,000 or more or if the person fraudulently uses the personal identification information of 20 or more persons ~~individuals~~, but fewer than 30 persons ~~individuals~~, without their consent. Notwithstanding

any other provision of law, the court shall sentence any person convicted of committing the offense described in this paragraph to a mandatory minimum sentence of 5 years' imprisonment. If the pecuniary benefit, the value of the services received, the payment sought to be avoided, or the amount of the injury or fraud perpetrated is \$100,000 or more, or if the person fraudulently uses the personal identification information of 30 or more persons ~~individuals~~ without their consent, notwithstanding any other provision of law, the court shall sentence any person convicted of committing the offense described in this paragraph to a mandatory minimum sentence of 10 years' imprisonment.

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

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

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

(c) Any person who willfully and fraudulently uses personal identification information concerning a deceased individual or dissolved business entity commits the offense of aggravated fraudulent use of the personal identification information of multiple deceased individuals or dissolved business entities, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the pecuniary benefit, the value of the services received, the payment sought to be avoided, or the amount of injury or fraud perpetrated is \$50,000 or more, or if the person fraudulently uses the personal identification information of 20 or more but fewer than 30 deceased individuals or dissolved business entities. Notwithstanding any other provision of law, the court shall sentence any person convicted of the offense

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

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

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

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

Florida Statute	Felony Degree	Description
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322.212(5)(a)	3rd	False application for driver license or identification card.
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.
443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.

Florida Statute	Felony Degree	Description
815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
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 providing false information</u> to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
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.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.

Florida Statute	Felony Degree	Description
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny 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.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.

Florida Statute	Felony Degree	Description
440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
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 older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.131(2)(b)	3rd	Robbery by sudden snatching.

Florida Statute	Felony Degree	Description
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
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 <u>persons</u> individuals .
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
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.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.

Florida Statute	Felony Degree	Description
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
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. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
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.
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.
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.
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., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

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

Approved by the Governor June 16, 2015.

Filed in Office Secretary of State June 16, 2015.