

1 A bill to be entitled
 2 An act relating to counterfeiting a payment instrument;
 3 amending s. 831.28, F.S.; increasing the penalty for the
 4 offense of counterfeiting a payment instrument; amending
 5 s. 921.0022, F.S.; adding to the offense severity ranking
 6 chart the ranking level for an offense of counterfeiting a
 7 payment instrument; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraph (a) of subsection (2) of section
 12 831.28, Florida Statutes, is amended to read:

13 831.28 Counterfeiting a payment instrument; possessing a
 14 counterfeit payment instrument; penalties.--

15 (2)(a) It is unlawful to counterfeit a payment instrument
 16 with the intent to defraud a financial institution, account
 17 holder, or any other person or organization or for a person to
 18 have any counterfeit payment instrument in such person's
 19 possession. Any person who violates this subsection commits a
 20 felony of the second ~~third~~ degree, punishable as provided in s.
 21 775.082, s. 775.083, or s. 775.084.

22 Section 2. Paragraphs (c) and (g) of subsection (3) of
 23 section 921.0022, Florida Statutes, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity
 25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

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27	(c)	LEVEL 3	
28			
	Florida	Felony	Description
	Statute	Degree	
29			
	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
30			
	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
31			
	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
32			
	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
33			
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
34			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
35			
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
36			

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37

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

38

327.35 (2) (b) 3rd Felony BUI.

39

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

40

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

41

370.12 (1) (e) 5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

42

370.12 (1) (e) 6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

376.302 (5) 3rd Fraud related to reimbursement for

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			cleanup expenses under the Inland Protection Trust Fund.
43	400.903 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.
44	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
45	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
46	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
47	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
48	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
49	697.08	3rd	Equity skimming.

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50	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
51	796.05 (1)	3rd	Live on earnings of a prostitute.
52	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
53	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
54	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
55	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
56	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
57	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.

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58	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
59	817.233	3rd	Burning to defraud insurer.
60	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
61	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
62	817.236	3rd	Filing a false motor vehicle insurance application.
63	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
64	817.413 (2)	3rd	Sale of used goods as new.
65	817.505 (4)	3rd	Patient brokering.
66	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical

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67			injury, or death.
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
68	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
69	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
70	843.19	3rd	Injure, disable, or kill police dog or horse.
71	860.15(3)	3rd	Overcharging for repairs and parts.
72	870.01(2)	3rd	Riot; inciting or encouraging.
73	893.13(1)(a)2.	3rd	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).
74			

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75	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver 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 university.
76	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver 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 public housing facility.
77	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
78	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
79	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
	893.13 (7) (a) 10.	3rd	Affix false or forged label to package

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80	of controlled substance.	
81	893.13 (7) (a) 11. 3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
82	893.13 (8) (a) 1. 3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
83	893.13 (8) (a) 2. 3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
84	893.13 (8) (a) 3. 3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
	893.13 (8) (a) 4. 3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of

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85			writing the prescription is a monetary benefit for the practitioner.
86	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
87	944.47 (1) (a) 1.- 2.	3rd	Introduce contraband to correctional facility.
88	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
89	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
90	(g) LEVEL 7		
91	Florida Statute	Felony Degree	Description
92	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
93	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
94			

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	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.
95	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
96	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
97	409.920 (2)	3rd	Medicaid provider fraud.
98	456.065 (2)	3rd	Practicing a health care profession without a license.
99	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
100	458.327 (1)	3rd	Practicing medicine without a

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license.

101

459.013 (1)

3rd

Practicing osteopathic medicine
without a license.

102

460.411 (1)

3rd

Practicing chiropractic medicine
without a license.

103

461.012 (1)

3rd

Practicing podiatric medicine
without a license.

104

462.17

3rd

Practicing naturopathy without a
license.

105

463.015 (1)

3rd

Practicing optometry without a
license.

106

464.016 (1)

3rd

Practicing nursing without a
license.

107

465.015 (2)

3rd

Practicing pharmacy without a
license.

108

466.026 (1)

3rd

Practicing dentistry or dental
hygiene without a license.

109

467.201

3rd

Practicing midwifery without a
license.

