

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

Committee/Subcommittee hearing bill: Insurance & Banking  
Subcommittee

Representative Fitzenhagen offered the following:

**Amendment (with title amendment)**

Remove lines 232-316 and insert:

(13) Any consumer reporting agency that willfully fails to  
comply with any requirement imposed under this section with  
respect to any representative or protected consumer is subject  
to an administrative fine in the amount of \$500 issued pursuant  
to the administrative procedures established in chapter 120 by  
the Department of Agriculture and Consumer Services.

(14) A person who is aggrieved by a violation of the  
provisions of this section may bring a civil action as  
authorized by this subsection.

(a) Any individual who obtains a record under false  
pretenses or knowingly without a permissible purpose is liable  
to the representative and protected consumer for actual damages  
of at least \$1000 or the actual damages sustained by the

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20 protected consumer as a result of the failure, whichever is  
21 greater.

22 (b) Any person who obtains a record from a consumer  
23 reporting agency under false pretenses or knowingly without a  
24 permissible purpose is liable to the consumer reporting agency  
25 for actual damages sustained by the consumer reporting agency or  
26 \$1,000, whichever is greater.

27 (15) Any written disclosure by a consumer reporting  
28 agency, pursuant to 15 U.S.C. s. 1681g, to any representative  
29 and protected consumer residing in this state shall include a  
30 written summary of all rights the representative and protected  
31 consumer have under this section, and, in the case of a consumer  
32 reporting agency which compiles and maintains records on a  
33 nationwide basis, a toll-free telephone number which the  
34 representative can use to communicate with the consumer  
35 reporting agency. The information set forth in paragraph (b) of  
36 the written summary of rights must be in at least 12-point  
37 boldface type. The written summary of rights required under this  
38 section is sufficient if it is substantially in the following  
39 form:

40 (a) If you are the custodial parent or legal guardian of a  
41 minor younger than 16 years of age or a guardian or advocate of  
42 an incapacitated, disabled, or protected person under chapter  
43 39, chapter 393, chapter 744, or chapter 914, Florida Statutes,  
44 you have a right to place a security freeze on the consumer  
45 report of the person you are legally authorized to care for. If  
46 no consumer report exists, you have a right to request a record  
47 to be created and a security freeze to be placed on the record.

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48 A record with a security freeze is intended to prevent the  
49 opening of credit accounts until the security freeze is  
50 removed..

51 (b) YOU SHOULD BE AWARE THAT USING A SECURITY FREEZE TO  
52 CONTROL ACCESS TO THE PERSONAL AND FINANCIAL INFORMATION IN THE  
53 CONSUMER RECORD MAY DELAY, INTERFERE WITH, OR PROHIBIT THE  
54 TIMELY APPROVAL OF ANY SUBSEQUENT REQUEST OR APPLICATION  
55 REGARDING A NEW LOAN, CREDIT, MORTGAGE, INSURANCE, GOVERNMENT  
56 SERVICES OR PAYMENTS, RENTAL HOUSING, EMPLOYMENT, INVESTMENT,  
57 LICENSE, CELLULAR PHONE, UTILITIES, DIGITAL SIGNATURE, INTERNET  
58 CREDIT CARD TRANSACTION, OR OTHER SERVICES, INCLUDING AN  
59 EXTENSION OF CREDIT AT POINT OF SALE.

60 (c) When you place a security freeze on the protected  
61 consumer's record you will be provided a process to use if you  
62 choose to remove the freeze on the record or authorize the  
63 release of the record. To provide that authorization, you must  
64 contact the consumer reporting agency and provide all of the  
65 following:

66 1. The personal identification required by the consumer  
67 reporting agency.

68 2. Sufficient proof of authority over the protected  
69 consumer.

70 3. Payment of a fee authorized by this section.

71 (d) A consumer reporting agency must authorize the release  
72 of; the record no later than 30 days after receiving the above  
73 information, or the consumer report no later than 3 business  
74 days after receiving the above information.

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75       (e) A security freeze does not apply to a person or entity,  
76 or its affiliates, or collection agencies acting on behalf of  
77 the person or entity with which the protected consumer has an  
78 existing account that requests information in the protected  
79 consumer's consumer report for the purposes of reviewing or  
80 collecting the account. Reviewing the account includes  
81 activities related to account maintenance, monitoring, credit  
82 line increases, and account upgrades and enhancements.

83       (f) You have the right to bring a civil action as  
84 authorized by s. 501.0051, Florida Statutes, which governs the  
85 security of protected consumer information.

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**T I T L E   A M E N D M E N T**

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Remove lines 26-30 and insert:

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penalties and civil remedies; providing written disclosure

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requirements for consumer reporting agencies pertaining to

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protected consumer security freezes; providing an effective

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date.

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