

Bill No. HB 687, 1st Eng.

Barcode 534124

CHAMBER ACTION

Senate

House

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Senator Rich moved the following amendment:

Senate Amendment (with title amendment)

Between lines 34 and 35,

insert:

(d) To a commercial data aggregator that contracts with law enforcement agencies or national homeland security agencies if such information will be used only to support the performance of the lawful duties of such agencies.

1. The commercial data aggregator may not publicly display in any manner any information concerning the concealed weapon license of an individual. As used in this paragraph, the term "publicly display" means to intentionally communicate or otherwise make available to the public or any customer other than law enforcement agencies or national homeland security agencies.

2. A person who falsely certifies to a commercial data aggregator that he or she is acting on behalf of an authorized law enforcement agency and thereby accesses information concerning the concealed weapon license of an individual

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1 commits a felony of the third degree, punishable as provided
2 in s. 775.082, s. 775.083, or s. 775.084.

3 3. An individual holding a concealed weapons license
4 has a private right of action against a person or entity that
5 falsely certifies to a commercial data aggregator that it is
6 acting on behalf of an authorized law enforcement agency and
7 thereby accesses information concerning such license.

8 4. If a court finds that a commercial data aggregator
9 or its employees acted with negligence or willful misconduct
10 in failing to implement a commercially reasonable computer
11 security firewall to protect the security and privacy of the
12 information concerning the concealed weapon license of an
13 individual or in failing to act with due diligence when a
14 customer applies for access to such information, which action
15 results in the information being publicly displayed, such data
16 aggregator is subject to a penalty of \$5,000 for each
17 individual whose personal identifying information was publicly
18 displayed and for each application resulting in such public
19 display. The Attorney General may bring a civil cause of
20 action to enforce the fines assessed under this subparagraph.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On line 8, after the semicolon,

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27 insert:

28 authorizing the disclosure of such information
29 by a commercial data aggregator to certain law
30 enforcement agencies under certain conditions;
31 prohibiting a commercial data aggregator from

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1 publicly displaying such information; providing
2 that disclosure of such information to
3 unauthorized persons by a commercial data
4 aggregator is a third-degree felony; providing
5 for criminal penalties; providing a private
6 right of action against a person accessing such
7 information by making false representations to
8 a commercial data aggregator; authorizing civil
9 fines for a commercial data aggregator that
10 fails to undertake certain activities to
11 protect the security and privacy of such
12 information; providing for enforcement of the
13 fines by the Attorney General;

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