

Bill No. SB 978

Barcode 305118

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) 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). The term includes a subsidiary company of a business
17 entity doing business in this state which has contracts with
18 foreign countries and a contractor or subcontractor of the
19 business entity, but does not include an electric utility or a
20 public utility regulated under chapter 366 or the employees,
21 agents, or contractors of an electric utility or a public
22 utility.

23 (f) "Personal identification information" means any
24 name or number that may be used, alone or in conjunction with
25 any other information, to identify a specific individual,
26 including any:

- 27 1. Name, postal or electronic mail address, telephone
28 number, social security number, date of birth, mother's maiden
29 name, official state-issued or United States-issued driver's
30 license or identification number, alien registration number,
31 government passport number, employer or taxpayer

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1 identification number, Medicaid or food stamp account number,
 2 ~~or~~ bank account number, ~~or~~ credit or debit card number, or
 3 personal identification number or code assigned to the holder
 4 of a debit card by the issuer to permit authorized electronic
 5 use of such card;

6 2. Unique biometric data, such as fingerprint, voice
 7 print, retina or iris image, or other unique physical
 8 representation;

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

11 4. Medical records;

12 ~~5.4.~~ Telecommunication identifying information or
 13 access device; ~~or~~

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

16 (g) "Counterfeit or fictitious personal identification
 17 information" means any counterfeit, fictitious, or fabricated
 18 information in the similitude of the data outlined in
 19 paragraph (f) that, although not truthful or accurate, would
 20 in context lead a reasonably prudent person to credit its
 21 truthfulness and accuracy.

22 (2)(a) Any person who willfully and without
 23 authorization fraudulently uses, or possesses with intent to
 24 fraudulently use, personal identification information
 25 concerning an individual without first obtaining that
 26 individual's consent, commits the offense of fraudulent use of
 27 personal identification information, which is a felony of the
 28 third degree, punishable as provided in s. 775.082, s.
 29 775.083, or s. 775.084.

30 (b) Any person who willfully and without authorization
 31 fraudulently uses personal identification information

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1 concerning an individual without first obtaining that
 2 individual's consent commits a felony of the second degree,
 3 punishable as provided in s. 775.082, s. 775.083, or s.
 4 775.084, if the pecuniary benefit, the value of the services
 5 received, the payment sought to be avoided, or the amount of
 6 the injury or fraud perpetrated is \$5,000 or more or if the
 7 person fraudulently uses the personal identification
 8 information of 10 or more individuals, but fewer than 20
 9 individuals, without their consent. Notwithstanding any other
 10 provision of law, the court shall sentence any person
 11 convicted of committing the offense described in this
 12 paragraph to a mandatory minimum sentence of 3 years'
 13 imprisonment.

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

28 ~~to~~ to a mandatory minimum sentence of 5 years'
 29 imprisonment. If the pecuniary benefit, the value of the
 30 services received, the payment sought to be avoided, or the
 31 amount of the injury or fraud perpetrated is \$100,000 or more,

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1 or if the person fraudulently uses the personal identification
2 information of 30 or more individuals without their consent,
3 notwithstanding any other law, the court shall sentence any
4 person convicted of committing the offense described in this
5 paragraph

6 ~~2. to a mandatory minimum sentence of 10 years'~~
7 ~~imprisonment, if the pecuniary benefit, the value of the~~
8 ~~services received, the payment sought to be avoided, or the~~
9 ~~amount of the injury or fraud perpetrated is \$100,000 or more~~
10 ~~or if the person fraudulently uses the personal identification~~
11 ~~information of 30 or more individuals without their consent.~~

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

25 (4) A ~~Any~~ person who willfully and without
26 authorization possesses, uses, or attempts to use personal
27 identification information concerning an individual without
28 first obtaining that individual's consent, and who does so for
29 the purpose of harassing that individual, commits the offense
30 of harassment by use of personal identification information,
31 which is a misdemeanor of the first degree, punishable as

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1 provided in s. 775.082 or s. 775.083.

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

6 (a) A misdemeanor of the first degree is reclassified
7 as a felony of the third degree.

8 (b) A felony of the third degree is reclassified as a
9 felony of the second degree.

