

HB 0743

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A bill to be entitled

An act relating to consumer credit reports; providing definitions; authorizing consumers to place security alerts on credit reports; providing requirements and procedures; providing duties of consumer credit reporting agencies; authorizing consumers to place security freezes on credit reports; providing criteria, requirements, and procedures; providing duties of consumer credit reporting agencies; providing exceptions; authorizing consumer credit reporting agencies to charge a reasonable fee; providing an effective date.

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

Section 1. (1) DEFINITIONS.--For purposes of this section, the term:

(a) "Consumer credit reporting agency" means a credit reporting agency regulated under 15 U.S.C. ss. 1681 et seq.

(b) "Security alert" means a notice placed in a consumer's credit report, at the request of the consumer, that notifies a recipient of the credit report that the consumer's identity may have been used without the consumer's consent to fraudulently obtain goods or services in the consumer's name.

(c) "Security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer credit reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer.

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30 (2) SECURITY ALERT PLACEMENT BY CONSUMER; ACCEPTANCE OF
 31 SECURITY ALERT BY CONSUMER CREDIT REPORTING AGENCY; TIME IN
 32 EFFECT.--

33 (a) A consumer may elect to place a security alert in his
 34 or her credit report by making a request in writing or by
 35 telephone to a consumer credit reporting agency.

36 (b) A consumer credit reporting agency shall notify each
 37 person requesting consumer credit information with respect to a
 38 consumer of the existence of a security alert in the credit
 39 report of that consumer, regardless of whether a full credit
 40 report, credit score, or summary report is requested.

41 (c) Each consumer credit reporting agency in this state
 42 shall maintain a toll-free telephone number to accept security
 43 alert requests from consumers 24 hours a day, 7 days a week.

44 (d) A consumer credit reporting agency shall place a
 45 security alert on a consumer's credit report no later than 5
 46 business days after receiving a request from the consumer.

47 (e) The security alert shall remain in place for at least
 48 90 days, and a consumer shall have the right to request a
 49 renewal of the security alert.

50 (3) SECURITY FREEZE BY CONSUMER CREDIT REPORTING AGENCY;
 51 TIME IN EFFECT; REASONABLE FEE; AGENCY DUTIES.--

52 (a)1. A consumer may elect to place a security freeze on
 53 his or her credit report by making a request in writing by
 54 certified mail to a consumer credit reporting agency. If a
 55 security freeze is in place, information from a consumer's
 56 credit report may not be released to a third party without prior
 57 express authorization from the consumer. This subparagraph does
 58 not prevent a consumer credit reporting agency from advising a

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59 third party that a security freeze is in effect with respect to
 60 the consumer's credit report.

61 2. A consumer credit reporting agency shall place a
 62 security freeze on a consumer's credit report no later than 5
 63 business days after receiving a written request from the
 64 consumer.

65 3. The consumer credit reporting agency shall send a
 66 written confirmation of the security freeze to the consumer
 67 within 10 business days and shall provide the consumer with a
 68 unique personal identification number or password to be used by
 69 the consumer when providing authorization for the release of his
 70 or her credit report for a specific party or period of time.

71 4. If the consumer wishes to allow his or her credit
 72 report to be accessed for a specific party or period of time
 73 while a freeze is in place, the consumer shall contact the
 74 consumer credit reporting agency, request that the freeze be
 75 temporarily lifted, and provide the following:

76 a. Proper identification sufficient to identify the
 77 consumer.

78 b. The unique personal identification number or password
 79 provided by the consumer credit reporting agency pursuant to
 80 subparagraph 3.

81 c. Proper identification regarding the third party who is
 82 to receive the credit report or the time period for which the
 83 report shall be available to users of the credit report.

84 5. A consumer credit reporting agency that receives a
 85 request from a consumer to temporarily lift a freeze on a credit
 86 report pursuant to subparagraph 4. shall comply with the request
 87 no later than 3 business days after receiving the request.

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88 6. A consumer credit reporting agency may develop
 89 procedures involving the use of telephone, fax, the Internet, or
 90 other electronic media to receive and process a request from a
 91 consumer to temporarily lift a freeze on a credit report
 92 pursuant to subparagraph 4. in an expedited manner.

93 7. A consumer credit reporting agency shall remove or
 94 temporarily lift a freeze placed on a consumer's credit report
 95 only:

96 a. Upon a consumer's request, pursuant to subparagraph 4.
 97 or subparagraph 10.; or

98 b. If the consumer's credit report was frozen due to a
 99 material misrepresentation of fact by the consumer.

