

CHAPTER 2018-62

House Bill No. 953

An act relating to consumer report security freezes; amending s. 501.005, F.S.; prohibiting a consumer reporting agency from charging any fee to a consumer for placing, removing, or temporarily lifting a security freeze on his or her consumer report; amending s. 501.0051, F.S.; prohibiting a consumer reporting agency from charging any fee to the representative of a protected consumer for placing, removing, or temporarily lifting a security freeze on the protected consumer's consumer report; providing an effective date.

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

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

501.005 Consumer report security freeze.—

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

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

(5) A consumer may allow his or her consumer report to be accessed for a designated period of time while a security freeze is in effect by contacting the consumer reporting agency and requesting that the freeze be temporarily lifted. The consumer must provide the following information to the consumer reporting agency as part of the request:

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

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

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

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

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

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

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

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

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

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

1. The personal identification number or password.
2. Proper identification to verify your identity.
3. Information specifying the period of time for which the report shall be made available.
- ~~4. Payment of a fee authorized by this section.~~

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

501.0051 Protected consumer report security freeze.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) A written disclosure by a consumer reporting agency, pursuant to 15 U.S.C. s. 1681g, to a representative and protected consumer residing in this state must include a written summary of all rights that the representative

and protected consumer have under this section and, in the case of a consumer reporting agency that compiles and maintains records on a nationwide basis, a toll-free telephone number that the representative can use to communicate with the consumer reporting agency. The information provided in paragraph (b) must be in at least 12-point boldfaced type. The written summary of rights required under this section is sufficient if it is substantially in the following form:

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

1. Proof of identification as required by the consumer reporting agency.
2. Proof of authority over the protected consumer as required by the consumer reporting agency.
3. The unique personal identifier provided by the consumer reporting agency.
- ~~4. Payment of a fee.~~

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

Approved by the Governor March 21, 2018.

Filed in Office Secretary of State March 21, 2018.