

By the Committee on Criminal Justice; and Senator Abruzzo

591-03469-14

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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. 817.5686, F.S.;
10 creating the Identity Theft and Fraud Task Force
11 within the Department of Law Enforcement to assist in
12 investigation and prosecution of criminal use of
13 personal identification information in specified
14 counties; providing for membership; requiring the task
15 force to organize by a specified date; providing for
16 meetings; specifying the duties of the task force;
17 providing rulemaking authority; requiring a report to
18 the Governor and Legislature; providing for future
19 repeal; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Present subsections (11) through (17) of section
24 817.568, Florida Statutes, are renumbered as subsections (13)
25 through (19), respectively, and new subsections (11) and (12)
26 are added to that section to read:

27 817.568 Criminal use of personal identification
28 information.—

29 (11) A person who willfully and without authorization

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30 fraudulently uses personal identification information concerning
31 an individual who is 60 years of age or older; a disabled adult
32 as defined in s. 825.101; a public servant as defined in s.
33 838.014; a veteran as defined in s. 1.01; a first responder as
34 defined in s. 125.01045; an individual who is employed by the
35 State of Florida; or an individual who is employed by the
36 Federal Government without first obtaining the consent of that
37 individual commits a felony of the second degree, punishable as
38 provided in s. 775.082, s. 775.083, or s. 775.084.

39 (12) In addition to any sanction imposed when a person
40 pleads guilty or nolo contendere to, or is found guilty of,
41 regardless of adjudication, a violation of this section, the
42 court shall impose a surcharge of \$151. Payment of the surcharge
43 shall be a condition of probation, community control, or any
44 other court-ordered supervision. The sum of \$75 of the surcharge
45 shall be deposited into the Department of Law Enforcement
46 Operating Trust Fund for the department to provide grants to
47 local law enforcement agencies in Palm Beach, Broward, and
48 Miami-Dade Counties to investigate the criminal use of personal
49 identification information. The sum of \$75 of the surcharge
50 shall be deposited into the State Attorneys Revenue Trust Fund
51 for the purpose of funding prosecutions of offenses relating to
52 the criminal use of personal identification information in the
53 eleventh circuit, the fifteenth circuit, and the seventeenth
54 circuit. The clerk of the court shall retain \$1 of each
55 surcharge that he or she collects as a service charge of the
56 clerk's office.

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

58 (b) In the event that the person has been ordered to pay

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59 restitution in accordance with s. 775.089, the surcharge shall
60 be included in a judgment.

61 Section 2. Section 817.5686, Florida Statutes, is created
62 to read:

63 817.5686 Identity Theft and Fraud Task Force.—

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

68 (2) ESTABLISHMENT.—There is created the Identity Theft and
69 Fraud Task Force within the Department of Law Enforcement. The
70 purpose of the task force is to develop strategies and
71 techniques that will assist in the investigation and prosecution
72 of the criminal use of personal identification information in
73 Palm Beach, Broward, and Miami-Dade Counties. The task force
74 shall dissolve on December 31, 2017.

75 (3) MEMBERSHIP.—

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

78 1. The special agent in charge of the Miami Regional
79 Operations Center of the Department of Law Enforcement, who
80 shall serve as chair.

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

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

83 4. The state attorneys of the eleventh circuit, the
84 fifteenth circuit, and the seventeenth circuit.

85 5. Six members appointed by the chair, consisting of two
86 police chiefs from Broward County, two representatives from the
87 Miami-Dade Police Department, and two police chiefs from Palm

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88 Beach County.

89 (b) The Legislature finds that the task force serves a
90 legitimate state, county, and municipal purpose and that service
91 on the task force is consistent with a member's principal
92 service in public office or employment. Therefore, membership on
93 the task force does not disqualify a member from holding any
94 other public office or from being employed by a public entity.

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

98 (d) The chair of the task force may appoint subcommittees
99 and subcommittee chairs as necessary in order to address issues
100 related to the task force. A subcommittee chair shall serve at
101 the pleasure of the chair.

102 (4) MEETINGS.—The task force shall organize by December 31,
103 2014. Thereafter, the task force shall meet at least four times
104 per year. Additional meetings may be held if the chair
105 determines that extraordinary circumstances require an
106 additional meeting. Members may appear at meetings by electronic
107 means. A majority of the members of the task force constitutes a
108 quorum. The Department of Law Enforcement shall provide
109 administrative and support services for the task force.

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

112 (a) Develop strategies and techniques that will assist in
113 the investigation and prosecution of the criminal use of
114 personal identification information.

115 (b) Incorporate other objectives reasonably related to the
116 goals of enhancing the investigation and prosecution of the

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117 criminal use of personal identification information and a
118 citizen's ability to prevent and detect identity theft and
119 fraud.

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

122 (7) REPORT.—By December 1, 2017, the task force shall
123 submit a report on its activities to the Governor, the President
124 of the Senate, and the Speaker of the House of Representatives.
125 The report shall include any recommendations on how to better
126 investigate and prosecute the criminal use of personal
127 identification information.

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