

Bill No. CS for SB 978

Barcode 173482

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Aronberg)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 817.568, Florida Statutes, is  
amended to read:

817.568 Criminal use of personal identification  
information.--

(1) As used in this section, the term:

(a) "Access device" means any card, plate, code,  
account number, electronic serial number, mobile  
identification number, personal identification number, or  
other telecommunications service, equipment, or instrument  
identifier, or other means of account access that can be used,  
alone or in conjunction with another access device, to obtain  
money, goods, services, or any other thing of value, or that  
can be used to initiate a transfer of funds, other than a  
transfer originated solely by paper instrument.

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1 (b) "Authorization" means empowerment, permission, or  
2 competence to act.

3 (c) "Harass" means to engage in conduct directed at a  
4 specific person that is intended to cause substantial  
5 emotional distress to such person and serves no legitimate  
6 purpose. "Harass" does not mean to use personal identification  
7 information for accepted commercial purposes. The term does  
8 not include constitutionally protected conduct such as  
9 organized protests or the use of personal identification  
10 information for accepted commercial purposes.

11 (d) "Individual" means a single human being and does  
12 not mean a firm, association of individuals, corporation,  
13 partnership, joint venture, sole proprietorship, or any other  
14 entity.

15 (e) "Person" means a "person" as defined in s.  
16 1.01(3).

17 (f) "Personal identification information" means any  
18 name or number that may be used, alone or in conjunction with  
19 any other information, to identify a specific individual,  
20 including any:

- 21 1. Name, postal or electronic mail address, telephone
- 22 number, social security number, date of birth, mother's maiden
- 23 name, official state-issued or United States-issued driver's
- 24 license or identification number, alien registration number,
- 25 government passport number, employer or taxpayer
- 26 identification number, Medicaid or food stamp account number,
- 27 or bank account number, or credit or debit card number, or
- 28 personal identification number or code assigned to the holder
- 29 of a debit card by the issuer to permit authorized electronic
- 30 use of such card;

31 2. Unique biometric data, such as fingerprint, voice

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1 print, retina or iris image, or other unique physical  
2 representation;

3           3. Unique electronic identification number, address,  
4 or routing code; ~~or~~

5           4. Medical records;

6           ~~5.4.~~ Telecommunication identifying information or  
7 access device; ~~or~~

8           6. Other number or information that can be used to  
9 access a person's financial resources.

10           (g) "Counterfeit or fictitious personal identification  
11 information" means any counterfeit, fictitious, or fabricated  
12 information in the similitude of the data outlined in  
13 paragraph (f) which, although not truthful or accurate, would  
14 in context lead a reasonably prudent person to credit its  
15 truthfulness and accuracy.

16           (2)(a) Any person who willfully and without  
17 authorization fraudulently uses, or possesses with intent to  
18 fraudulently use, personal identification information  
19 concerning an individual without first obtaining that  
20 individual's consent, commits the offense of fraudulent use of  
21 personal identification information, which is a felony of the  
22 third degree, punishable as provided in s. 775.082, s.  
23 775.083, or s. 775.084.

24           (b) Any person who willfully and without authorization  
25 fraudulently uses personal identification information  
26 concerning an individual without first obtaining that  
27 individual's consent commits a felony of the second degree,  
28 punishable as provided in s. 775.082, s. 775.083, or s.  
29 775.084, if the pecuniary benefit, the value of the services  
30 received, the payment sought to be avoided, or the amount of  
31 the injury or fraud perpetrated is \$5,000 or more or if the

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1 person fraudulently uses the personal identification  
 2 information of 10 or more individuals, but fewer than 20  
 3 individuals, without their consent. Notwithstanding any other  
 4 provision of law, the court shall sentence any person  
 5 convicted of committing the offense described in this  
 6 paragraph to a mandatory minimum sentence of 3 years'  
 7 imprisonment.

