

By Senator Joyner

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1 A bill to be entitled
2 An act relating to the unlawful possession of the
3 personal identification information of another person;
4 creating s. 817.5685, F.S.; defining the term
5 "personal identification information"; providing that
6 it is unlawful for a person to intentionally or
7 knowingly possess, without authorization, any personal
8 identification information of another person; creating
9 criminal penalties; providing that certain specified
10 persons are exempt from provisions regarding the
11 unlawful possession of personal identification
12 information of another person; creating affirmative
13 defenses; providing that the act does not preclude
14 prosecution for the unlawful possession of personal
15 identification information of another person under any
16 other law; providing an effective date.

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

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20 Section 1. Section 817.5685, Florida Statutes, is created
21 to read:

22 817.5685 Unlawful possession of the personal identification
23 information of another person.—

24 (1) As used in this section, the term "personal
25 identification information" means a person's social security
26 number, official state-issued or United States-issued driver
27 license or identification number, alien registration number,
28 government passport number, employer or taxpayer identification
29 number, Medicaid or food assistance account number, bank account

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30 number, credit or debit card number, and medical records.

31 (2) It is unlawful for a person to intentionally or
32 knowingly possess, without authorization, the personal
33 identification information of another person in any form,
34 including, but not limited to, mail, physical documents,
35 identification cards, or information stored in digital form.

36 (3) (a) A person who violates subsection (2) and in doing so
37 possesses the personal identification information of four or
38 fewer persons commits a misdemeanor of the first degree,
39 punishable as provided in s. 775.082 or s. 775.083.

40 (b) A person who violates subsection (2) and in doing so
41 possesses the personal identification information of five or
42 more persons commits a felony of third degree, punishable as
43 provided in s. 775.082, s. 775.083, or s. 775.084.

44 (4) Subsection (2) does not apply to:

45 (a) A person who is the parent or legal guardian of a child
46 and who possesses the personal identification information of
47 that child.

48 (b) A person who is the guardian of another person under
49 chapter 744 and who is authorized to possess the personal
50 identification information of that other person and make
51 decisions regarding access to that personal identification
52 information.

53 (c) An employee of a governmental agency who possesses the
54 personal identification information of another person in the
55 ordinary course of business.

56 (d) A person who is engaged in a lawful business and
57 possesses the personal identification information of another
58 person in the ordinary course of business.

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59 (e) A person who finds a card or document issued by a
60 governmental agency which contains the personal identification
61 information of another person and who takes reasonably prompt
62 action to return that card or document to its owner, to the
63 governmental agency that issued the card or document, or to a
64 law enforcement agency.

65 (5) It is an affirmative defense to an alleged violation of
66 subsection (2) if the person who possesses the personal
67 identification information of another person:

68 (a) Did so under the reasonable belief that such possession
69 was authorized by law or by the consent of the other person; or

70 (b) Obtained that personal identification information from
71 a forum or resource that is open or available to the general
72 public or from a public record.

73 (6) This section does not preclude prosecution for the
74 unlawful possession of personal identification information
75 pursuant to s. 817.568 or any other law, including prosecution
76 for the criminal use of personal identification information that
77 was otherwise lawfully possessed.

78 Section 2. This act shall take effect October 1, 2013.