

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;  
 8           providing criminal penalties; providing that  
 9           possession of identification information of multiple  
 10          individuals gives rise to an inference of illegality;  
 11          providing enhanced criminal penalties for possession  
 12          of such information of multiple persons; providing  
 13          exemptions; providing that the section does not  
 14          preclude the prosecution for the unlawful possession  
 15          of personal identification information of another  
 16          person under any other law; providing an effective  
 17          date.

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

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

23           817.5685   Unlawful possession of the personal  
 24   identification information of another person.-

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

29 government passport number, employer or taxpayer identification  
30 number, Medicaid or food assistance account number, bank account  
31 number, credit or debit card number, and medical records.

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

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

41 (b)1. Proof that a person used or was in possession of the  
42 personal identification information of five or more individuals,  
43 unless satisfactorily explained, gives rise to an inference that  
44 the person who used or was in possession of the personal  
45 identification information did so knowingly and intentionally  
46 without authorization.

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

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

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

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

57 identification information of that other person and make  
58 decisions regarding access to that personal identification  
59 information.

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

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

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

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

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