



370784

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1p/RE/2R	.	
05/02/2013 07:40 AM	.	
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Senator Gardiner moved the following:

1 **Senate Amendment to Amendment (218538) (with title**
2 **amendment)**

3
4 Delete lines 1647 - 1723
5 and insert:

6 Section 38. Section 322.143, Florida Statutes, is created
7 to read:

8 322.143 Use of a driver license or identification card.-

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

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

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



370784

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

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

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

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

28 (b) To verify the individual's age when providing an age-
29 restricted good or service.

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 (e) To comply with a legal requirement to record, retain,
37 or transmit the driver license information.

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



370784

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

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

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

62 (6) (a) An individual may consent to allow the private
63 entity to swipe the individual's driver license or
64 identification card to collect and store personal information.
65 However, the individual must be informed what information is
66 collected and the purpose or purposes for which it will be used.

67 (b) If the individual does not want the private entity to
68 swipe the individual's driver license or identification card,
69 the private entity may manually collect personal information
70 from the individual.

71 (7) The private entity may not withhold the provision of



370784

72 goods or services solely as a result of the individual
73 requesting the collection of the data in subsection (6) from the
74 individual through manual means.

75 (8) In addition to any other remedy provided by law, an
76 individual may bring an action to recover actual damages and to
77 obtain equitable relief, if equitable relief is available,
78 against an entity that swipes, stores, shares, sells, or
79 otherwise uses the individual's personal information in
80 violation of this section. If a court finds that a violation of
81 this section was willful or knowing, the court may increase the
82 amount of the award to no more than three times the amount
83 otherwise available.

84 (9) This section does not apply to a financial institution
85 as defined in s. 655.005(i).

86
87

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

89 And the title is amended as follows:

90 Delete line 4790

91 and insert:

92 means; providing remedies; exempting financial
93 institutions; amending s. 322.18, F.S.,;