



939014

576-04096-14

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

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; creating s. 817.5686, F.S.; creating the Identity Theft and Fraud Grant Program within the Department of Law Enforcement; providing for the award of funds; providing an effective date.

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

Section 1. Present 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 defined in s. 125.01045; an individual who is employed by the



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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.

36 (a) The sum of \$75 of the surcharge shall be deposited into
37 the Department of Law Enforcement Operating Trust Fund for the
38 department to provide grants to local law enforcement agencies
39 to investigate offenses related to the criminal use of personal
40 identification information as provided in s. 817.5686.

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

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

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

52 Section 2. Section 817.5686, Florida Statutes is created to
53 read:

54 817.5686 Identity Theft and Fraud Grant Program.—

55 (1) There is created the Identity Theft and Fraud Grant
56 Program within the Department of Law Enforcement to award grants



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57 to support local law enforcement agencies in the investigation
58 and enforcement of personal identification information theft and
59 fraud.

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

65 (3) The Department of Law Enforcement may establish
66 criteria and set specific time periods for the acceptance of
67 applications and for the selection process for awards.

68 Section 3. This act shall take effect July 1, 2014.