8 (c) Any person who willfully and without authorization  
 9 fraudulently uses personal identification information  
 10 concerning an individual without first obtaining that  
 11 individual's consent commits a felony of the first degree,  
 12 punishable as provided in s. 775.082, s. 775.083, or s.  
 13 775.084, if the pecuniary benefit, the value of the services  
 14 received, the payment sought to be avoided, or the amount of  
 15 the injury or fraud perpetrated is \$50,000 or more or if the  
 16 person fraudulently uses the personal identification  
 17 information of 20 or more individuals, but fewer than 30  
 18 individuals, without their consent. Notwithstanding any other  
 19 provision of law, the court shall sentence any person  
 20 convicted of committing the offense described in this  
 21 paragraph+

22 ~~1.~~ to a mandatory minimum sentence of 5 years'  
 23 imprisonment. If the pecuniary benefit, the value of the  
 24 services received, the payment sought to be avoided, or the  
 25 amount of the injury or fraud perpetrated is \$100,000 or more,  
 26 or if the person fraudulently uses the personal identification  
 27 information of 30 or more individuals without their consent,  
 28 notwithstanding any other provision of law, the court shall  
 29 sentence any person convicted of committing the offense  
 30 described in this paragraph

31 ~~2.~~ to a mandatory minimum sentence of 10 years'

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1 ~~imprisonment, if the pecuniary benefit, the value of the~~  
 2 ~~services received, the payment sought to be avoided, or the~~  
 3 ~~amount of the injury or fraud perpetrated is \$100,000 or more~~  
 4 ~~or if the person fraudulently uses the personal identification~~  
 5 ~~information of 30 or more individuals without their consent.~~

6 (3) Neither paragraph (2)(b) nor paragraph (2)(c)  
 7 prevents a court from imposing a greater sentence of  
 8 incarceration as authorized by law. If the minimum mandatory  
 9 terms of imprisonment imposed under paragraph (2)(b) or  
 10 paragraph (2)(c) exceed the maximum sentences authorized under  
 11 s. 775.082, s. 775.084, or the Criminal Punishment Code under  
 12 chapter 921, the mandatory minimum sentence must be imposed.  
 13 If the mandatory minimum terms of imprisonment under paragraph  
 14 (2)(b) or paragraph (2)(c) are less than the sentence that  
 15 could be imposed under s. 775.082, s. 775.084, or the Criminal  
 16 Punishment Code under chapter 921, the sentence imposed by the  
 17 court must include the mandatory minimum term of imprisonment  
 18 as required by paragraph (2)(b) or paragraph (2)(c).

19 (4) Any person who willfully and without authorization  
 20 possesses, uses, or attempts to use personal identification  
 21 information concerning an individual without first obtaining  
 22 that individual's consent, and who does so for the purpose of  
 23 harassing that individual, commits the offense of harassment  
 24 by use of personal identification information, which is a  
 25 misdemeanor of the first degree, punishable as provided in s.  
 26 775.082 or s. 775.083.

27 (5) If an offense prohibited under this section was  
 28 facilitated or furthered by the use of a public record, as  
 29 defined in s. 119.011, the offense is reclassified to the next  
 30 higher degree as follows:

31 (a) A misdemeanor of the first degree is reclassified

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1 as a felony of the third degree.

2 (b) A felony of the third degree is reclassified as a  
3 felony of the second degree.

4 (c) A felony of the second degree is reclassified as a  
5 felony of the first degree.

6  
7 For purposes of sentencing under chapter 921 and incentive  
8 gain-time eligibility under chapter 944, a felony offense that  
9 is reclassified under this subsection is ranked one level  
10 above the ranking under s. 921.0022 of the felony offense  
11 committed, and a misdemeanor offense that is reclassified  
12 under this subsection is ranked in level 2 of the offense  
13 severity ranking chart in s. 921.0022.

14 (6) Any person who willfully and without authorization  
15 fraudulently uses personal identification information  
16 concerning an individual who is less than 18 years of age  
17 without first obtaining the consent of that individual or of  
18 his or her legal guardian commits a felony of the second  
19 degree, punishable as provided in s. 775.082, s. 775.083, or  
20 s. 775.084.

21 (7) Any person who is in the relationship of parent or  
22 legal guardian, or who otherwise exercises custodial authority  
23 over an individual who is less than 18 years of age, who  
24 willfully and fraudulently uses personal identification  
25 information of that individual commits a felony of the second  
26 degree, punishable as provided in s. 775.082, s. 775.083, or  
27 s. 775.084.

28 (8)(a) Any person who willfully and fraudulently uses,  
29 or possesses with intent to fraudulently use, personal  
30 identification information concerning a deceased individual  
31 commits the offense of fraudulent use or possession with

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1 intent to use personal identification information of a  
2 deceased individual, a felony of the third degree, punishable  
3 as provided in s. 775.082, s. 775.083, or s. 775.084.

