

CS/HB 691

2013

1 A bill to be entitled
2 An act relating to personal identification theft;
3 creating s. 817.5685, F.S.; defining the term
4 "personal identification information"; providing that
5 it is unlawful for a person to intentionally or
6 knowingly possess, without authorization, any personal
7 identification information of another person; creating
8 criminal penalties; providing exemptions; providing
9 that the section does not preclude the prosecution for
10 the unlawful possession of personal identification
11 information of another person under any other law;
12 providing an effective date.

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

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16 Section 1. Section 817.5685, Florida Statutes, is created
17 to read:

18 817.5685 Unlawful possession of the personal
19 identification information of another person.—

20 (1) As used in this section, the term "personal
21 identification information" means a person's social security
22 number, official state-issued or United States-issued driver
23 license or identification number, alien registration number,
24 government passport number, employer or taxpayer identification
25 number, Medicaid or food assistance account number, bank account
26 number, credit or debit card number, and medical records.

27 (2) It is unlawful for a person to intentionally or
28 knowingly possess, without authorization, the personal

29 identification information of another person in any form,
30 including, but not limited to, mail, physical documents,
31 identification cards, or information stored in digital form.

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

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

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

41 (a) A person who is the parent or legal guardian of a
42 child and who possesses the personal identification information
43 of that child.

44 (b) A person who is the guardian of another person under
45 chapter 744 and who is authorized to possess the personal
46 identification information of that other person and make
47 decisions regarding access to that personal identification
48 information.

49 (c) An employee of a governmental agency who possesses the
50 personal identification information of another person in the
51 ordinary course of business.

52 (d) A person who is engaged in a lawful business and
53 possesses the personal identification information of another
54 person in the ordinary course of business.

55 (e) A person who finds a card or document issued by a
56 governmental agency that contains the personal identification

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57 information of another person and who takes reasonably prompt
58 action to return that card or document to its owner, to the
59 governmental agency that issued the card or document, or to a
60 law enforcement agency.

61 (5) This section does not preclude prosecution for the
62 unlawful possession of personal identification information
63 pursuant to s. 817.568 or any other law.

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