

1                                   A bill to be entitled  
 2           An act relating to privacy of personal information;  
 3           providing definitions; requiring certain persons who  
 4           maintain computerized data that contains personal  
 5           information to notify any state resident whose unencrypted  
 6           personal information may have been obtained as a result of  
 7           a security breach; providing for forms of notice;  
 8           providing exceptions and alternative forms of notice;  
 9           providing for delays in notification in certain  
 10          circumstances; providing an effective date.

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

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 14           Section 1.   (1) As used in this section, the term:  
 15           (a) "Breach of security" means the unauthorized  
 16           acquisition of computerized data which compromises the  
 17           confidentiality, integrity, or security of personal information  
 18           maintained by a person. Good-faith acquisition of personal  
 19           information by an employee or agent of such person for  
 20           legitimate purposes of the person is not a breach of security.  
 21           (b) "Person" means any person or political subdivision as  
 22           defined in section 1.01, Florida Statutes, or any agency as  
 23           defined in section 20.03, Florida Statutes.  
 24           (c) "Personal information" means an individual's first  
 25           name or first initial and last name and at least one of the  
 26           following elements:  
 27           1. Social security number.  
 28           2. Driver's license number or state identification card  
 29           number.

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30 3. Account or card number and any required security code,  
 31 access code, or password that permits access to that account.

32 (2)(a) Any person that conducts business in this state and  
 33 owns or licenses computerized data that contains personal  
 34 information about a resident of this state must notify that  
 35 resident regarding any breach of security of the data  
 36 immediately following discovery of the breach, if the personal  
 37 information was, or is reasonably believed to have been,  
 38 acquired by an unauthorized person.

39 (b) Any person that conducts business in this state and  
 40 maintains computerized data that includes personal information  
 41 that is owned or licensed by another person must notify such  
 42 owner or licensee regarding any breach of security of the data  
 43 immediately following discovery, if the personal information  
 44 was, or is reasonably believed to have been, acquired by an  
 45 unauthorized person.

46 (3)(a) Notice may be provided in writing or in electronic  
 47 form.

48 (b) If the cost of providing notice exceeds \$250,000, the  
 49 affected class of individuals to be notified exceeds 500,000  
 50 persons, or the person does not have sufficient contact  
 51 information for all of the affected individuals, it may provide  
 52 substitute notice by:

53 1. Sending an e-mail notice to each affected individual  
 54 for whom it has an e-mail address.

55 2. Conspicuously posting notice of the security breach on  
 56 the person's website.

57 3. Providing notification of the security breach to major  
 58 statewide media.

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59        (c) If a person has established notification procedures  
60        that are otherwise consistent with the requirements of this  
61        section as part of an information security policy, that person  
62        may notify affected individuals pursuant to such procedures.

63        (d) Notification may be delayed if a law enforcement  
64        agency determines that the notification will impede a criminal  
65        investigation.

66        Section 2. This act shall take effect July 1, 2004.