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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/05/2013	.	
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The Committee on Commerce and Tourism (Detert) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Keeping I.D. Safe (KIDS) Act."

Section 2. Section 501.0051, Florida Statutes, is created  
to read:

501.0051 Protected consumer report security freeze.—

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



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11 (a) "Consumer report" has the same meaning as provided in  
12 15 U.S.C. s. 1681a(d).

13 (b) "Consumer reporting agency" has the same meaning as  
14 provided in 15 U.S.C. s. 1681a(f).

15 (c) "Protected consumer" means a person younger than 16  
16 years of age at the time a security freeze request is made or a  
17 person represented by a guardian or other advocate pursuant to  
18 chapter 39, chapter 393, chapter 744, or chapter 914.

19 (d) "Record" means a compilation of information that:

20 1. Identifies a protected consumer; and

21 2. Is created by a consumer reporting agency exclusively  
22 for the purpose of complying with this section.

23 (e) "Representative" means the custodial parent or legal  
24 guardian of a protected consumer, including a guardian appointed  
25 pursuant to s. 914.17.

26 (f) "Security freeze" means:

27 1. A notice placed on a protected consumer's consumer  
28 report which prohibits a consumer reporting agency from

29 releasing the consumer report, the credit score, or any  
30 information contained within the consumer report to a third

31 party without the express authorization of the representative;  
32 or

33 2. If a consumer reporting agency does not have a consumer  
34 report pertaining to the protected consumer, a notice placed on  
35 the protected consumer's record which prohibits the consumer  
36 reporting agency from releasing the protected consumer's record  
37 except as provided in this section.

38 (g) "Sufficient proof of authority" means documentation  
39 showing that a representative has authority to act on behalf of



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40 a protected consumer. The term includes, but is not limited to,  
41 a court order, a copy of a valid power of attorney, or a written  
42 notarized statement signed by a representative which expressly  
43 describes the authority of the representative to act on behalf  
44 of the protected consumer.

45 (h) "Sufficient proof of identification" means  
46 documentation identifying a protected consumer or a  
47 representative of a protected consumer. The term includes, but  
48 is not limited to, a copy of a social security card, a certified  
49 or official copy of a birth certificate, a copy of a valid  
50 driver license, or a copy of a government-issued photo  
51 identification.

52 (2) A representative may place a security freeze on a  
53 protected consumer's consumer report by:

54 (a) Submitting a request to a consumer reporting agency in  
55 the manner prescribed by that agency;

56 (b) Providing the agency with sufficient proof of authority  
57 and sufficient proof of identification of the representative;  
58 and

59 (c) Paying the agency a fee as authorized under this  
60 section.

61 (3) If a consumer reporting agency does not have a consumer  
62 report pertaining to a protected consumer when the consumer  
63 reporting agency receives a request for a security freeze under  
64 subsection (2), the consumer reporting agency shall create a  
65 record for the protected consumer and place a security freeze on  
66 the record. A record may not be created or used to consider the  
67 protected consumer's credit worthiness, credit standing, credit  
68 capacity, character, general reputation, personal



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69 characteristics, or eligibility for other financial services.

70 (4) A consumer reporting agency shall place a security  
71 freeze on a consumer report or record within 30 days after  
72 confirming the authenticity of a security freeze request made in  
73 accordance with this section.

74 (5) The consumer reporting agency shall send a written  
75 confirmation of the security freeze to the representative within  
76 10 business days after instituting the security freeze on the  
77 consumer report or record and shall provide the representative  
78 with instructions for removing the security freeze and a unique  
79 personal identifier to be used by the representative when  
80 providing authorization for removal of the security freeze.

81 (6) A consumer reporting agency may not state or imply to  
82 any person that a security freeze reflects a negative credit  
83 score, a negative credit history, or a negative credit rating.

84 (7) During any period that a security freeze is in effect,  
85 a consumer reporting agency shall provide a copy of a protected  
86 consumer's consumer report or record to the protected consumer  
87 or his or her representative upon request. A consumer reporting  
88 agency may charge the representative or protected consumer a fee  
89 for the copy, not to exceed the amount normally charged by such  
90 agency to provide a copy of a consumer report.