4 (b) Any person who willfully and fraudulently uses  
5 personal identification information concerning a deceased  
6 individual commits a felony of the second degree, punishable  
7 as provided in s. 775.082, s. 775.083, or s. 775.084, if the  
8 pecuniary benefit, the value of the services received, the  
9 payment sought to be avoided, or the amount of injury or fraud  
10 perpetrated is \$5,000 or more, or if the person fraudulently  
11 uses the personal identification information of 10 or more but  
12 fewer than 20 deceased individuals. Notwithstanding any other  
13 provision of law, the court shall sentence any person  
14 convicted of committing the offense described in this  
15 paragraph to a mandatory minimum sentence of 3 years'  
16 imprisonment.

17 (c) Any person who willfully and fraudulently uses  
18 personal identification information concerning a deceased  
19 individual commits the offense of aggravated fraudulent use of  
20 the personal identification information of multiple deceased  
21 individuals, a felony of the first degree, punishable as  
22 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
23 pecuniary benefit, the value of the services received, the  
24 payment sought to be avoided, or the amount of injury or fraud  
25 perpetrated is \$50,000 or more, or if the person fraudulently  
26 uses the personal identification information of 20 or more but  
27 fewer than 30 deceased individuals. Notwithstanding any other  
28 provision of law, the court shall sentence any person  
29 convicted of the offense described in this paragraph to a  
30 minimum mandatory sentence of 5 years' imprisonment. If the  
31 pecuniary benefit, the value of the services received, the

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1 payment sought to be avoided, or the amount of the injury or  
 2 fraud perpetrated is \$100,000 or more, or if the person  
 3 fraudulently uses the personal identification information of  
 4 30 or more deceased individuals, notwithstanding any other  
 5 provision of law, the court shall sentence any person  
 6 convicted of an offense described in this paragraph to a  
 7 mandatory minimum sentence of 10 years' imprisonment.

8       (9) Any person who willfully and fraudulently creates  
 9 or uses, or possesses with intent to fraudulently use,  
 10 counterfeit or fictitious personal identification information  
 11 concerning a fictitious individual, or concerning a real  
 12 individual without first obtaining that real individual's  
 13 consent, with intent to use such counterfeit or fictitious  
 14 personal identification information for the purpose of  
 15 committing or facilitating the commission of a fraud on  
 16 another person, commits the offense of fraudulent creation or  
 17 use, or possession with intent to fraudulently use,  
 18 counterfeit or fictitious personal identification information,  
 19 a felony of the third degree, punishable as provided in s.  
 20 775.082, s. 775.083, or s. 775.084.

21       (10) Any person who commits an offense described in  
 22 this section and for the purpose of obtaining or using  
 23 personal identification information misrepresents himself or  
 24 herself to be a law enforcement officer; an employee or  
 25 representative of a bank, credit card company, credit  
 26 counseling company, or credit reporting agency; or any person  
 27 who wrongfully represents that he or she is seeking to assist  
 28 the victim with a problem with the victim's credit history  
 29 shall have the offense reclassified as follows:

30       (a) In the case of a misdemeanor, the offense is  
 31 reclassified as a felony of the third degree.



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1       (b) In the case of a felony of the third degree, the  
2 offense is reclassified as a felony of the second degree.

3       (c) In the case of a felony of the second degree, the  
4 offense is reclassified as a felony of the first degree.

5       (d) In the case of a felony of the first degree or a  
6 felony of the first degree punishable by a term of  
7 imprisonment not exceeding life, the offense is reclassified  
8 as a life felony.

9  
10 For purposes of sentencing under chapter 921, a felony offense  
11 that is reclassified under this subsection is ranked one level  
12 above the ranking under s. 921.0022 or s. 921.0023 of the  
13 felony offense committed, and a misdemeanor offense that is  
14 reclassified under this subsection is ranked in level 2 of the  
15 offense severity ranking chart.

16       (11) The prosecutor may move the sentencing court to  
17 reduce or suspend the sentence of any person who is convicted  
18 of a violation of this section and who provides substantial  
19 assistance in the identification, arrest, or conviction of any  
20 of that person's accomplices, accessories, coconspirators, or  
21 principals or of any other person engaged in fraudulent  
22 possession or use of personal identification information. The  
23 arresting agency shall be given an opportunity to be heard in  
24 aggravation or mitigation in reference to any such motion.  
25 Upon good cause shown, the motion may be filed and heard in  
26 camera. The judge hearing the motion may reduce or suspend the  
27 sentence if the judge finds that the defendant rendered such  
28 substantial assistance.