110

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111	468.366	3rd	Delivering respiratory care services without a license.
112	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
113	483.901 (9)	3rd	Practicing medical physics without a license.
114	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
115	484.053	3rd	Dispensing hearing aids without a license.
116	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
117	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
	560.125 (5) (a)	3rd	Money transmitter business by

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unauthorized person, currency or
payment instruments exceeding \$300
but less than \$20,000.

118

655.50(10)(b)1.

3rd

Failure to report financial
transactions exceeding \$300 but
less than \$20,000 by financial
institution.

119

775.21(10)(a)

3rd

Sexual predator; failure to
register; failure to renew
driver's license or identification
card; other registration
violations.

120

775.21(10)(b)

3rd

Sexual predator working where
children regularly congregate.

121

775.21(10)(g)

3rd

Failure to report or providing
false information about a sexual
predator; harbor or conceal a
sexual predator.

122

782.051(3)

2nd

Attempted felony murder of a
person by a person other than the
perpetrator or the perpetrator of
an attempted felony.

123

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124	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
125	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
126	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
127	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
128	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
129	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
130	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
	784.048 (7)	3rd	Aggravated stalking; violation of

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court order.

131

784.07(2)(d)

1st

Aggravated battery on law enforcement officer.

132

784.074(1)(a)

1st

Aggravated battery on sexually violent predators facility staff.

133

784.08(2)(a)

1st

Aggravated battery on a person 65 years of age or older.

134

784.081(1)

1st

Aggravated battery on specified official or employee.

135

784.082(1)

1st

Aggravated battery by detained person on visitor or other detainee.

136

784.083(1)

1st

Aggravated battery on code inspector.

137

790.07(4)

1st

Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

138

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

139

790.165(2)

2nd

Manufacture, sell, possess, or

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deliver hoax bomb.

140

790.165 (3)

2nd

Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

141

790.166 (3)

2nd

Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

142

790.166 (4)

2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

143

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.

144

796.03

2nd

Procuring any person under 16 years for prostitution.

145

800.04 (5) (c) 1.

2nd

Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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146	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.
147	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
148	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
149	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
150	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
151	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
152	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.
153	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at

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less than \$50,000, grand theft in
2nd degree.

154 812.014 (2) (b) 3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.

155 812.014 (2) (b) 4. 2nd Property stolen, law enforcement
equipment from authorized
emergency vehicle.

156 812.0145 (2) (a) 1st Theft from person 65 years of age
or older; \$50,000 or more.

157 812.019 (2) 1st Stolen property; initiates,
organizes, plans, etc., the theft
of property and traffics in stolen
property.

158 812.131 (2) (a) 2nd Robbery by sudden snatching.

159 812.133 (2) (b) 1st Carjacking; no firearm, deadly
weapon, or other weapon.

160 817.234 (8) (a) 2nd Solicitation of motor vehicle
accident victims with intent to
defraud.

161 817.234 (9) 2nd Organizing, planning, or
participating in an intentional

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motor vehicle collision.

162

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

163

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

164

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

165

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.

166

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

167

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

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age or older.

168

831.28 (2)

2nd

Counterfeiting a payment instrument with the intent to defraud a financial institution, account holder or having in one's possession any counterfeit payment instrument.

837.05 (2)

3rd

Giving false information about alleged capital felony to a law enforcement officer.

169

838.015

2nd

Bribery.

170

838.016

2nd

Unlawful compensation or reward for official behavior.

171

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

172

838.22

2nd

Bid tampering.

173

847.0135 (3)

3rd

Solicitation of a child, via a computer service, to commit an unlawful sex act.

174

847.0135 (4)

2nd

Traveling to meet a minor to commit an unlawful sex act.

175

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176	872.06	2nd	Abuse of a dead human body.
	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 park or publicly owned recreational facility or community center.
177	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.
178	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).
179	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than

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25 lbs., less than 2,000 lbs.

180

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

181

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

182

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

183

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

184

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

185

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

186

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

187

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

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kilograms.

188

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

189

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

190

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

191

943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

192

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

193

943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

194

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195	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
196	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
197	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
198	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
199	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
200	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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201

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

202

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

203

Section 3. This act shall take effect October 1, 2008.