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HB 953

2018 Legislature

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 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:

15  
 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

ENROLLED

HB 953

2018 Legislature

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

ENROLLED

HB 953

2018 Legislature

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

ENROLLED

HB 953

2018 Legislature

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).

ENROLLED

HB 953

2018 Legislature

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.~~

ENROLLED

HB 953

2018 Legislature

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.