

By Senator Brandes

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1                   A bill to be entitled  
2           An act relating to consumer report security freezes;  
3           amending s. 501.005, F.S.; deleting the authorization  
4           for consumer reporting agencies to charge specified  
5           fees to consumers electing to place, remove, or  
6           temporarily lift a security freeze on their consumer  
7           reports; amending s. 501.0051, F.S.; deleting the  
8           authorization for consumer reporting agencies to  
9           charge a specified fee to representatives of protected  
10          consumers electing to place a security freeze on such  
11          consumer's consumer reports; deleting the  
12          authorization for consumer reporting agencies to  
13          charge a specified fee to protected consumers or  
14          representatives of protected consumers who elect to  
15          remove a security freeze on such consumer's consumer  
16          reports; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Paragraph (c) of subsection (2), paragraph (d)  
21           of subsection (5), paragraph (c) of subsection (11), subsection  
22           (13), and paragraph (c) of subsection (17) of section 501.005,  
23           Florida Statutes, are amended to read:

24           501.005 Consumer report security freeze.—

25           (2) A consumer may place a security freeze on his or her  
26           consumer report by:

27           ~~(c) Paying a fee authorized under this section.~~

28           (5) A consumer may allow his or her consumer report to be  
29           accessed for a designated period of time while a security freeze

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30 is in effect by contacting the consumer reporting agency and  
31 requesting that the freeze be temporarily lifted. The consumer  
32 must provide the following information to the consumer reporting  
33 agency as part of the request:

34 ~~(d) Payment of a fee authorized by this section.~~

35 (11) A security freeze shall remain in place until the  
36 consumer requests that it be removed. A consumer reporting  
37 agency shall remove a security freeze within 3 business days  
38 after receiving a request for removal from the consumer, who,  
39 upon making the request for removal, must provide the following:

40 ~~(e) Payment of a fee authorized by this section.~~

41 (13) (a) A consumer reporting agency may not charge a  
42 reasonable fee, ~~not to exceed \$10,~~ to a consumer who elects to  
43 place, remove, or temporarily lift a security freeze on his or  
44 her consumer report.

45 ~~(b) A consumer reporting agency shall not charge any fee:~~

46 ~~1. To a consumer 65 years of age or older for the initial  
47 placement or removal of a security freeze; or~~

48 ~~2. To a victim of identity theft who has submitted, at the  
49 time the security freeze is requested, a copy of a valid  
50 investigative or incident report or complaint with a law  
51 enforcement agency about the unlawful use of the victim's  
52 identifying information by another person.~~

53 (b) ~~(e)~~ A consumer reporting agency may charge a reasonable  
54 fee, not to exceed \$10, if the consumer fails to retain the  
55 original personal identification number or password provided by  
56 the consumer reporting agency and the agency must reissue the  
57 personal identification number or password or provide a new  
58 personal identification number or password to the consumer.

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59 (17) Any written disclosure by a consumer reporting agency,  
60 pursuant to 15 U.S.C. s. 1681g, to any consumer residing in this  
61 state shall include a written summary of all rights the consumer  
62 has under this section, and, in the case of a consumer reporting  
63 agency which compiles and maintains consumer reports on a  
64 nationwide basis, a toll-free telephone number which the  
65 consumer can use to communicate with the consumer reporting  
66 agency. The information set forth in paragraph (b) of the  
67 written summary of rights must be in at least 12-point boldface  
68 type. The written summary of rights required under this section  
69 is sufficient if it is substantially in the following form:

70 (c) When you place a security freeze on your consumer  
71 report, you will be provided a personal identification number or  
72 password to use if you choose to remove the freeze on your  
73 consumer report or authorize the release of your consumer report  
74 for a designated period of time after the security freeze is in  
75 place. To provide that authorization, you must contact the  
76 consumer reporting agency and provide all of the following:

- 77 1. The personal identification number or password.
- 78 2. Proper identification to verify your identity.
- 79 3. Information specifying the period of time for which the  
80 report shall be made available.

81 ~~4. Payment of a fee authorized by this section.~~

82 Section 2. Subsection (2), paragraph (a) of subsection (7),  
83 subsection (9), and paragraph (c) of subsection (14) of section  
84 501.0051, Florida Statutes, are amended to read:

85 501.0051 Protected consumer report security freeze.—

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

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88 (a) Submitting a request to a consumer reporting agency in  
89 the manner prescribed by that agency; and

90 (b) Providing the agency with sufficient proof of authority  
91 and sufficient proof of identification of the representative;  
92 ~~and~~

93 ~~(c) Paying the agency a fee as authorized under this~~  
94 ~~section.~~

95 (7) A consumer reporting agency shall remove a security  
96 freeze from a protected consumer's consumer report or record  
97 only under either of the following circumstances:

98 (a) Upon the request of a representative or a protected  
99 consumer. A consumer reporting agency shall remove a security  
100 freeze within 30 days after receiving a request for removal from  
101 a protected consumer or his or her representative.

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

104 a. Sufficient proof of identification of the representative  
105 and sufficient proof of authority as determined by the consumer  
106 reporting agency.

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

109 ~~e. A fee as authorized under this section.~~

110 2. A protected consumer submitting a request for removal  
111 must provide both ~~all~~ of the following:

112 a. Sufficient proof of identification of the protected  
113 consumer as determined by the consumer reporting agency.

114 b. Documentation that the sufficient proof of authority of  
115 the protected consumer's representative to act on behalf of the  
116 protected consumer is no longer valid.

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117 ~~e. A fee as authorized under this section.~~

118 (9) (a) A consumer reporting agency may not charge any a  
119 reasonable fee, ~~not to exceed \$10,~~ to place or remove a security  
120 freeze.

121 (b) A consumer reporting agency may ~~also~~ charge a  
122 reasonable fee, not to exceed \$10, if the representative fails  
123 to retain the original unique personal identifier provided by  
124 the consumer reporting agency and the agency must reissue the  
125 unique personal identifier or provide a new unique personal  
126 identifier to the representative.

127 ~~(c) A consumer reporting agency may not charge a fee under  
128 this section to the representative of a protected consumer who  
129 is a victim of identity theft if the representative submits, at  
130 the time the security freeze is requested, a copy of a valid  
131 investigative report, an incident report, or a complaint with a  
132 law enforcement agency about the unlawful use of the protected  
133 consumer's identifying information by another person.~~

134 (14) A written disclosure by a consumer reporting agency,  
135 pursuant to 15 U.S.C. s. 1681g, to a representative and  
136 protected consumer residing in this state must include a written  
137 summary of all rights that the representative and protected  
138 consumer have under this section and, in the case of a consumer  
139 reporting agency that compiles and maintains records on a  
140 nationwide basis, a toll-free telephone number that the  
141 representative can use to communicate with the consumer  
142 reporting agency. The information provided in paragraph (b) must  
143 be in at least 12-point boldfaced type. The written summary of  
144 rights required under this section is sufficient if it is  
145 substantially in the following form:

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- 146 (c) To remove the security freeze on the protected  
147 consumer's record or report, you must contact the consumer  
148 reporting agency and provide all of the following:
- 149 1. Proof of identification as required by the consumer  
150 reporting agency.
  - 151 2. Proof of authority over the protected consumer as  
152 required by the consumer reporting agency.
  - 153 3. The unique personal identifier provided by the consumer  
154 reporting agency.
  - 155 ~~4. Payment of a fee.~~
- 156 Section 3. This act shall take effect July 1, 2018.