

Committee on Judiciary

CS/CS/CS/HB 157 — Fraud

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Rep. Passidomo and others (CS/CS/CS/SB 390 by Fiscal Policy Committee; Criminal Justice Committee; Judiciary Committee; and Senator Richter)

The bill amends ch. 817, F.S., to provide individuals and businesses greater protections against identity theft. In general terms, these changes affect individuals by allowing them to better identify when identity theft has been committed against them and by removing barriers to restoring their identity and credit after the crime has occurred. Additional forms of restitution are provided, which might allow the victims additional methods of recovering their financial losses. For business entities, the bill provides greater protections against fraud and identity theft.

More specifically, the most significant provisions of the bill:

- Prohibit a person from falsely personating or representing another person in a manner that causes damage to the other person's credit history or rating;
- Authorize a sentencing court to order restitution for costs and fees that an identity theft victim incurs in clearing his or her credit history or rating and establishes a civil cause of action against the defendant who has harmed the victim;
- Provide a process for an identity theft victim to obtain documentation of an alleged fraudulent transaction from a business entity and make the business entity immune from liability for disclosures made in good faith;
- Replace the term "corporation" with the term "business entity" to ensure that all businesses, regardless of their form, have the same protections against fraud;
- Prohibit the fraudulent transfer or issuance of a membership interest in a limited liability company;
- Prohibit the selling of counterfeit signs or decals with the name or logo of a security company without the express written consent of the company;
- Increase the criminal penalty for fraudulently obtaining goods or services from a health care provider;
- Make existing laws prohibiting the fraudulent use of an individual's personal identification information also applicable to the fraudulent use of a business' identification information;
- Specify criminal penalties for the fraudulent use of or intent to use the identification information of a dissolved business entity; and
- Specify criminal penalties for knowingly providing false information in a public record to facilitate the commission of another crime.

If approved by the Governor, these provisions take effect October 1, 2015.

Vote: Senate 39-0; House 115-0