10 (c) A felony of the second degree is reclassified as a
11 felony of the first degree.

12

13 For purposes of sentencing under chapter 921 and incentive
14 gain-time eligibility under chapter 944, a felony offense that
15 is reclassified under this subsection is ranked one level
16 above the ranking under s. 921.0022 of the felony offense
17 committed, and a misdemeanor offense that is reclassified
18 under this subsection is ranked in level 2 of the offense
19 severity ranking chart in s. 921.0022.

20 (6) A ~~Any~~ person who willfully and without
21 authorization fraudulently uses personal identification
22 information concerning an individual who is less than 18 years
23 of age without first obtaining the consent of that individual
24 or of his or her legal guardian commits a felony of the second
25 degree, punishable as provided in s. 775.082, s. 775.083, or
26 s. 775.084.

27 (7) A ~~Any~~ person who is in the relationship of parent
28 or legal guardian, or who otherwise exercises custodial
29 authority over an individual who is less than 18 years of age,
30 who willfully and fraudulently uses personal identification
31 information of that individual commits a felony of the second

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1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (8)(a) A person who willfully and fraudulently uses,
4 or possesses with intent to fraudulently use, personal
5 identification information concerning a deceased individual
6 commits the offense of fraudulent use or possession with
7 intent to use personal identification information of a
8 deceased individual, a felony of the third degree, punishable
9 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

22 (c) A person who willfully and fraudulently uses
23 personal identification information concerning a deceased
24 individual commits the offense of aggravated fraudulent use of
25 the personal identification information of multiple deceased
26 individuals, a felony of the first degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084, if the
28 pecuniary benefit, the value of the services received, the
29 payment sought to be avoided, or the amount of injury or fraud
30 perpetrated is \$50,000 or more, or if the person fraudulently
31 uses the personal identification information of 20 or more but

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1 fewer than 30 deceased individuals. Notwithstanding any other
2 law, the court shall sentence a person convicted of the
3 offense described in this paragraph to a minimum mandatory
4 sentence of 5 years' imprisonment. If the pecuniary benefit,
5 the value of the services received, the payment sought to be
6 avoided, or the amount of the injury or fraud perpetrated is
7 \$100,000 or more, or if the person fraudulently uses the
8 personal identification information of 30 or more deceased
9 individuals, notwithstanding any other provision of law, the
10 court shall sentence a person convicted of an offense
11 described in this paragraph to a mandatory minimum sentence of
12 10 years' imprisonment.

13 (9) A person who willfully and fraudulently creates or
14 uses, or possesses with intent to fraudulently use,
15 counterfeit or fictitious personal identification information
16 concerning a fictitious individual, or concerning a real
17 individual without first obtaining that real individual's
18 consent, with intent to use the counterfeit or fictitious
19 personal identification information for the purpose of
20 committing or facilitating the commission of a fraud on
21 another person, commits the offense of fraudulent creation or
22 use, or possession with intent to fraudulently use,
23 counterfeit or fictitious personal identification information,
24 a felony of the third degree, punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084.

26 (10) A person who commits an offense described in this
27 section and for the purpose of obtaining or using personal
28 identification information misrepresents himself or herself to
29 be a law enforcement officer; an employee or representative of
30 a bank, credit card company, credit counseling company, or
31 credit reporting agency; or a person who wrongfully represents

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1 that he or she is seeking to assist the victim with a problem
2 with the victim's credit history shall have the offense
3 reclassified as follows:

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

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

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

10 (d) In the case of a felony of the first degree or a
11 felony of the first degree punishable by a term of
12 imprisonment not exceeding life, the offense is reclassified
13 as a life felony.

14
15 For purposes of sentencing under chapter 921, a felony offense
16 that is reclassified under this subsection is ranked one level
17 above the ranking under s. 921.0022 or s. 921.0023 of the
18 felony offense committed, and a misdemeanor offense that is
19 reclassified under this subsection is ranked in level 2 of the
20 offense severity ranking chart.

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

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1 sentence if the judge finds that the defendant rendered such
2 substantial assistance.

