

HB 551

2011

1 A bill to be entitled
2 An act relating to copy machines, photocopiers, fax
3 machines, and printers; creating s. 501.974, F.S.;
4 providing definitions; requiring vendors of copy machines
5 to provide specified warning labels and information with
6 machines; requiring rulemaking; requiring vendors of copy
7 machines to erase or otherwise render non-recreatable any
8 records stored in the memory of a machine; providing
9 requirements for financial institutions concerning copy
10 machines; prohibiting specified acts concerning required
11 warning labels; providing for recovery of punitive damages
12 for certain violations; providing an effective date.

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14 WHEREAS, every digital copier manufactured since 2002
15 contains a hard drive that functions in a manner similar to a
16 computer hard drive, storing digital images of documents that
17 are copied, transmitted, or printed by the device, and

18 WHEREAS, the hard drive of a digital copy machine stores an
19 image of every document scanned, emailed, or copied by the
20 machine, and

21 WHEREAS, the hard drives or other forms of memory of other
22 copy machines may also store images of documents, and

23 WHEREAS, social security numbers, birth certificates,
24 medical records, bank records, and other personal information
25 can easily be retrieved from digital copy machines by identity
26 thieves, and

27 WHEREAS, restricting the sale or lease of digital copy
28 machines unless information has been permanently removed from

HB 551

2011

29 digital memory will protect the citizens of this state from this
 30 danger, NOW, THEREFORE,

31

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

33

34 Section 1. Section 501.974, Florida Statutes, is created
 35 to read:

36 501.974 Copy machines.—

37 (1) For purposes of this section, the term:

38 (a) "Copy machine" means any device used to copy, print,
 39 scan, or fax documents.

40 (b) "Encrypt" means the scrambling of wire or electronic
 41 information using a mathematical formula or algorithm in order
 42 to preserve the confidentiality, integrity, or authenticity of,
 43 and prevent an unauthorized recipient from accessing or
 44 altering, such information.

45 (c) "Warning label" means a notice that is attached to a
 46 product or found in the accompanying instruction booklet that
 47 alerts the user about a potential danger associated with the
 48 product.

49 (2) (a) The vendor of a copy machine may not sell or rent
 50 such a machine unless the machine has a warning label affixed to
 51 it which informs the customer in substantially the following
 52 terms: "Deleting and/or formatting a file does not erase it from
 53 your hard drive. It is possible to recover files if you don't
 54 dispose of them properly!"

55 (b) Such a vendor shall also provide information
 56 explaining to the customer how to install a software program

HB 551

2011

57 that completely erases all data from the copy machine, unless
58 the machine's manufacturer has provided support services for
59 such software installation.

60 (c) The department may adopt rules concerning the warning
61 labels required by this subsection and shall adopt a rule
62 requiring that each such machine be accompanied by a brochure
63 advising consumers that data is automatically stored in the hard
64 drive of the machine.

65 (3) A copy machine vendor shall destroy, or arrange for
66 the destruction of, all records stored on a copy machine, in
67 digital or other form of memory, if the machine is sold, leased,
68 or purchased by the vendor, by erasing or otherwise modifying
69 those records to make the records unreadable, undecipherable, or
70 non-recreatable through generally available means.

71 (4) A financial institution, as defined in s. 655.005,
72 must implement written policies and procedures to identify copy
73 machines and ensure that the hard drive or other form of memory
74 of each machine is erased, encrypted, or destroyed prior to the
75 machine being returned to the leasing company, sold to a third
76 party, or otherwise disposed of. If the institution chooses to
77 erase or encrypt the hard drive or other form of memory, the
78 method used must render the stored information unrecoverable.

79 (5) A person may not willfully remove, alter, or render
80 illegible any warning label required by this section that is
81 affixed to any copy machine.

82 (6) Notwithstanding s. 501.211, a person damaged in
83 business or property as a result of a violation of this section
84 may, in addition to other relief, recover punitive damages.

HB 551

2011

85

Section 2. This act shall take effect July 1, 2011.