

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Economic Affairs Committee
Representative Raburn offered the following:

**Amendment to Amendment (548733) by Representative Raburn
(with title amendment)**

Between lines 2112 and 2113 of the amendment, insert:

Section 35. Section 322.143, Florida Statutes, is created
to read:

322.143 Use of a driver license or identification card.-

(1) As used in this section, the term:

(a) "Personal information" means an individual's name,
address, date of birth, driver license number, or identification
card number.

(b) "Private entity" means any nongovernmental entity,
such as a corporation, partnership, company or nonprofit
organization, any other legal entity, or any natural person.

(c) "Swipe" means the act of passing a driver license or
identification card through a device that is capable of
deciphering, in an electronically readable format, the

Amendment No. 5

20 information electronically encoded in a magnetic strip or bar
21 code on the driver license or identification card.

22 (2) Except as provided in subsection (6), a private entity
23 may not swipe an individual's driver license or identification
24 card, except for the following purposes:

25 (a) To verify the authenticity of a driver license or
26 identification card or to verify the identity of the individual
27 if the individual pays for a good or service with a method other
28 than cash, returns an item, or requests a refund.

29 (b) To verify the individual's age when providing an age-
30 restricted good or service.

31 (c) To prevent fraud or other criminal activity if an
32 individual returns an item or requests a refund and the private
33 entity uses a fraud prevention service company or system.

34 (d) To transmit information to a check services company
35 for the purpose of approving negotiable instruments, electronic
36 funds transfers, or similar methods of payment.

37 (d) To comply with a legal requirement to record, retain,
38 or transmit the driver license information.

39 (3) A private entity that swipes an individual's driver
40 license or identification card under paragraph (2) (a) or
41 paragraph (2) (b) may not store, sell, or share personal
42 information collected from swiping the driver license or
43 identification card.

44 (4) A private entity that swipes an individual's driver
45 license or identification card under paragraph (2) (c) or
46 paragraph (2) (d) may store or share personal information
47 collected from swiping an individual's driver license or

Amendment No. 5

48 identification card for the purpose of preventing fraud or other
49 criminal activity against the private entity.

50 (5) (a) A person other than an entity regulated by the
51 federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who
52 receives personal information from a private entity under
53 subsection (4) may use the personal information received only to
54 prevent fraud or other criminal activity against the private
55 entity that provided the personal information.

56 (b) A person who is regulated by the federal Fair Credit
57 Reporting Act and who receives personal information from a
58 private entity under subsection (4) may use or provide the
59 personal information received only to effect, administer, or
60 enforce a transaction or prevent fraud or other criminal
61 activity, if the person provides or receives personal
62 information under contract from the private entity.

63 (6) (a) An individual may consent to allow the private
64 entity to swipe the individual's driver license or
65 identification card to collect and store personal information.
66 However, the individual must be informed what information is
67 collected and the purpose or purposes for which it will be used.

68 (b) If the individual does not want the private entity to
69 swipe the individual's driver license or identification card,
70 the private entity may manually collect personal information
71 from the individual.

72 (7) The private entity may not withhold the provision of
73 goods or services solely as a result of the individual
74 requesting the collection of the data in subsection (6) from the
75 individual through manual means.

Amendment No. 5

76 (8) In addition to any other remedy provided by law, an
77 individual may bring an action to recover actual damages and to
78 obtain equitable relief, if equitable relief is available,
79 against an entity that swipes, stores, shares, sells, or
80 otherwise uses the individual's personal information in
81 violation of this section. If a court finds that a violation of
82 this section was willful or knowing, the court may increase the
83 amount of the award to no more than three times the amount
84 otherwise available.

85
86
87
88 -----
89 **T I T L E A M E N D M E N T**

90 Remove line 5022 of the amendment and insert:

91 s. 322.143, F.S.; defining terms; prohibiting a private entity
92 from swiping an individual's driver license or identification
93 card except for certain specified purposes; providing that a
94 private entity that swipes an individual's driver license or
95 identification card may not store, sell, or share personal
96 information collected from swiping the driver license or
97 identification card; providing that a private entity may store
98 or share personal information collected from swiping an
99 individual's driver license or identification card for the
100 purpose of preventing fraud or other criminal activity against
101 the private entity; providing that the private entity may
102 manually collect personal information; prohibiting a private
103 entity from withholding the provision of goods or services

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7125 (2013)

Amendment No. 5

104 solely as a result of the individual requesting the collection
105 of the data through manual means; providing remedies;

106