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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2013	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Between lines 2526 and 2527
insert:

Section 36. Section 322.143, Florida Statutes, is created
to read:

322.143 Use of a driver license or identification card.-

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

(a) "Personal information" means an individual's name, address, date of birth, driver license number, or identification card number.

(b) "Private entity" means any nongovernmental entity, such



818276

13 as a corporation, partnership, company or nonprofit
14 organization, any other legal entity, or any natural person.

15 (c) "Swipe" means the act of passing a driver license or
16 identification card through a device that is capable of
17 deciphering, in an electronically readable format, the
18 information electronically encoded in a magnetic strip or bar
19 code on the driver license or identification card.

20 (2) Except as provided in subsection (6), a private entity
21 may not swipe an individual's driver license or identification
22 card, except for the following purposes:

23 (a) To verify the authenticity of a driver license or
24 identification card or to verify the identity of the individual
25 if the individual pays for a good or service with a method other
26 than cash, returns an item, or requests a refund.

27 (b) To verify the individual's age when providing an age-
28 restricted good or service to a person about whom there is any
29 reasonable doubt of the person's having reached 21 years of age.

30 (c) To prevent fraud or other criminal activity if an
31 individual returns an item or requests a refund and the private
32 entity uses a fraud prevention service company or system.

33 (d) To transmit information to a check services company for
34 the purpose of approving negotiable instruments, electronic
35 funds transfers, or similar methods of payment.

36 (3) A private entity that swipes an individual's driver
37 license or identification card under paragraph (2) (a) or
38 paragraph (2) (b) may not store, sell, or share personal
39 information collected from swiping the driver license or
40 identification card.

41 (4) A private entity that swipes an individual's driver



818276

42 license or identification card under paragraph (2) (c) or
43 paragraph (2) (d) may store or share personal information
44 collected from swiping an individual's driver license or
45 identification card for the purpose of preventing fraud or other
46 criminal activity against the private entity.

47 (5) (a) A person other than an entity regulated by the
48 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who
49 receives personal information from a private entity under
50 subsection (4) may use the personal information received only to
51 prevent fraud or other criminal activity against the private
52 entity that provided the personal information.

53 (b) A person who is regulated by the federal Fair Credit
54 Reporting Act and who receives personal information from a
55 private entity under subsection (4) may use or provide the
56 personal information received only to effect, administer, or
57 enforce a transaction or prevent fraud or other criminal
58 activity, if the person provides or receives personal
59 information under contract from the private entity.

60 (6) If the individual does not want the private entity to
61 swipe the individual's driver license or identification card,
62 the private entity may manually collect personal information
63 from the individual.

64 (7) The private entity may not withhold the provision of
65 goods or services solely as a result of the individual
66 requesting the collection of the data in subsection (6) from the
67 individual through manual means.

68 (8) In addition to any other remedy provided by law, an
69 individual may bring an action to recover actual damages and to
70 obtain equitable relief, if equitable relief is available,



818276

71 against an entity that swipes, stores, shares, sells, or
72 otherwise uses the individuals personal information in violation
73 of this section. If a court finds that a violation of this
74 section was willful or knowing, the court may increase the
75 amount of the award to no more than three times the amount
76 otherwise available.

77
78 ===== T I T L E A M E N D M E N T =====

79 And the title is amended as follows:

80 Delete line 205

81 and insert:

82 department for examination or reexamination; creating
83 s. 322.143, F.S.; defining terms; prohibiting a
84 private entity from swiping an individual's driver
85 license or identification card except for certain
86 specified purposes; providing that a private entity
87 that swipes an individual's driver license or
88 identification card may not store, sell, or share
89 personal information collected from swiping the driver
90 license or identification card; providing that a
91 private entity may store or share personal information
92 collected from swiping an individual's driver license
93 or identification card for the purpose of preventing
94 fraud or other criminal activity against the private
95 entity; providing that the private entity may manually
96 collect personal information; prohibiting a private
97 entity from withholding the provision of goods or
98 services solely as a result of the individual
99 requesting the collection of the data through manual



818276

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means; providing remedies; amending