

ENROLLED  
CS/HB 1173

2013 Legislature

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

15 Be It Enacted by the Legislature of the State of Florida:  
16

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

19 817.034 Florida Communications Fraud Act.—

20 (4) OFFENSES.—

21 (d) Notwithstanding any other provision of law, a criminal  
22 action or civil action or proceeding under this section may be  
23 commenced at any time within 5 years after the cause of action  
24 accrues; however, in a criminal proceeding under this section,  
25 the period of limitation does not run during any time when the  
26 defendant is continuously absent from the state or is without a  
27 reasonably ascertainable place of abode or work within the  
28 state, but in no case shall this extend the period of limitation

ENROLLED  
CS/HB 1173

2013 Legislature

29 | otherwise applicable by more than 1 year.

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

32 | 921.0022 Criminal Punishment Code; offense severity  
33 | ranking chart.—

34 | (3) OFFENSE SEVERITY RANKING CHART

35 | (f) LEVEL 6

36 |

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.

42 |

ENROLLED  
CS/HB 1173

2013 Legislature

43	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
44	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
45	784.041	3rd	Felony battery; domestic battery by strangulation.
46	784.048 (3)	3rd	Aggravated stalking; credible threat.
47	784.048 (5)	3rd	Aggravated stalking of person under 16.
48	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
49	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
50	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
51	784.081 (2)	2nd	Aggravated assault on specified official or employee.

ENROLLED  
CS/HB 1173

2013 Legislature

52	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
53	784.083 (2)	2nd	Aggravated assault on code inspector.
54	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
55	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
56	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
57	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
58	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

ENROLLED  
CS/HB 1173

2013 Legislature

59	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
60	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
61	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
62	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
63	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
64	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
65	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or

ENROLLED  
CS/HB 1173

2013 Legislature

			more, but less than \$100,000, grand theft in 2nd degree.
66	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
67	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
68	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
69	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
70	<del>817.034(4)(a)1.</del>	<del>1st</del>	<del>Communications fraud, value greater than \$50,000.</del>
71	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
72	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
73			

ENROLLED  
CS/HB 1173

2013 Legislature

74	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
75	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
76	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
77	827.03 (2) (c)	3rd	Abuse of a child.
78	827.03 (2) (d)	3rd	Neglect of a child.
79	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
80	836.05	2nd	Threats; extortion.
81	836.10	2nd	Written threats to kill or do bodily injury.
82	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to

ENROLLED  
CS/HB 1173

2013 Legislature

83			distribute, or possessing with intent to distribute obscene materials depicting minors.
84	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
85	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
86	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
87	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
88	944.40	2nd	Escapes.
89	944.46	3rd	Harboring, concealing, aiding escaped prisoners.



ENROLLED  
CS/HB 1173

2013 Legislature

90	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
91	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
92	(g) LEVEL 7		
93	Florida Statute	Felony Degree	Description
94	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
95	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
96	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.
97			

ENROLLED  
CS/HB 1173

2013 Legislature

98	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
99	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
100	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
101	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
102	456.065 (2)	3rd	Practicing a health care profession without a license.
103	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
104	458.327 (1)	3rd	Practicing medicine without a license.
	459.013 (1)	3rd	Practicing osteopathic medicine

ENROLLED  
CS/HB 1173

2013 Legislature

without a license.

105

460.411 (1) 3rd Practicing chiropractic  
medicine without a license.

106

461.012 (1) 3rd Practicing podiatric medicine  
without a license.

107

462.17 3rd Practicing naturopathy without  
a license.

108

463.015 (1) 3rd Practicing optometry without a  
license.

109

464.016 (1) 3rd Practicing nursing without a  
license.

110

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

111

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

112

467.201 3rd Practicing midwifery without a  
license.

113

468.366 3rd Delivering respiratory care  
services without a license.

