

By Representative Edwards

1                                   A bill to be entitled  
2           An act relating to the unlawful assumption of  
3           identity; making it a crime to assume the  
4           identity of another person with intent to act  
5           fraudulently; providing penalties; providing  
6           for restitution; providing an effective date.

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

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10           Section 1. Unlawful assumption of identity.--

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

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

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

28           (a) A misdemeanor of the first degree, punishable as  
29 provided in section 775.082, Florida Statutes, or section  
30 775.083, Florida Statutes, if, as a result of the violation,  
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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  
29 for penalties and restitution.