

By Senator Hargrett

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A bill to be entitled

An act relating to the unlawful assumption of identity; making it a crime to assume the identity of another person with intent to act fraudulently; providing penalties; providing for restitution; providing an effective date.

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

Section 1. Unlawful assumption of identity.--

(1) As used in this section, the term "economic loss" includes, but is not limited to, the loss of employment, an inability to obtain employment, a demotion in employment, the loss of a business relationship, a negative statement in a credit report, an inability to obtain credit, and any costs incurred in correcting a public or private record.

(2) It is unlawful for any person to assume the identity of another person with the intent to commit any fraudulent act. Means of assuming another person's identity include, but are not limited to, the use of that person's identifying information such as that person's social security number, motor vehicle operator's license number, state identification card number, credit account number, bank account number, calling card number, or use of that person's date of birth in combination with other identifying information of that person.

(3) A violation of subsection (2) is:

(a) A misdemeanor of the first degree, punishable as provided in section 775.082, Florida Statutes, or section 775.083, Florida Statutes, if, as a result of the violation,

1 the person whose identity is assumed does not suffer an
2 economic loss or legal disability.

3 (b) A felony of the third degree, punishable as
4 provided in section 775.082, Florida Statutes, section
5 775.083, Florida Statutes, or section 775.084, Florida
6 Statutes, if, as a result of the violation, the person whose
7 identity is assumed suffers an economic loss or legal
8 disability.

9 (3) A person whose identity is assumed by another
10 person in violation of subsection (2) may apply to the court
11 sentencing the violator for any order that is appropriate to
12 correct any public record or to correct any private record,
13 after notice and hearing, of any entity that conducts business
14 in this state. A court, as part of sentencing a person for a
15 violation of subsection (2), may order restitution, including
16 restitution to the person whose identity was assumed and who
17 suffered an economic loss or legal disability as a result of
18 that assumption of identity.

19 (4) This section does not affect the prosecution of
20 any person for violation of section 817.02, Florida Statutes,
21 section 817.03, Florida Statutes, section 817.54, Florida
22 Statutes, or any other law of this state.

23 Section 2. This act shall take effect October 1, 1999.

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26 SENATE SUMMARY

27 Provides that the assumption of the identity of another person
28 with intent to commit a fraudulent act is a crime. Provides
for penalties and restitution.

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