91 (a) A representative submitting a request for a copy of a  
92 protected consumer's consumer report or record must provide all  
93 of the following:

94 1. Sufficient proof of identification of the representative  
95 and sufficient proof of authority as determined by the consumer  
96 reporting agency.

97 2. The unique personal identifier provided by the consumer



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98 reporting agency pursuant to subsection (5).

99 3. A fee as authorized under this section.

100 (b) A protected consumer submitting a request for a copy of  
101 his or her consumer report or record must provide sufficient  
102 proof of identification of the protected consumer as determined  
103 by the consumer reporting agency and pay a fee as authorized  
104 under this section.

105 (8) A consumer reporting agency shall remove a security  
106 freeze from a protected consumer's consumer report or record  
107 only under either of the following circumstances:

108 (a) Upon the request of a representative or a protected  
109 consumer. A consumer reporting agency shall remove a security  
110 freeze within 30 days after receiving such a request for removal  
111 from a protected consumer or his or her representative.

112 1. A representative submitting a request for removal must  
113 provide all of the following:

114 a. Sufficient proof of identification of the representative  
115 and sufficient proof of authority as determined by the consumer  
116 reporting agency.

117 b. The unique personal identifier provided by the consumer  
118 reporting agency pursuant to subsection (5).

119 c. A fee as authorized under this section.

120 2. A protected consumer submitting a request for removal  
121 must provide all of the following:

122 a. Sufficient proof of identification of the protected  
123 consumer as determined by the consumer reporting agency.

124 b. Documentation that the sufficient proof of authority of  
125 the protected consumer's representative to act on behalf of the  
126 protected consumer is no longer valid.



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127 c. A fee as authorized under this section.

128 (b) If the security freeze was instituted due to a material  
129 misrepresentation of fact. If a consumer reporting agency  
130 intends to remove a security freeze under this paragraph, the  
131 consumer reporting agency must notify the representative and  
132 protected consumer in writing before removing the security  
133 freeze.

134 (9) This section does not apply to the use of a protected  
135 consumer's consumer report or record by the following persons or  
136 for the following reasons:

137 (a) A state agency acting within its lawful investigative  
138 or regulatory authority.

139 (b) A state or local law enforcement agency investigating a  
140 crime or conducting a criminal background check.

141 (c) A person administering a credit file monitoring  
142 subscription service to which the protected consumer or the  
143 representative, on behalf of the protected consumer, has  
144 subscribed.

145 (d) A person providing the protected consumer's consumer  
146 report or record to the protected consumer or the representative  
147 upon the request of the protected consumer or representative.

148 (e) Pursuant to a court order lawfully entered.

149 (f) An insurance company for use in setting or adjusting a  
150 rate, adjusting a claim, or underwriting for insurance purposes.

151 (g) A consumer reporting agency's database or file that  
152 consists entirely of information concerning, and used  
153 exclusively for, one or more of the following:

154 1. Criminal record information.

155 2. Personal loss history information.



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156       3. Fraud prevention or detection.

157       4. Tenant screening.

158       5. Employment screening.

159       6. Personal insurance policy information.

160       7. Noncredit information used for insurance purposes.

161       (h) A check services company issuing authorizations for the  
162 purpose of approving or processing negotiable instruments,  
163 electronic funds transfers, or similar methods of payment.

164       (i) A deposit account information service company issuing  
165 reports regarding account closures due to fraud, substantial  
166 overdrafts, automatic teller machine abuse, or similar negative  
167 information regarding a protected consumer to an inquiring  
168 financial institution, as defined in s. 655.005 or in federal  
169 law, for use only in reviewing a representative's request for a  
170 deposit account for the protected consumer at the inquiring  
171 financial institution.

172       (j) A consumer reporting agency that acts only as a  
173 reseller of credit information by assembling and merging  
174 information contained in the database of another consumer  
175 reporting agency or multiple consumer reporting agencies and  
176 that does not maintain a permanent database of credit  
177 information from which new consumer reports are produced.  
178 However, such consumer reporting agency shall honor any security  
179 freeze placed or removed by another consumer reporting agency.

180       (k) A fraud prevention services company issuing reports to  
181 prevent or investigate fraud.

182       (l) A person or entity, or its affiliates, or a collection  
183 agency acting on behalf of the person or entity and with which  
184 the protected consumer has an existing account, requesting



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185 information in the protected consumer's consumer report or  
186 record for the purposes of reviewing or collecting the account.  
187 Reviewing the account includes activities related to account  
188 maintenance, monitoring, credit line increases, and account  
189 upgrades and enhancements.

