

1 A bill to be entitled
2 An act relating to consumer report security freezes;
3 amending s. 501.005, F.S.; prohibiting a consumer
4 reporting agency from charging any fee to a consumer
5 for placing, removing, or temporarily lifting a
6 security freeze on his or her consumer report;
7 amending s. 501.0051, F.S.; prohibiting a consumer
8 reporting agency from charging any fee to the
9 representative of a protected consumer for placing,
10 removing, or temporarily lifting a security freeze on
11 the protected consumer's consumer report; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (c) of subsection (2), paragraph (d)
17 of subsection (5), paragraph (c) of subsection (11), subsection
18 (13), and paragraph (c) of subsection (17) of section 501.005,
19 Florida Statutes, are amended to read:

20 501.005 Consumer report security freeze.—

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

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

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

26 is in effect by contacting the consumer reporting agency and
 27 requesting that the freeze be temporarily lifted. The consumer
 28 must provide the following information to the consumer reporting
 29 agency as part of the request:

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

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

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

37 (13) (a) A consumer reporting agency may not charge any a
 38 reasonable fee, ~~not to exceed \$10,~~ to a consumer who elects to
 39 place, remove, or temporarily lift a security freeze on his or
 40 her consumer report.

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

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

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

49 (b)-(e) A consumer reporting agency may charge a reasonable
 50 fee, not to exceed \$10, if the consumer fails to retain the

51 original personal identification number or password provided by
52 the consumer reporting agency and the agency must reissue the
53 personal identification number or password or provide a new
54 personal identification number or password to the consumer.

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

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

- 73 1. The personal identification number or password.
- 74 2. Proper identification to verify your identity.
- 75 3. Information specifying the period of time for which the

76 | report shall be made available.

77 | ~~4. Payment of a fee authorized by this section.~~

78 | Section 2. Paragraph (c) of subsection (2), paragraph (a)
 79 | of subsection (7), subsection (9), and paragraph (c) of
 80 | subsection (14) of section 501.0051, Florida Statutes, are
 81 | amended to read:

82 | 501.0051 Protected consumer report security freeze.—

83 | (2) A representative may place a security freeze on a
 84 | protected consumer's consumer report by:

85 | ~~(c) Paying the agency a fee as authorized under this~~
 86 | ~~section.~~

87 | (7) A consumer reporting agency shall remove a security
 88 | freeze from a protected consumer's consumer report or record
 89 | only under either of the following circumstances:

90 | (a) Upon the request of a representative or a protected
 91 | consumer. A consumer reporting agency shall remove a security
 92 | freeze within 30 days after receiving a request for removal from
 93 | a protected consumer or his or her representative.

94 | 1. A representative submitting a request for removal must
 95 | provide all of the following:

96 | a. Sufficient proof of identification of the
 97 | representative and sufficient proof of authority as determined
 98 | by the consumer reporting agency.

99 | b. The unique personal identifier provided by the consumer
 100 | reporting agency pursuant to subsection (5).

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

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

104 a. Sufficient proof of identification of the protected
105 consumer as determined by the consumer reporting agency.

106 b. Documentation that the sufficient proof of authority of
107 the protected consumer's representative to act on behalf of the
108 protected consumer is no longer valid.

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

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

113 (b) A consumer reporting agency may ~~also~~ charge a
114 reasonable fee, not to exceed \$10, if the representative fails
115 to retain the original unique personal identifier provided by
116 the consumer reporting agency and the agency must reissue the
117 unique personal identifier or provide a new unique personal
118 identifier to the representative.

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

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

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

141 1. Proof of identification as required by the consumer
142 reporting agency.

143 2. Proof of authority over the protected consumer as
144 required by the consumer reporting agency.

145 3. The unique personal identifier provided by the consumer
146 reporting agency.

147 ~~4. Payment of a fee.~~

148 Section 3. This act shall take effect July 1, 2018.