

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Aronberg

310-2022-03

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A bill to be entitled
An act relating to bankruptcy; prohibiting the sale or disclosure of personal customer information by persons in bankruptcy; providing for waivers of the prohibition; providing that a violation of this prohibition is an unfair and deceptive trade practice; providing for civil actions; providing an exemption; providing an effective date.

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

Section 1. (1) A person who files for bankruptcy shall not sell or otherwise transfer to another any database that contains personal customer information if the bankrupt person, through contract or a published privacy policy, agreed or stated that personal customer information would not be disclosed. The customer at any time may affirmatively waive this provision.

(2) The sale or transfer of personal customer information in violation of this section constitutes an unfair or deceptive trade practice under the Florida Deceptive and Unfair Trade Practices Act, part II of chapter 501, Florida Statutes. A person whose personal customer information is disclosed in violation of this section may file an action for damages under such act against the person who disclosed the information.

(3) Unless ordered by a court or commission of competent jurisdiction, local exchange telecommunications company customer information is exempt from this section.

Section 2. This act shall take effect July 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1212

The committee substitute differs from the original bill by:

1. Allowing a customer to, at any time, waive the prohibition against a bankrupt person selling or transferring the customer's personal customer information;
2. Specifying that a violation of the committee substitute's provisions is a violation of the Florida Deceptive and Unfair Trade Practices Act and that a person may seek damages under the provisions of that act; and
3. Exempting local exchange telecommunications companies from the provisions of the committee substitute.