

1 A bill to be entitled
 2 An act relating to criminal use of personal
 3 identification information; amending s. 817.568, F.S.;
 4 deleting the requirement that a person who willfully
 5 and without authorization possesses personal
 6 identification information concerning an individual
 7 without first obtaining that individual's consent have
 8 an intent to fraudulently use the information in order
 9 to commit a specified violation; providing criminal
 10 penalties; requiring that a person have an opportunity
 11 to explain his or her actions before an arrest may be
 12 made; providing an exception; providing an effective
 13 date.

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

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 17 Section 1. Paragraph (a) of subsection (2) of section
 18 817.568, Florida Statutes, is amended to read:

19 817.568 Criminal use of personal identification
 20 information.—

21 (2) (a) Any person who willfully and without authorization
 22 fraudulently uses, or possesses ~~with intent to fraudulently use,~~
 23 personal identification information concerning an individual
 24 without first obtaining that individual's consent, commits the
 25 offense of fraudulent use of personal identification
 26 information, which is a felony of the third degree, punishable
 27 as provided in s. 775.082, s. 775.083, or s. 775.084. Unless the
 28 person flees or another circumstance makes it impracticable, a

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29 law enforcement officer shall, before any arrest for an offense
30 under this subsection, afford the person an opportunity to
31 explain his or her possession or use of personal identification
32 information and how the use or possession is not willful and
33 without authorization. A person may not be convicted of an
34 offense under this subsection if the law enforcement officer did
35 not comply with this procedure, or if it appears at trial that
36 the explanation that the person gave is true and, if believed by
37 the officer at the time, would have indicated that there was no
38 violation.

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