

A bill to be entitled

An act relating to personal identification information theft; amending s. 817.568, F.S.; providing that it is unlawful for any person to willfully and without authorization fraudulently use personal identification information concerning specified individuals without their consent; providing criminal penalties; providing for a surcharge and allocation thereof; providing legislative findings; creating s. 943.0412, F.S.; creating the Identity Theft and Fraud Grant Program; providing appropriations and authorizing a position; providing an effective date.

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

Section 1. Subsections (11) through (17) of section 817.568, Florida Statutes, are renumbered as subsections (13) through (19), respectively, and new subsections (11) and (12) are added to that section to read:

817.568 Criminal use of personal identification information.—

(11) A person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101; a public servant as defined in s. 838.014; a veteran as defined in s. 1.01; a first responder as

27 defined in s. 125.01045; an individual who is employed by the
 28 State of Florida; or an individual who is employed by the
 29 Federal Government without first obtaining the consent of that
 30 individual commits a felony of the second degree, punishable as
 31 provided in s. 775.082, s. 775.083, or s. 775.084.

32 (12) In addition to any sanction imposed when a person
 33 pleads guilty or nolo contendere to, or is found guilty of,
 34 regardless of adjudication, a violation of this section, the
 35 court shall impose a surcharge of \$151. Payment of the surcharge
 36 shall be a condition of probation, community control, or any
 37 other court-ordered supervision.

38 (a) The sum of \$75 of the surcharge shall be deposited
 39 into the Department of Law Enforcement Operating Trust Fund for
 40 the department to provide grants to local law enforcement
 41 agencies to investigate offenses related to the criminal use of
 42 personal identification information as provided in s. 943.0412.

43 (b) The sum of \$75 of the surcharge shall be deposited
 44 into the State Attorneys Revenue Trust Fund for the purpose of
 45 funding prosecutions of offenses relating to the criminal use of
 46 personal identification information.

47 (c) The clerk of the court shall retain \$1 of each \$151
 48 surcharge that he or she collects as a service charge of the
 49 clerk's office.

50 (d) The surcharge may not be waived by the court. In the
 51 event that the person has been ordered to pay restitution in
 52 accordance with s. 775.089, the surcharge shall be included in a

53 judgment.

54 Section 2. Section 943.0412, Florida Statutes, is created
55 to read:

56 943.0412 Identity Theft and Fraud Grant Program.—

57 (1) There is created the Identity Theft and Fraud Grant
58 Program within the department to award grants to support local
59 law enforcement agencies in the investigation and enforcement of
60 personal identification information theft and fraud.

61 (2) Funds collected pursuant to s. 817.568(12)(a) and any
62 funds specifically appropriated for the grant program shall be
63 awarded annually by the department to local law enforcement
64 agencies. The total amount of grants awarded may not exceed
65 funding appropriated for the grant program.

66 (3) The department may establish criteria and set specific
67 time periods for the acceptance of applications and for the
68 selection process for awards.

69 Section 3. (1) For the 2014-2015 fiscal year, the sum of
70 \$72,000 in recurring funds is appropriated from the General
71 Revenue Fund to the Department of Law Enforcement for local law
72 enforcement grants as provided in s. 943.0412, Florida Statutes,
73 as created by this act.

74 (2) For the 2014-2015 fiscal year, the sum of \$42,000 in
75 recurring funds is appropriated from the General Revenue Fund to
76 the Department of Law Enforcement, and one full-time equivalent
77 position with associated salary rate is authorized, to
78 administer the Identity Theft and Fraud Grant Program as

CS/CS/HB 1029

2014

79 provided in s. 943.0412, Florida Statutes, as created by this
80 act.

81 (3) For the 2014-2015 fiscal year, the sum of \$186,000 in
82 recurring funds is appropriated from the General Revenue Fund to
83 the State Attorneys Revenue Trust Fund to be distributed equally
84 to the state attorneys of the Eleventh, Fifteenth, and
85 Seventeenth Judicial Circuits for salaries and benefits for one
86 assistant state attorney in each circuit to prosecute personal
87 identification information theft and fraud offenses.

88 Section 4. This act shall take effect July 1, 2014.