

By the Committee on Criminal Justice and Senator Gutman

307-1755-98

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 imposing the sentence
10 for the violation for an order to correct any public record.
11 The sentencing court may also issue an order to correct any
12 private record, after notice and hearing, of any entity that
13 conducts business in this state.

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

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

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

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

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

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

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

7 Section 3. This act shall take effect October 1, 1998.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 910

- 12 . Provides that a person whose identity is unlawfully
13 assumed may apply to the court sentencing the person who
14 committed the unlawful assumption of identity for an
order to correct any public record or any private record
of any entity that conducts business in this state.
- 15 . Provides that the effective date of this Legislation is
16 October 1, 1998