190 (10) (a) A consumer reporting agency may charge a reasonable  
191 fee, not to exceed \$10, to place or remove a security freeze.

192 (b) A consumer reporting agency may charge a reasonable  
193 fee, not to exceed \$10, if the representative fails to retain  
194 the original unique personal identifier provided by the consumer  
195 reporting agency and the agency must reissue the unique personal  
196 identifier or provide a new unique personal identifier to the  
197 representative.

198 (c) A consumer reporting agency may not charge a fee under  
199 this section to the representative of a protected consumer who  
200 is a victim of identity theft if the representative submits, at  
201 the time the security freeze is requested, a copy of a valid  
202 investigative report, an incident report, or a complaint with a  
203 law enforcement agency about the unlawful use of the protected  
204 consumer's identifying information by another person.

205 (11) If a security freeze is in effect, a consumer  
206 reporting agency must send written confirmation to a protected  
207 consumer's representative of a change to any of the following  
208 official information in the protected consumer's consumer report  
209 or record within 30 days after the change is posted:

210 (a) The protected consumer's name.

211 (b) The protected consumer's address.

212 (c) The protected consumer's date of birth.

213 (d) The protected consumer's social security number.





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214  
215 Written confirmation is not required for technical corrections  
216 of a protected consumer's official information, including name  
217 and street abbreviations, complete spellings, or transposition  
218 of numbers or letters. In the case of an address change, the  
219 written confirmation must be sent to the representative and to  
220 the protected consumer's new address and former address.

221 (12) If a consumer reporting agency violates a security  
222 freeze placed in accordance with this section by releasing  
223 information subject to a security freeze without proper  
224 authorization, the consumer reporting agency shall, within 5  
225 business days after discovering or being notified of the release  
226 of information, notify the representative of the protected  
227 consumer in writing. The notice shall state the specific  
228 information released and provide the name, address, and other  
229 contact information of the recipient of the information.

230 (13) A consumer reporting agency that willfully fails to  
231 comply with any requirement imposed under this section is  
232 subject to an administrative fine in the amount of \$500, imposed  
233 by the Department of Agriculture and Consumer Services pursuant  
234 to the administrative procedures established in chapter 120.

235 (14) In addition to any other penalties or remedies  
236 provided under law, the following persons who are aggrieved by a  
237 violation of this section may bring a civil action as follows:

238 (a) A person who obtains a protected consumer's consumer  
239 report or record from a consumer reporting agency under false  
240 pretenses or who knowingly obtains a protected consumer's  
241 consumer report or record without a permissible purpose is  
242 liable to the representative and protected consumer for actual



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243 damages sustained by the protected consumer or \$1,000, whichever  
244 is greater.

245 (b) A person who obtains a protected consumer's consumer  
246 report or record from a consumer reporting agency under false  
247 pretenses or who knowingly obtains a protected consumer's  
248 consumer report or record without a permissible purpose is  
249 liable to the consumer reporting agency for actual damages  
250 sustained by the consumer reporting agency or \$1,000, whichever  
251 is greater.

252 (15) A written disclosure by a consumer reporting agency,  
253 pursuant to 15 U.S.C. s. 1681g, to a representative and  
254 protected consumer residing in this state must include a written  
255 summary of all rights that the representative and protected  
256 consumer have under this section and, in the case of a consumer  
257 reporting agency that compiles and maintains records on a  
258 nationwide basis, a toll-free telephone number that the  
259 representative can use to communicate with the consumer  
260 reporting agency. The information provided in paragraph (b) must  
261 be in at least 12-point boldfaced type. The written summary of  
262 rights required under this section is sufficient if it is  
263 substantially in the following form:

264 (a) If you are the custodial parent or legal guardian of a  
265 minor younger than 16 years of age or a guardian or advocate of  
266 an incapacitated, disabled, or protected person under chapter  
267 39, chapter 393, chapter 744, or chapter 914, Florida Statutes,  
268 you have the right to place a security freeze on the consumer  
269 report of the person you are legally authorized to care for. If  
270 no consumer report exists, you have the right to request that a  
271 record be created and a security freeze be placed on the record.



