

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.

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

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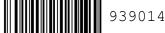
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Section 1. Present subsections (11) through (17) of section 817.568, Florida Statutes, are renumbered as subsections (13) through (19), respectively, and new subsections (11) and (12) are added to that section to read:

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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State of Florida; or an individual who is employed by the Federal Government without first obtaining the consent of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

- (12) In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of this section, the court shall impose a surcharge of \$151.
- (a) The sum of \$75 of the surcharge shall be deposited into the Department of Law Enforcement Operating Trust Fund for the department to provide grants to local law enforcement agencies to investigate offenses related to the criminal use of personal identification information as provided in s. 817.5686.
- (b) The sum of \$75 of the surcharge shall be deposited into the State Attorneys Revenue Trust Fund for the purpose of funding prosecution of offenses relating to the criminal use of personal identification information.
- (c) The clerk of the court shall retain \$1 of each surcharge that he or she collects as a service charge of the clerk's office.
- (d) The surcharge may not be waived by the court. In the event that the person has been ordered to pay restitution in accordance with s. 775.089, the surcharge shall be included in a judgment.
- Section 2. Section 817.5686, Florida Statutes is created to read:
 - 817.5686 Identity Theft and Fraud Grant Program. -
- (1) There is created the Identity Theft and Fraud Grant Program within the Department of Law Enforcement to award grants



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

- (2) Funds collected pursuant to s. 817.568(12)(a) and any funds specifically appropriated for the grant program shall be awarded annually by the Department of Law Enforcement to local law enforcement agencies. The total amount of grants awarded may not exceed funding appropriated for the grant program.
- (3) The Department of Law Enforcement may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awards.
 - Section 3. This act shall take effect July 1, 2014.