



26 federal entity charged with the investigation and prosecution of  
27 violations of criminal law.

28 (d) "Retaliatory personnel action" has the same meaning as  
29 in s. 448.101.

30 (e) "Social media account" means an interactive personal  
31 account or profile that an individual establishes and uses  
32 through an electronic application, service, or platform to  
33 generate or store content, including, but not limited to,  
34 videos, still photographs, blogs, video blogs, instant messages,  
35 audio recordings, and e-mail.

36 (2) An employer may not do any of the following:

37 (a) Request or require an employee or prospective employee  
38 to take an action that allows the employer to gain access to the  
39 employee's or prospective employee's social media account,  
40 including, but not limited to, requesting him or her to disclose  
41 the username, password, or other means of accessing his or her  
42 social media account, if the social media account's contents are  
43 not available to the general public.

44 (b) Take retaliatory personnel action against an employee  
45 as a result of the employee's refusal to allow the employer  
46 access to the employee's social media account.

47 (c) Fail or refuse to hire a prospective employee as a  
48 result of the prospective employee's refusal to allow the  
49 employer access to the prospective employee's social media  
50 account.

51       (3) An employee or prospective employee may bring a civil  
52 action against an employer who violates this section in a court  
53 of competent jurisdiction. Such action must be brought within 2  
54 years after the violation occurred. The employee or prospective  
55 employee may seek injunctive relief to restrain the employer  
56 from continuing to act in violation of this section and may  
57 recover damages in an amount equal to the actual damages arising  
58 from the violation or \$500 per violation, whichever is greater.  
59 An employee or prospective employee who prevails is entitled to  
60 recover court costs and reasonable attorney fees.

61       (4) This section does not prevent an employer from  
62 requesting or requiring an employee to disclose a username,  
63 password, or other means of accessing a social media account  
64 when such account is used primarily for the employer's business  
65 purposes.

66       (5) This section does not prohibit or restrict an employer  
67 from:

68       (a) Complying with a duty to monitor or retain employee  
69 communications which is established under state or federal law  
70 or by a self-regulatory organization, as defined in s. 3(a)(26)  
71 of the Securities Exchange Act of 1934 and 15 U.S.C. s.  
72 78c(a)(26).

73       (b) Screening a prospective employee who completes an  
74 application for employment at a law enforcement or prosecutorial  
75 agency.

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76            (c) Screening an employee who is the subject of a conduct  
77 investigation performed by a law enforcement or prosecutorial  
78 agency.

79            Section 2. This act shall take effect October 1, 2019.