29       (12)(8) This section does not prohibit any lawfully  
30 authorized investigative, protective, or intelligence activity  
31 of a law enforcement agency of this state or any of its

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1 political subdivisions, of any other state or its political  
2 subdivisions, or of the Federal Government or its political  
3 subdivisions.

4 ~~(13)~~~~(9)~~(a) In sentencing a defendant convicted of an  
5 offense under this section, the court may order that the  
6 defendant make restitution under ~~pursuant to~~ s. 775.089 to any  
7 victim of the offense. In addition to the victim's  
8 out-of-pocket costs, ~~such~~ restitution may include payment of  
9 any other costs, including attorney's fees incurred by the  
10 victim in clearing the victim's credit history or credit  
11 rating, or any costs incurred in connection with any civil or  
12 administrative proceeding to satisfy any debt, lien, or other  
13 obligation of the victim arising as the result of the actions  
14 of the defendant.

15 (b) The sentencing court may issue such orders as are  
16 necessary to correct any public record that contains false  
17 information given in violation of this section.

18 ~~(14)~~~~(10)~~ Prosecutions for violations of this section  
19 may be brought on behalf of the state by any state attorney or  
20 by the statewide prosecutor.

21 ~~(15)~~~~(11)~~ The Legislature finds that, in the absence of  
22 evidence to the contrary, the location where a victim gives or  
23 fails to give consent to the use of personal identification  
24 information is the county where the victim generally resides.

25 ~~(16)~~~~(12)~~ Notwithstanding any other provision of law,  
26 venue for the prosecution and trial of violations of this  
27 section may be commenced and maintained in any county in which  
28 an element of the offense occurred, including the county where  
29 the victim generally resides.

30 ~~(17)~~~~(13)~~ A prosecution of an offense prohibited under  
31 subsection (2), subsection (6), or subsection (7) must be

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1 commenced within 3 years after the offense occurred. However,  
2 a prosecution may be commenced within 1 year after discovery  
3 of the offense by an aggrieved party, or by a person who has a  
4 legal duty to represent the aggrieved party and who is not a  
5 party to the offense, if such prosecution is commenced within  
6 5 years after the violation occurred.

7 Section 2. Section 817.5681, Florida Statutes, is  
8 created to read:

9 817.5681 Breach of security concerning confidential  
10 personal information in third-party possession; administrative  
11 penalties.--

12 (1)(a) Any person who conducts business in this state  
13 and maintains computerized data in a system that includes  
14 personal information shall provide notice of any breach of the  
15 security of the system, following a determination of the  
16 breach, to any resident of this state whose unencrypted  
17 personal information was, or is reasonably believed to have  
18 been, acquired by an unauthorized person. The notification  
19 shall be made without unreasonable delay, consistent with the  
20 legitimate needs of law enforcement, as provided in subsection  
21 (3) and paragraph (10)(a), or subject to any measures  
22 necessary to determine the presence, nature, and scope of the  
23 breach and restore the reasonable integrity of the system.  
24 Notification must be made no later than 45 days following the  
25 determination of the breach unless otherwise provided in this  
26 section.

27 (b) Any person required to make notification under  
28 paragraph (a) who fails to do so within 45 days following the  
29 determination of a breach or receipt of notice from law  
30 enforcement as provided in subsection (3) is liable for an  
31 administrative fine not to exceed \$500,000, as follows:

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1           1. In the amount of \$1,000 for each day the breach  
 2 goes undisclosed for up to 30 days and, thereafter, \$50,000  
 3 for each 30-day period or portion thereof for up to 180 days.

4           2. If notification is not made within 180 days, any  
 5 person required to make notification under paragraph (a) who  
 6 fails to do so is subject to an administrative fine of up to  
 7 \$500,000.

8           (c) The administrative sanctions for failure to notify  
 9 provided in this subsection shall not apply in the case of  
 10 personal information in the custody of any governmental agency  
 11 or subdivision, unless that governmental agency or subdivision  
 12 has entered into a contract with a contractor or third-party  
 13 administrator to provide governmental services. In such case,  
 14 the contractor or third-party administrator shall be a person  
 15 to whom the administrative sanctions provided in this  
 16 subsection would apply, although such contractor or  
 17 third-party administrator found in violation of the  
 18 notification requirements provided in this subsection would  
 19 not have an action for contribution or set-off available  
 20 against the employing agency or subdivision.

