



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2014	.	
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The Committee on Criminal Justice (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 information.-

12 (11) A person who willfully and without authorization
13 fraudulently uses personal identification information concerning
14 an individual who is 60 years of age or older; a disabled adult
15 as defined in s. 825.101; a public servant as defined in s.
16 838.014; a veteran as defined in s. 1.01; a first responder as
17 defined in s. 125.01045; an individual who is employed by the
18 State of Florida; or an individual who is employed by the
19 Federal Government without first obtaining the consent of that
20 individual commits a felony of the second degree, punishable as
21 provided in s. 775.082, s. 775.083, or s. 775.084.

22 (12) In addition to any sanction imposed when a person
23 pleads guilty or nolo contendere to, or is found guilty of,
24 regardless of adjudication, a violation of this section, the
25 court shall impose a surcharge of \$151. Payment of the surcharge
26 shall be a condition of probation, community control, or any
27 other court-ordered supervision. The sum of \$75 of the surcharge
28 shall be deposited into the Department of Law Enforcement
29 Operating Trust Fund for the department to provide grants to
30 local law enforcement agencies in Palm Beach, Broward, and
31 Miami-Dade Counties to investigate the criminal use of personal
32 identification information. The sum of \$75 of the surcharge
33 shall be deposited into the State Attorneys Revenue Trust Fund
34 for the purpose of funding prosecutions of offenses relating to
35 the criminal use of personal identification information in the
36 Eleventh Circuit, the Fifteenth Circuit, and the Seventeenth
37 Circuit. The clerk of the court shall retain \$1 of each
38 surcharge that he or she collects as a service charge of the
39 clerk's office.



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40 (a) The surcharge may not be waived by the court.

41 (b) In the event that the person has been ordered to pay
42 restitution in accordance with s. 775.089, the surcharge shall
43 be included in a judgment.

44 Section 2. Section 817.5686, Florida Statutes, is created
45 to read:

46 817.5686 Identity Theft and Fraud Task Force.—

47 (1) FINDINGS.—The Legislature finds that there is a need to
48 develop and implement a strategy to address the investigation
49 and prosecution of the criminal use of personal identification
50 information in Palm Beach, Broward, and Miami-Dade Counties.

51 (2) ESTABLISHMENT.—There is created the Identity Theft and
52 Fraud Task Force within the Department of Law Enforcement. The
53 purpose of the task force is to develop strategies and
54 techniques that will assist in the investigation and prosecution
55 of the criminal use of personal identification information in
56 Palm Beach, Broward, and Miami-Dade Counties. The task force
57 shall dissolve on December 31, 2017.

58 (3) MEMBERSHIP.—

59 (a) The task force shall consist of the following members
60 or their designees:

61 1. The special agent in charge of the Miami Regional
62 Operations Center of the Department of Law Enforcement, who
63 shall serve as chair.

64 2. The sheriffs of Palm Beach and Broward Counties.

65 3. The police chief of the Miami-Dade Police Department.

66 4. The state attorneys of the Eleventh Circuit, the
67 Fifteenth Circuit, and the Seventeenth Circuit.

68 5. Six members appointed by the chair, consisting of two



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69 police chiefs from Palm Beach County, two police chiefs from
70 Broward County, and two representatives from the Miami-Dade
71 Police Department.

72 (b) The Legislature finds that the task force serves a
73 legitimate state, county, and municipal purpose and that service
74 on the task force is consistent with a member's principal
75 service in public office or employment. Therefore, membership on
76 the task force does not disqualify a member from holding any
77 other public office or from being employed by a public entity.

78 (c) Members of the task force shall serve without
79 compensation but are entitled to reimbursement for per diem and
80 travel expenses in accordance with s. 112.061.

81 (d) The chair of the task force may appoint subcommittees
82 and subcommittee chairs as necessary in order to address issues
83 related to the task force. A subcommittee chair shall serve at
84 the pleasure of the chair.

85 (4) MEETINGS.—The task force shall organize by December 31,
86 2014. Thereafter, the task force shall meet at least four times
87 per year. Additional meetings may be held if the chair
88 determines that extraordinary circumstances require an
89 additional meeting. Members may appear at meetings by electronic
90 means. A majority of the members of the task force constitutes a
91 quorum. The Department of Law Enforcement shall provide
92 administrative and support services for the task force.

93 (5) DUTIES.—The task force shall coordinate efforts in Palm
94 Beach, Broward, and Miami-Dade Counties to:

95 (a) Develop strategies and techniques that will assist in
96 the investigation and prosecution of the criminal use of
97 personal identification information.



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98 (b) Incorporate other objectives reasonably related to the
99 goals of enhancing the investigation and prosecution of the
100 criminal use of personal identification information and a
101 citizen's ability to prevent and detect identity theft and
102 fraud.

103 (6) RULEMAKING.—The Department of Law Enforcement shall
104 adopt rules to implement the requirements of this section.

105 (7) REPORT.—By December 1, 2017, the task force shall
106 submit a report on its activities to the Governor, the President
107 of the Senate, and the Speaker of the House of Representatives.
108 The report shall include any recommendations on how to better
109 investigate and prosecute the criminal use of personal
110 identification information.

111 (8) REPEAL.—This section is repealed December 31, 2017.
112 Section 3. This act shall take effect July 1, 2014.

114 ===== T I T L E A M E N D M E N T =====

115 And the title is amended as follows:

116 Delete everything before the enacting clause
117 and insert:

118 A bill to be entitled
119 An act relating to personal identification information
120 theft; amending s. 817.568, F.S.; providing that it is
121 unlawful for any person to willfully and without
122 authorization fraudulently use personal identification
123 information concerning specified individuals without
124 their consent; providing criminal penalties; providing
125 for a surcharge and allocation thereof; providing
126 legislative findings; creating s. 817.5686, F.S.;



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127 creating the Identity Theft and Fraud Task Force
128 within the Department of Law Enforcement to assist in
129 investigation and prosecution of criminal use of
130 personal identification information in specified
131 counties; providing for membership; requiring the task
132 force to organize by a specified date; providing for
133 meetings; specifying the duties of the task force;
134 providing rulemaking authority; requiring a report to
135 the Governor and Legislature; providing for future
136 repeal; providing an effective date.
137