3 ~~(12)(8)~~ This section does not prohibit any lawfully
4 authorized investigative, protective, or intelligence activity
5 of a law enforcement agency of this state or any of its
6 political subdivisions, of any other state or its political
7 subdivisions, or of the Federal Government or its political
8 subdivisions.

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

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

23 ~~(14)(10)~~ Prosecutions for violations of this section
24 may be brought on behalf of the state by any state attorney or
25 by the statewide prosecutor.

26 ~~(15)(11)~~ The Legislature finds that, in the absence of
27 evidence to the contrary, the location where a victim gives or
28 fails to give consent to the use of personal identification
29 information is the county where the victim generally resides.

30 ~~(16)(12)~~ Notwithstanding any other provision of law,
31 venue for the prosecution and trial of violations of this

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1 section may be commenced and maintained in any county in which
2 an element of the offense occurred, including the county where
3 the victim generally resides.

4 ~~(17)(13)~~ A prosecution of an offense prohibited under
5 subsection (2), subsection (6), or subsection (7) must be
6 commenced within 3 years after the offense occurred. However,
7 a prosecution may be commenced within 1 year after discovery
8 of the offense by an aggrieved party, or by a person who has a
9 legal duty to represent the aggrieved party and who is not a
10 party to the offense, if such prosecution is commenced within
11 5 years after the violation occurred.

12 Section 2. Section 817.5681, Florida Statutes, is
13 created to read:

14 817.5681 Breach of security concerning confidential
15 personal information in third-party possession; penalties.--

16 (1)(a) A person who conducts business in this state
17 and maintains computerized data in a system that includes
18 personal information shall disclose any breach of the security
19 of the system, following discovery or notification of the
20 breach in the security of the data, to each resident of this
21 state whose unencrypted personal information was, or is
22 reasonably believed to have been, acquired by an unauthorized
23 person. The disclosure must be made most expeditiously and
24 without unreasonable delay, consistent with the legitimate
25 needs of law enforcement, as provided in subsection (3) and
26 paragraph (7)(a), or any measures necessary to determine the
27 scope of the breach and restore the reasonable integrity of
28 the data system. Disclosure of the breach may only be delayed
29 indefinitely following its discovery under subsection (3).
30 Otherwise, disclosure must be made no later than 30 days
31 following the discovery of the breach.

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1 (b) A person required to make disclosures under
2 paragraph (a) who fails to do so within the time periods
3 provided in this subsection is liable for an administrative
4 fine in the amount of \$1,000 for each day the breach goes
5 undisclosed for up to 30 days.

6 (c) Except as required for investigations under
7 subsection (3), a person required to make disclosures under
8 paragraph (a) who fails to do so is subject to an
9 administrative fine of up to \$50,000 for each 30-day period or
10 portion thereof up to 180 days unless acting under a court
11 order. If the disclosure is not made within 180 days, a person
12 required to make disclosures under paragraph (a) who fails to
13 do so is subject to an administrative fine of up to \$500,000.

14 (d) The disclosure required under this subsection must
15 be made by each person in the state in possession of
16 computerized data. However, the administrative sanctions for
17 nondisclosure provided in this subsection do not apply in the
18 case of computerized information in the custody of any
19 governmental agency or political subdivision, unless that
20 governmental agency or political subdivision has entered into
21 a contract with a contractor or third-party administrator to
22 provide governmental services. In this case, the contractor or
23 third-party administrator is a person to whom the
24 administrative sanctions provided in this subsection apply;
25 however, the contractor or third-party administrator found in
26 violation of the nondisclosure restrictions in this section
27 may not bring an action for contribution or set-off available
28 against the employing agency or subdivision.

29 (2)(a) A person who maintains computerized data that
30 includes personal information on behalf of another business
31 entity shall notify the business entity for which the

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1 information is maintained of any breach of the security of the
2 data within 72 hours after the discovery of the breach, if the
3 personal information was, or is reasonably believed to have
4 been, acquired by an unauthorized person.

5 (b) A person required to make disclosures under
6 paragraph (a) who fails to do so within the time periods
7 provided in this subsection is liable for an administrative
8 fine in the amount of \$1,000 for each day the breach goes
9 undisclosed for up to 30 days.

