

By Senator Gutman

34-759-98

1 A bill to be entitled
2 An act relating to false identification;
3 prohibiting a person from assuming the identity
4 of another person and thereby causing an
5 economic loss or legal disability; providing
6 penalties; authorizing any person who suffers
7 such economic loss or legal disability to apply
8 to the court for an order to correct certain
9 records; prohibiting a person who has been
10 arrested or lawfully detained from giving a
11 false name or false identification to a law
12 enforcement officer or jail personnel;
13 providing penalties; providing an enhanced
14 penalty if any person suffers an economic loss
15 or legal disability due to the offense;
16 defining the term "economic loss"; providing an
17 effective date.

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

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21 Section 1. Unlawful assumption of identity.--
22 (1) A person may not assume the identity of another
23 person by any means, including the assumption of another
24 person's identification number, and then act as that other
25 person in any business or economic transaction, or in any
26 legal matter, thereby causing an economic loss to any other
27 person or business or causing a legal disability to any other
28 person or business.

29 (2) A violation of subsection (1) is:
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1 (a) A misdemeanor of the first degree, punishable as
2 provided in section 775.082 or section 775.083, Florida
3 Statutes, if the value of the loss is less than \$300.

4 (b) A felony of the third degree, punishable as
5 provided in section 775.082, section 775.083, or section
6 775.084, Florida Statutes, if the value of the loss is \$300 or
7 more.

8 (3) A person who is adversely affected by a violation
9 of subsection (1) may apply to the court for an order to
10 correct any public record. The court may also issue an order
11 to correct any private record, after notice and hearing, of
12 any entity that conducts business in this state.

13 Section 2. Giving false identification to a law
14 enforcement officer.--

15 (1) A person who has been arrested or lawfully
16 detained by a law enforcement officer may not give a false
17 name, or in any way falsely identify himself or herself, to a
18 law enforcement officer or any jail or prison personnel.

19 (2) A violation of subsection (1) is:

20 (a) A misdemeanor of the first degree, punishable as
21 provided in section 775.082 or section 775.083, Florida
22 Statutes, if another person does not suffer an economic loss
23 or any legal disability because of the violation.

24 (b) A felony of the third degree, punishable as
25 provided in section 775.082, section 775.083, or section
26 775.084, Florida Statutes, if any other person suffers an
27 economic loss or any legal disability because of the
28 violation.

29 (c) As used in this subsection, the term "economic
30 loss" means, but is not limited to, the loss of employment, an
31 inability to obtain employment, a demotion in employment, the

1 loss of a business relationship, a negative statement in a
2 credit report, an inability to obtain credit, any costs
3 related to an arrest made due to the violation of subsection
4 (1), or any costs incurred in correcting a public or private
5 record.

6 Section 3. This act shall take effect July 1, 1998.

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9 SENATE SUMMARY

10 Prohibits a person from assuming the identity of another
11 person and acting as that other person in a business
12 transaction so that another person suffers an economic
13 loss or legal disability. Provides that such offense is a
14 first-degree misdemeanor if the value of the loss is less
15 than \$300 and a third-degree felony if the value of the
16 loss is \$300 or more. Provides for the correction of
17 certain records pursuant to a court order. Prohibits a
18 person who has been arrested or lawfully detained from
19 falsely identifying himself or herself to a law
20 enforcement officer or jail personnel. Provides that the
21 offense is a first-degree misdemeanor if another person
22 does not suffer an economic loss or legal disability due
23 to such violation and is a third-degree felony if another
24 person does suffer an economic loss or legal disability
25 due to the violation.
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