

By the Committee on Criminal Justice; and Senator Joyner

591-03348-13

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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 possession of  
10 identification information of multiple individuals  
11 gives rise to an inference of illegality; providing  
12 that certain specified persons are exempt from  
13 provisions regarding the unlawful possession of  
14 personal identification information of another person;  
15 creating affirmative defenses; providing that the act  
16 does not preclude prosecution for the unlawful  
17 possession of personal identification information of  
18 another person under any other law; providing an  
19 effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 817.5685, Florida Statutes, is created  
24 to read:

25 817.5685 Unlawful possession of the personal identification  
26 information of another person.—

27 (1) As used in this section, the term "personal  
28 identification information" means a person's social security  
29 number, official state-issued or United States-issued driver

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30 license or identification number, alien registration number,  
31 government passport number, employer or taxpayer identification  
32 number, Medicaid or food assistance account number, bank account  
33 number, credit or debit card number, and medical records.

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

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

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

47 (c) Proof that a person used or was in possession of the  
48 personal identification information of five or more individuals,  
49 unless satisfactorily explained, gives rise to an inference that  
50 the person who used or was in possession of the personal  
51 identification information did so knowingly and intentionally  
52 without authorization.

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

54 (a) A person who is the parent or legal guardian of a child  
55 and who possesses the personal identification information of  
56 that child.

57 (b) A person who is the guardian of another person under  
58 chapter 744 and who is authorized to possess the personal

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59 identification information of that other person and make  
60 decisions regarding access to that personal identification  
61 information.

62 (c) An employee of a governmental agency who possesses the  
63 personal identification information of another person in the  
64 ordinary course of business.

65 (d) A person who is engaged in a lawful business and  
66 possesses the personal identification information of another  
67 person in the ordinary course of business.

68 (e) A person who finds a card or document issued by a  
69 governmental agency which contains the personal identification  
70 information of another person and who takes reasonably prompt  
71 action to return that card or document to its owner, to the  
72 governmental agency that issued the card or document, or to a  
73 law enforcement agency.

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

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

79 (b) Obtained that personal identification information from  
80 a forum or resource that is open or available to the general  
81 public or from a public record.

82 (6) This section does not preclude prosecution for the  
83 unlawful possession of personal identification information  
84 pursuant to s. 817.568 or any other law, including prosecution  
85 for the criminal use of personal identification information that  
86 was otherwise lawfully possessed.

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