21           (2)(a) Any person who maintains computerized data that  
 22 includes personal information on behalf of another business  
 23 entity shall disclose to the business entity for which the  
 24 information is maintained any breach of the security of the  
 25 system as soon as practicable, but no later than 10 days  
 26 following the determination, if the personal information was,  
 27 or is reasonably believed to have been, acquired by an  
 28 unauthorized person. The person who maintains the data on  
 29 behalf of another business entity and the business entity on  
 30 whose behalf the data is maintained may agree who will provide  
 31 the notice, if any is required, as provided in paragraph

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1 (1)(a), provided only a single notice for each breach of the  
 2 security of the system shall be required. If agreement  
 3 regarding notification cannot be reached, the person who has  
 4 the direct business relationship with the resident of this  
 5 state shall be subject to the provisions of paragraph (1)(a).

6 (b) Any person required to disclose to a business  
 7 entity under paragraph (a) who fails to do so within 10 days  
 8 after the determination of a breach or receipt of notification  
 9 from law enforcement as provided in subsection (3) is liable  
 10 for an administrative fine not to exceed \$500,000, as follows:

11 1. In the amount of \$1,000 for each day the breach  
 12 goes undisclosed for up to 30 days and, thereafter, \$50,000  
 13 for each 30-day period or portion thereof for up to 180 days.

14 2. If disclosure is not made within 180 days, any  
 15 person required to make disclosures under paragraph (a) who  
 16 fails to do so is subject to an administrative fine of up to  
 17 \$500,000.

18 (c) The administrative sanctions for nondisclosure  
 19 provided in this subsection shall not apply in the case of  
 20 personal information in the custody of any governmental agency  
 21 or subdivision unless that governmental agency or subdivision  
 22 has entered into a contract with a contractor or third-party  
 23 administrator to provide governmental services. In such case,  
 24 the contractor or third-party administrator shall be a person  
 25 to whom the administrative sanctions provided in this  
 26 subsection would apply, although such contractor or  
 27 third-party administrator found in violation of the  
 28 nondisclosure restrictions in this subsection would not have  
 29 an action for contribution or set-off available against the  
 30 employing agency or subdivision.

31 (3) The notification required by this section may be

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1 delayed upon a request by law enforcement if a law enforcement  
2 agency determines that the notification will impede a criminal  
3 investigation. The notification time period required by this  
4 section shall commence after the person receives notice from  
5 the law enforcement agency that the notification will not  
6 compromise the investigation.

7 (4) For purposes of this section, the terms "breach"  
8 and "breach of the security of the system" mean unlawful and  
9 unauthorized acquisition of computerized data that materially  
10 compromises the security, confidentiality, or integrity of  
11 personal information maintained by the person. Good faith  
12 acquisition of personal information by an employee or agent of  
13 the person is not a breach or breach of the security of the  
14 system, provided the information is not used for a purpose  
15 unrelated to the business or subject to further unauthorized  
16 use.

17 (5) For purposes of this section, the term "personal  
18 information" means an individual's first name, first initial  
19 and last name, or any middle name and last name, in  
20 combination with any one or more of the following data  
21 elements when the data elements are not encrypted:

22 (a) Social security number.

23 (b) Driver's license number or Florida Identification  
24 Card number.

25 (c) Account number, credit card number, or debit card  
26 number, in combination with any required security code, access  
27 code, or password that would permit access to an individual's  
28 financial account.

29

30 For purposes of this section, the term "personal information"  
31 does not include publicly available information that is

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1 lawfully made available to the general public from federal,  
2 state, or local government records or widely distributed  
3 media.

4 (6) For purposes of this section, notice may be  
5 provided by one of the following methods:

6 (a) Written notice;

7 (b) Electronic notice, if the notice provided is  
8 consistent with the provisions regarding electronic records  
9 and signatures set forth in 15 U.S.C. s. 7001; or

10 (c) Substitute notice, if the person demonstrates that  
11 the cost of providing notice would exceed \$250,000, the  
12 affected class of subject persons to be notified exceeds  
13 500,000, or the person does not have sufficient contact  
14 information. Substitute notice shall consist of all of the  
15 following:

16 1. Electronic mail or e-mail notice when the person  
17 has an electronic mail or e-mail address for the subject  
18 persons.

19 2. Conspicuous posting of the notice on the web page  
20 of the person, if the person maintains a web page.

21 3. Notification to major statewide media.

22 (7) For purposes of this section, the term  
23 "unauthorized person" means any person who does not have  
24 permission from, or a password issued by, the person who  
25 stores the computerized data to acquire such data, but does  
26 not include any individual to whom the personal information  
27 pertains.