10 (c) Except as required for investigations under
11 subsection (3), any person required to make disclosures under
12 paragraph (a) who fails to do so is subject to an
13 administrative fine of up to \$50,000 for each 30-day period or
14 portion thereof up to 180 days unless acting under court
15 order. If the disclosure is not made within 180 days, a person
16 required to make disclosures under paragraph (a) who fails to
17 do so is subject to an administrative fine of up to \$500,000.

18 (d) The disclosure required under this subsection must
19 be made by each person in the state in possession of
20 computerized data. However, the administrative sanctions for
21 nondisclosure provided in this subsection do not apply in the
22 case of computerized information in the custody of any
23 governmental agency or political subdivision unless that
24 governmental agency or political subdivision has entered into
25 a contract with a contractor or third-party administrator to
26 provide governmental services. In such case, the contractor or
27 third-party administrator is a person to whom the
28 administrative sanctions provided in this subsection would
29 apply, provided the contractor or third-party administrator
30 found in violation of the nondisclosure restrictions in this
31 subsection may not bring an action for contribution or set-off

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1 available against the employing agency or subdivision.

2 (3) The notification required by this section may be
3 delayed if a law enforcement agency determines that the
4 notification will impede a criminal investigation. The
5 notification required by this section shall be made after the
6 law enforcement agency determines that the notification will
7 not compromise the investigation. The delay in notification
8 allowed under this subsection shall not exceed 90 days unless
9 ordered by a court of competent jurisdiction.

10 (4) For purposes of this section, the term:

11 (a) "Breach of the security of the system" means
12 unauthorized acquisition of computerized data that materially
13 compromises the security, confidentiality, or integrity of
14 personal information maintained by the person. Good faith
15 acquisition of personal information by an employee or agent of
16 a person for the purposes of the person is not a breach of the
17 security of the system, provided the information is not used
18 for a purpose unrelated to the business or subject to further
19 unauthorized disclosure.

20 (b) "Personal information" means an individual's first
21 name or first initial and last name in combination with any
22 one or more of the following data elements, when the data
23 elements are not encrypted:

24 1. Social security number.

25 2. Driver's license number or Florida identification
26 card number.

27 3. Account number or credit or debit card number, in
28 combination with any required security code, access code, or
29 password that would permit access to an individual's financial
30 account.

31 (c) "Unauthorized person" means a person who is not

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1 the person to whom the personal information belongs and who
2 does not have permission from or a password issued by the
3 person who stores the computerized data to acquire the data.

4 (5) 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 notice when the person has an
17 electronic mail address for the subject person.

18 2. Conspicuous posting of the notice on the person's
19 website, if the person maintains a website.

20 3. Notification to major statewide media.

21 (6) Notwithstanding subsection (5), a person who
22 maintains his or her own notification procedures as part of an
23 information security or privacy policy for the treatment of
24 personal information and which procedures are otherwise
25 consistent with the timing requirements of this part is deemed
26 to be in compliance with the notification requirements of this
27 section if the person notifies subject persons in accordance
28 with its procedures in the event of a breach of security of
29 the system.

30 (7)(a) Notwithstanding subsection (2), notification is
31 not required if, after an appropriate investigation and after

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1 consultation with relevant federal, state, and local agencies
2 responsible for law enforcement, the person reasonably
3 determines that the breach has not and will not likely result
4 in harm to the individuals whose personal information has been
5 acquired and accessed. Such a determination must be documented
6 in writing and the documentation must be maintained for 5
7 years.

8 (b) A person required to document a failure to notify
9 affected persons who fails to document the failure as required
10 in this subsection or who, if documentation was created, fails
11 to maintain the documentation for the full 5 years as required
12 in this subsection is liable for an administrative fine in the
13 amount of up to \$50,000 for such failure.

14 (c) The documentation and maintenance of documentation
15 required under this subsection must be made by each person in
16 the state in possession of computerized data. However, the
17 administrative sanctions outlined in this subsection do not
18 apply in the case of computerized information in the custody
19 of any governmental agency or political subdivision, unless
20 that governmental agency or political subdivision has entered
21 into a contract with a contractor or third-party administrator
22 to provide governmental services. In such case, the contractor
23 or third-party administrator is a person to whom the
24 administrative sanctions outlined in this subsection apply,
25 provided the contractor or third-party administrator found in
26 violation of the documentation and maintenance of
27 documentation requirements in this subsection may not bring an
28 action for contribution or set-off available against the
29 employing agency or subdivision.