ENROLLED  
CS/HB 1173

2013 Legislature

114	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
115	483.901 (9)	3rd	Practicing medical physics without a license.
116	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
117	484.053	3rd	Dispensing hearing aids without a license.
118	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.
119	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
120	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency

ENROLLED  
CS/HB 1173

2013 Legislature

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

121 655.50(10) (b) 1. 3rd Failure to report financial  
transactions exceeding \$300 but  
less than \$20,000 by financial  
institution.

122 775.21(10) (a) 3rd Sexual predator; failure to  
register; failure to renew  
driver's license or  
identification card; other  
registration violations.

123 775.21(10) (b) 3rd Sexual predator working where  
children regularly congregate.

124 775.21(10) (g) 3rd Failure to report or providing  
false information about a  
sexual predator; harbor or  
conceal a sexual predator.

125 782.051(3) 2nd Attempted felony murder of a  
person by a person other than  
the perpetrator or the  
perpetrator of an attempted  
felony.

ENROLLED  
CS/HB 1173

2013 Legislature

126	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
127	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
128	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
129	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
130	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
131	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
132	784.048(4)	3rd	Aggravated stalking; violation

ENROLLED  
CS/HB 1173

2013 Legislature

of injunction or court order.

133

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

134

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

135

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

136

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

137

784.081 (1) 1st Aggravated battery on specified  
official or employee.

138

784.082 (1) 1st Aggravated battery by detained  
person on visitor or other  
detainee.

139

784.083 (1) 1st Aggravated battery on code  
inspector.

140

787.06 (3) (a) 1st Human trafficking using  
coercion for labor and  
services.

ENROLLED  
CS/HB 1173

2013 Legislature

141	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
142	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
143	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
144	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
145	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
146	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
147	790.166(4)	2nd	Possessing, displaying, or



ENROLLED  
CS/HB 1173

2013 Legislature

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

148

790.23                      1st, PBL      Possession of a firearm by a  
person who qualifies for the  
penalty enhancements provided  
for in s. 874.04.

149

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.

150

796.03                      2nd      Procuring any person under 16  
years for prostitution.

151

800.04 (5) (c) 1.                      2nd      Lewd or lascivious molestation;  
victim less than 12 years of  
age; offender less than 18  
years.

152

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.

ENROLLED  
CS/HB 1173

2013 Legislature

153	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
154	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
155	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
156	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
157	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
158	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.
159	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand



ENROLLED  
CS/HB 1173

2013 Legislature

defraud.

168

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

169

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

170

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

171

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

172

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.

173

827.03 (2) (b) 2nd Neglect of a child causing

ENROLLED  
CS/HB 1173

2013 Legislature

great bodily harm, disability,  
or disfigurement.

174

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

175

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

176

838.015 2nd Bribery.

177

838.016 2nd Unlawful compensation or reward  
for official behavior.

178

838.021 (3) (a) 2nd Unlawful harm to a public  
servant.

179

838.22 2nd Bid tampering.

180

847.0135 (3) 3rd Solicitation of a child, via a  
computer service, to commit an  
unlawful sex act.

181

847.0135 (4) 2nd Traveling to meet a minor to  
commit an unlawful sex act.

182

ENROLLED  
CS/HB 1173

2013 Legislature

183	872.06	2nd	Abuse of a dead human body.
184	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
185	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.
186	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.

ENROLLED  
CS/HB 1173

2013 Legislature

187	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).
188	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
189	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
190	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
191	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
192	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

ENROLLED  
CS/HB 1173

2013 Legislature

193	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
194	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
195	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
196	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
197	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
198	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
199	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration



ENROLLED  
CS/HB 1173

2013 Legislature

requirements, financial  
transactions exceeding \$300 but  
less than \$20,000.

200

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

201

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

202

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

203

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

204

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

205

ENROLLED  
CS/HB 1173

2013 Legislature

206	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
207	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
208	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
209	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
210	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
211	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to

ENROLLED  
CS/HB 1173

2013 Legislature

report and reregister; failure  
to respond to address  
verification.

212

213

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