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272 A record with a security freeze is intended to prevent the  
273 opening of credit accounts until the security freeze is removed.

274 (b) YOU SHOULD BE AWARE THAT USING A SECURITY FREEZE TO  
275 CONTROL ACCESS TO THE PERSONAL AND FINANCIAL INFORMATION IN A  
276 CONSUMER REPORT OR RECORD MAY DELAY, INTERFERE WITH, OR PROHIBIT  
277 THE TIMELY APPROVAL OF ANY SUBSEQUENT REQUEST OR APPLICATION  
278 REGARDING A NEW LOAN, CREDIT, MORTGAGE, INSURANCE, GOVERNMENT  
279 SERVICES OR PAYMENTS, RENTAL HOUSING, EMPLOYMENT, INVESTMENT,  
280 LICENSE, CELLULAR PHONE, UTILITIES, DIGITAL SIGNATURE, INTERNET  
281 CREDIT CARD TRANSACTION, OR OTHER SERVICES, INCLUDING AN  
282 EXTENSION OF CREDIT AT POINT OF SALE.

283 (c) To remove the security freeze on the protected  
284 consumer's record or report, you must contact the consumer  
285 reporting agency and provide all of the following:

286 1. Proof of identification as required by the consumer  
287 reporting agency.

288 2. Proof of authority over the protected consumer as  
289 required by the consumer reporting agency.

290 3. The unique personal identifier provided by the consumer  
291 reporting agency.

292 4. Payment of a fee.

293 (d) A consumer reporting agency must, within 30 days after  
294 receiving the above information, authorize the removal of the  
295 security freeze.

296 (e) A security freeze does not apply to a person or entity,  
297 or its affiliates, or a collection agency acting on behalf of  
298 the person or entity and with which the protected consumer has  
299 an existing account, which requests information in the protected  
300 consumer's consumer report or record for the purposes of



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301 reviewing or collecting the account. Reviewing the account  
302 includes activities related to account maintenance, monitoring,  
303 credit line increases, and account upgrades and enhancements.

304 (f) You have the right to bring a civil action as  
305 authorized by section 501.0051, Florida Statutes, which governs  
306 the security of protected consumer information.

307 Section 3. This act shall take effect September 1, 2014.

308  
309 ===== T I T L E A M E N D M E N T =====

310 And the title is amended as follows:

311 Delete everything before the enacting clause  
312 and insert:

313 A bill to be entitled  
314 An act relating to the security of a protected  
315 consumer's information; providing a short title;  
316 creating s. 501.0051, F.S.; providing definitions;  
317 authorizing the representative of a protected consumer  
318 to place a security freeze on a protected consumer's  
319 consumer report or record; specifying the procedure to  
320 request a security freeze; requiring a consumer  
321 reporting agency to establish a record if the  
322 protected consumer does not have an existing consumer  
323 report; prohibiting the use of a consumer record for  
324 certain purposes; requiring a consumer reporting  
325 agency to place, and to provide written confirmation  
326 of, a security freeze within a specified period;  
327 prohibiting a consumer reporting agency from stating  
328 or implying that a security freeze reflects a negative  
329 credit history or rating; requiring a consumer



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330 reporting agency to provide a copy of a consumer  
331 report or record to a protected consumer or his or her  
332 representative upon request; authorizing a consumer  
333 reporting agency to charge a fee for a copy of a  
334 protected consumer's consumer report or record;  
335 specifying the procedure to request a copy of a  
336 protected consumer's consumer report or record;  
337 requiring a consumer reporting agency to remove a  
338 security freeze under specified conditions; specifying  
339 the procedure to remove a security freeze; providing  
340 applicability; authorizing a consumer reporting agency  
341 to charge a fee for placing or removing a security  
342 freeze and for reissuing a unique personal identifier;  
343 prohibiting a fee under certain circumstances;  
344 requiring written notification upon the change of  
345 specified information in a protected consumer's  
346 consumer report or record; providing exceptions;  
347 requiring a consumer reporting agency to notify a  
348 representative and provide specified information if  
349 the consumer reporting agency violates a security  
350 freeze; providing penalties and civil remedies;  
351 providing written disclosure requirements for consumer  
352 reporting agencies relating to a protected consumer's  
353 security freeze; providing an effective date.