30 (8)(a) An individual whose property or person is
31 injured by a violation of this section may:

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1 1. Institute a civil action to enjoin and restrain
2 future acts that constitute a violation of this section and to
3 recover for financial loss. Financial loss under this section
4 includes actual losses, lost wages, attorney's fees, and other
5 costs incurred by the individual in correcting his or her
6 credit history or credit rating or incurred in connection with
7 any criminal, civil, or administrative proceeding brought
8 against the individual resulting from a breach of security
9 incident.

10 2. Bring a civil action for damages in an amount of up
11 to \$5,000 for each breach of security, or three times the
12 amount of actual damages, whichever amount is greater. The
13 court, in an action brought under this subsection, may award
14 reasonable attorney's fees to the prevailing party.

15 (b) The venue for a civil action brought under this
16 subsection shall be the county in which the plaintiff resides
17 or any county in which any part of the alleged violation of
18 this section took place, regardless of whether the defendant
19 was ever actually present in that county. A civil action filed
20 under this subsection must be brought within 5 years after the
21 violation occurred.

22 (c) A civil action may be filed under this subsection
23 regardless of whether a criminal prosecution has been or will
24 be instituted for the acts that are the subject of the civil
25 action. The rights and remedies provided by this subsection
26 are in addition to any other rights and remedies provided by
27 law.

28 (9) A person who willfully and without authorization
29 violates this section commits a misdemeanor of the third
30 degree, punishable as provided in s. 775.082 or s. 775.083.

31 (10) The Department of Legal Affairs may institute

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1 proceedings to assess and collect the fines provided in this
2 section.

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

4
5

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled
12 An act relating to unlawful use of personal
13 identification information; amending s.
14 817.568, F.S.; redefining the terms "person"
15 and "personal identification information" and
16 defining the term "counterfeit or fictitious
17 personal identification information"; revising
18 criminal penalties relating to the offense of
19 fraudulently using, or possessing with intent
20 to fraudulently use, personal identification
21 information; providing minimum mandatory terms
22 of imprisonment; creating the offenses of
23 willfully and fraudulently using, or possessing
24 with intent to fraudulently use, personal
25 identification information concerning a
26 deceased individual; providing criminal
27 penalties; providing for minimum mandatory
28 terms of imprisonment; creating the offense of
29 willfully and fraudulently creating or using,
30 or possessing with intent to fraudulently use,
31 counterfeit or fictitious personal

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1 identification information; providing criminal
2 penalties; providing for reclassification of
3 offenses under certain circumstances; providing
4 for reduction or suspension of sentences under
5 certain circumstances; creating s. 817.5681,
6 F.S.; requiring business persons maintaining
7 computerized data that includes personal
8 information to disclose breaches of system
9 security under certain circumstances; providing
10 requirements; providing for administrative
11 fines; providing exceptions and limitations;
12 authorizing delays of such disclosures under
13 certain circumstances; providing definitions;
14 providing for alternative notice methods;
15 specifying conditions of compliance for persons
16 maintaining certain alternative notification
17 procedures; specifying conditions under which
18 notification is not required; providing
19 requirements for documentation and maintenance
20 of documentation; providing an administrative
21 fine for failing to document certain failures
22 to comply; providing for application of
23 administrative sanctions to certain persons
24 under certain circumstances; providing that an
25 individual whose property or person is injured
26 may institute a civil action for injunctive
27 relief, civil damages, and financial loss;
28 providing for attorney's fees; providing that a
29 civil action may be filed regardless of whether
30 a criminal prosecution has been or will be
31 instituted and that the rights and remedies are

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1 in addition to any other rights and remedies
2 provided by law; providing that a violation of
3 the breach of security provisions is a
4 misdemeanor of the third degree; providing
5 criminal penalties; authorizing the Department
6 of Legal Affairs to institute proceedings to
7 assess and collect fines; providing an
8 effective date.

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