



CS/CS/HB 1029, Engrossed 1

2014

1 A bill to be entitled

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

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Subsections (11) through (17) of section  
17 817.568, Florida Statutes, are renumbered as subsections (13)  
18 through (19), respectively, and new subsections (11) and (12)  
19 are added to that section to read:

20 817.568 Criminal use of personal identification  
21 information.—

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



26 838.014; 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 \$1,001. Payment of the  
36 surcharge shall be a condition of probation, community control,  
37 or any other court-ordered supervision.

38 (a) The sum of \$500 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 \$500 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 \$1,001  
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



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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  
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.