

1                                   A bill to be entitled  
 2           An act relating to personal identification theft;  
 3           creating s. 817.5685, F.S.; defining the term  
 4           "personal identification information"; providing that  
 5           it is unlawful for a person to intentionally or  
 6           knowingly possess, without authorization, any personal  
 7           identification information of another person; creating  
 8           criminal penalties; providing that certain specified  
 9           persons are exempt from provisions regarding the  
 10          unlawful possession of personal identification  
 11          information of another person; providing that the act  
 12          does not preclude the prosecution for the unlawful  
 13          possession of personal identification information of  
 14          another person under any other law; providing an  
 15          effective date.

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

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 19           Section 1. Section 817.5685, Florida Statutes, is created  
 20   to read:

21           817.5685 Unlawful possession of the personal  
 22   identification information of another person.--

23           (1) As used in this section, the term "personal  
 24   identification information" means a person's social security  
 25   number, official state-issued or United States-issued driver  
 26   license or identification number, alien registration number,  
 27   government passport number, employer or taxpayer identification  
 28   number, Medicaid or food assistance account number, bank account

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29 | number, credit or debit card number, and medical records.

30 |       (2) It is unlawful for a person to intentionally or  
31 | knowingly possess, without authorization, the personal  
32 | identification information of another person in any form,  
33 | including, but not limited to, mail, physical documents,  
34 | identification cards, or information stored in digital form.

35 |       (3) (a) A person who violates subsection (2) and in doing  
36 | so possesses the personal identification information of four or  
37 | fewer persons commits a misdemeanor of the first degree,  
38 | punishable as provided in s. 775.082 or s. 775.083.

39 |       (b) A person who violates subsection (2) and in doing so  
40 | possesses the personal identification information of five or  
41 | more persons commits a felony of third degree, punishable as  
42 | provided in s. 775.082, s. 775.083, or s. 775.084.

43 |       (4) Subsection (2) does not apply to:

44 |       (a) A person who is the parent or legal guardian of a  
45 | child and who possesses the personal identification information  
46 | of that child.

47 |       (b) A person who is the guardian of another person under  
48 | chapter 744 and who is authorized to possess the personal  
49 | identification information of that other person and make  
50 | decisions regarding access to that personal identification  
51 | information.

52 |       (c) An employee of a governmental agency who possesses the  
53 | personal identification information of another person in the  
54 | ordinary course of business.

55 |       (d) A person who is engaged in a lawful business and  
56 | possesses the personal identification information of another

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57 person in the ordinary course of business.

58 (e) A person who finds a card or document issued by a  
59 governmental agency which contains the personal identification  
60 information of another person and who takes reasonably prompt  
61 action to return that card or document to its owner, to the  
62 governmental agency that issued the card or document, or to a  
63 law enforcement agency.

64 (5) This section does not preclude prosecution for the  
65 unlawful possession of personal identification information  
66 pursuant to s. 817.568 or any other law.

67 Section 2. This act shall take effect October 1, 2013.