

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Passidomo offered the following:
4

5 **Amendment**

6 Remove lines 89-186 and insert:

7 out-of-pocket costs, including attorney fees and fees associated
8 with services provided by certified public accountants licensed
9 under ch. 473, incurred by the victim in clearing the victim's
10 credit history or credit rating, or costs incurred in connection
11 with a civil or administrative proceeding to satisfy a debt,
12 lien, or other obligation of the victim arising as a result of
13 the actions of the defendant.

14 (b) The sentencing court may issue such orders as are
15 necessary to correct a public record that contains false
16 information given in violation of this section.

17 (3) (a) A victim of the conduct subject to this section

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18 shall have a civil cause of action against a person who has
19 engaged in the conduct prohibited by this section as provided in
20 s. 772.11.

21 (b) For purposes of this subsection, the term "victim"
22 includes, to the extent not already included within s. 817.568,
23 a person whose identity was falsely personated or who suffers a
24 loss of property as a result of the false personation.

25 Section 3. Section 817.032, Florida Statutes, is created
26 to read:

27 817.032 Information available to identity theft victims.-

28 (1) DEFINITION.-As used in this section, the term "victim"
29 means a person whose means of identification or financial
30 information is used or transferred or is alleged to be used or
31 transferred without the authority of that person with the intent
32 to commit or to aid or abet an identity theft or a similar
33 crime.

34 (2) GENERALLY.-For the purpose of documenting fraudulent
35 transactions resulting from identity theft, within 30 days after
36 the date of receipt of a request from a victim in accordance
37 with subsection (4), and subject to verification of the identity
38 of the victim and the claim of identity theft in accordance with
39 subsection (3), a business entity that has provided credit to;
40 provided for consideration products, goods, or services to;
41 accepted payment from; or otherwise entered into a commercial
42 transaction for consideration with, a person who has allegedly
43 made unauthorized use of the means of identification of the

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44 victim, shall provide a copy of the application and business
45 transaction records in the control of the business entity,
46 whether maintained by the business entity or by another person
47 on behalf of the business entity, evidencing any transaction
48 alleged to be a result of identity theft to:

49 (a) The victim;

50 (b) A federal, state, or local government law enforcement
51 agency, or officer specified by the victim in such a request; or

52 (c) A law enforcement agency investigating the identity
53 theft and authorized by the victim to take receipt of records
54 provided under this section.

55 (3) VERIFICATION OF IDENTITY AND CLAIM.—Before a business
56 entity provides any information under subsection (2), unless the
57 business entity, at its discretion, otherwise has a high degree
58 of confidence that it knows the identity of the victim making a
59 request under subsection (2), the victim shall provide to the
60 business entity:

61 (a) As proof of positive identification of the victim, at
62 the election of the business entity:

63 1. The presentation of a government-issued identification
64 card;

65 2. Personal identifying information of the same type as
66 provided to the business entity by the unauthorized person; or

67 3. Personal identifying information that the business
68 entity typically requests from new applicants or for new
69 transactions, at the time of the victim's request for

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70 information, including any documentation described in
71 subparagraphs 1. and 2.

72 (b) As proof of a claim of identity theft, at the election
73 of the business entity:

74 1. A copy of a police report evidencing the claim of the
75 victim of identity theft; or

76 2. A properly completed affidavit of fact that is
77 acceptable to the business entity for that purpose.

78 (4) PROCEDURES.—The request of a victim under subsection
79 (2) shall:

80 (a) Be in writing;

81 (b) Be mailed or delivered to an address specified by the
82 business entity, if any.

83 (c) If asked by the business entity, include relevant
84 information about any transaction alleged to be a result of
85 identity theft to facilitate compliance with this section,
86 including:

87 1. If known by the victim or readily obtainable by the
88 victim, the date of the application or transaction.

89 2. If known by the victim or readily obtainable by the
90 victim, any other identifying information such as an account
91 number or transaction number.

92 (5) NO CHARGE TO VICTIM.—Information required to be
93 provided under subsection (2) shall be provided without charge.

94 (6) AUTHORITY TO DECLINE TO PROVIDE INFORMATION.—A
95 business entity may decline to provide information under

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96 subsection (2) if, in the exercise of good faith, the business
97 entity determines that:

98 (a) This section does not require disclosure of the
99 information;

100 (b) After reviewing the information provided pursuant to
101 subsection (3), the business entity does not have a high degree
102 of confidence in knowing the true identity of the individual
103 requesting the information;

104 (c) The request for the information is based on a
105 misrepresentation of fact by the individual requesting the
106 information; or