100
 101 If a consumer credit reporting agency intends to remove a freeze
 102 upon a consumer's credit report pursuant to this subparagraph,
 103 the consumer credit reporting agency shall notify the consumer
 104 in writing prior to removing the freeze on the consumer's credit
 105 report.

106 8. If a third party requests access to a consumer credit
 107 report on which a security freeze is in effect, and this request
 108 is in connection with an application for credit or any other
 109 use, and the consumer does not allow his or her credit report to
 110 be accessed for that specific party or period of time, the third
 111 party may treat the application as incomplete.

112 9. If a consumer requests a security freeze, the consumer
 113 credit reporting agency shall disclose the process of placing
 114 and temporarily lifting a freeze and the process for allowing
 115 access to information from the consumer's credit report for a
 116 specific party or period of time while the freeze is in place.

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117 10. A security freeze shall remain in place until the
118 consumer requests that the security freeze be removed. A
119 consumer credit reporting agency shall remove a security freeze
120 within 3 business days after receiving a request for removal
121 from the consumer, who provides:

122 a. Proper identification sufficient to identify the
123 consumer.

124 b. The unique personal identification number or password
125 provided by the consumer credit reporting agency pursuant to
126 subparagraph 3.

127 11. A consumer credit reporting agency shall require
128 proper identification sufficient to identify a person who makes
129 a request to place or remove a security freeze.

130 12. The provisions of this paragraph do not apply to the
131 use of a consumer credit report by:

132 a. A person or entity, or a subsidiary, affiliate, or
133 agent of that person or entity, or an assignee of a financial
134 obligation owing by the consumer to that person or entity, or a
135 prospective assignee of a financial obligation owing by the
136 consumer to that person or entity in conjunction with the
137 proposed purchase of the financial obligation, with which the
138 consumer has or had prior to assignment an account or contract,
139 including a demand deposit account, or to whom the consumer
140 issued a negotiable instrument, for the purposes of reviewing
141 the account or collecting the financial obligation owing for the
142 account, contract, or negotiable instrument. For purposes of
143 this sub-subparagraph, the term "reviewing the account" includes
144 activities related to account maintenance, monitoring, credit
145 line increases, and account upgrades and enhancements.

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146 b. A subsidiary, affiliate, agent, assignee, or
147 prospective assignee of a person to whom access has been granted
148 under subparagraph 4. for purposes of facilitating the extension
149 of credit or other permissible use.

150 c. Any state or local agency, law enforcement agency,
151 trial court, or private collection agency acting pursuant to a
152 court order, warrant, or subpoena.

153 d. A child support agency acting pursuant to chapter 61,
154 Florida Statutes, or Title IV-D of the Social Security Act, 42
155 U.S.C. ss 651 et seq.

156 e. The Department of Health or the Department of Children
157 and Family Services or its agents or assigns acting to
158 investigate fraud.

159 f. The Department of Revenue or its agents or assigns
160 acting to investigate or collect delinquent taxes or unpaid
161 court orders or to fulfill any of its other statutory
162 responsibilities.

163 g. The use of credit information for the purposes of
164 prescreening as provided for by the federal Fair Credit
165 Reporting Act.

166 h. Any person or entity administering a credit file
167 monitoring subscription service to which the consumer has
168 subscribed.

169 i. Any person or entity for the purpose of providing a
170 consumer with a copy of the consumer's credit report upon the
171 consumer's request.

172 13. This paragraph does not prevent a consumer credit
173 reporting agency from charging a reasonable fee to a consumer
174 who elects to freeze, remove the freeze, or temporarily lift the

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175 freeze regarding access to a consumer credit report, except that
 176 a consumer credit reporting agency may not charge a fee to a
 177 victim of identity theft who has submitted a valid police report
 178 or valid Department of Highway Safety and Motor Vehicles
 179 investigative report that alleges a violation of this paragraph.

180 (b)1. If a security freeze is in place, a consumer credit
 181 reporting agency shall not change the consumer's name, date of
 182 birth, social security number, or address in a consumer credit
 183 report without sending a written confirmation of the change to
 184 the consumer within 30 days after the change is posted to the
 185 consumer's file. Written confirmation is not required for
 186 technical modifications of a consumer's official information,
 187 including, but not limited to, name and street abbreviations,
 188 complete spellings, or transposition of numbers or letters. In
 189 the case of an address change, the written confirmation shall be
 190 sent to the consumer's new address and the consumer's former
 191 address.

192 2. If a consumer has placed a security alert on his or her
 193 credit report, a consumer credit reporting agency shall provide
 194 the consumer, upon request, with a free copy of his or her
 195 credit report at the time the 90-day security alert period
 196 expires.

197 Section 2. This act shall take effect upon becoming a law.