28 (8) For purposes of this section, the term "person"  
29 means a person as defined in s. 1.01(3). For purposes of this  
30 section, the State of Florida, as well as any of its agencies  
31 or political subdivisions, and any of the agencies of its

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1 political subdivisions, constitutes a person.

2 (9) Notwithstanding subsection (6), a person who  
3 maintains:

4 (a) The person's own notification procedures as part  
5 of an information security or privacy policy for the treatment  
6 of personal information, which procedures are otherwise  
7 consistent with the timing requirements of this part; or

8 (b) A notification procedure pursuant to the rules,  
9 regulations, procedures, or guidelines established by the  
10 person's primary or functional federal regulator,

11  
12 shall be deemed to be in compliance with the notification  
13 requirements of this section if the person notifies subject  
14 persons in accordance with the person's policies or the rules,  
15 regulations, procedures, or guidelines established by the  
16 primary or functional federal regulator in the event of a  
17 breach of security of the system.

18 (10)(a) Notwithstanding subsection (2), notification  
19 is not required if, after an appropriate investigation and  
20 after consultation with relevant federal, state, and local  
21 agencies responsible for law enforcement, the person  
22 reasonably determines that the breach has not and will not  
23 likely result in harm to the individuals whose personal  
24 information has been acquired and accessed. Such a  
25 determination must be documented in writing and the  
26 documentation must be maintained for 5 years.

27 (b) Any person required to document a failure to  
28 notify affected persons who fails to document the failure as  
29 required in this subsection or who, if documentation was  
30 created, fails to maintain the documentation for the full 5  
31 years as required in this subsection is liable for an



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1 administrative fine in the amount of up to \$50,000 for such  
2 failure.

3 (c) The administrative sanctions outlined in this  
4 subsection shall not apply in the case of personal information  
5 in the custody of any governmental agency or subdivision,  
6 unless that governmental agency or subdivision has entered  
7 into a contract with a contractor or third-party administrator  
8 to provide governmental services. In such case the contractor  
9 or third-party administrator shall be a person to whom the  
10 administrative sanctions outlined in this subsection would  
11 apply, although such contractor or third-party administrator  
12 found in violation of the documentation and maintenance of  
13 documentation requirements in this subsection would not have  
14 an action for contribution or set-off available against the  
15 employing agency or subdivision.

16 (11) The Department of Legal Affairs may institute  
17 proceedings to assess and collect the fines provided in this  
18 section.

19 Section 3. This act shall take effect July 1, 2005.

20  
21

22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

27 A bill to be entitled  
28 An act relating to unlawful use of personal  
29 identification information; amending s.  
30 817.568, F.S.; including other information  
31 within the definition of the term "personal

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1 identification information"; defining the term  
2 "counterfeit or fictitious personal  
3 identification information"; revising criminal  
4 penalties relating to the offense of  
5 fraudulently using, or possessing with intent  
6 to fraudulently use, personal identification  
7 information; providing minimum mandatory terms  
8 of imprisonment; creating the offenses of  
9 willfully and fraudulently using, or possessing  
10 with intent to fraudulently use, personal  
11 identification information concerning a  
12 deceased individual; providing criminal  
13 penalties; providing for minimum mandatory  
14 terms of imprisonment; creating the offense of  
15 willfully and fraudulently creating or using,  
16 or possessing with intent to fraudulently use,  
17 counterfeit or fictitious personal  
18 identification information; providing criminal  
19 penalties; providing for reclassification of  
20 offenses under certain circumstances; providing  
21 for reduction or suspension of sentences under  
22 certain circumstances; creating s. 817.5681,  
23 F.S.; requiring business persons maintaining  
24 computerized data that includes personal  
25 information to provide notice of breaches of  
26 system security under certain circumstances;  
27 providing requirements; providing for  
28 administrative fines; providing exceptions and  
29 limitations; authorizing delays of such  
30 disclosures under certain circumstances;  
31 providing definitions; providing for

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1 alternative notice methods; specifying  
2 conditions of compliance for persons  
3 maintaining certain alternative notification  
4 procedures; specifying conditions under which  
5 notification is not required; providing  
6 requirements for documentation and maintenance  
7 of documentation; providing an administrative  
8 fine for failing to document certain failures  
9 to comply; providing for application of  
10 administrative sanctions to certain persons  
11 under certain circumstances; authorizing the  
12 Department of Legal Affairs to institute  
13 proceedings to assess and collect fines;  
14 providing an effective date.

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