



482404

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
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The Committee on Commerce and Tourism (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 501.172, Florida Statutes, is created to  
read:

501.172 Short title.—This act may be cited as the “Florida  
Privacy Protection Act.”

Section 2. Section 501.173, Florida Statutes, is created to  
read:



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11        501.173 Purpose.—This act shall be construed liberally in  
12 recognition that privacy is an important right, and consumers in  
13 this state should have the ability to share their personal  
14 information as they wish, in a way that is safe and that they  
15 understand and control.

16        Section 3. Section 501.174, Florida Statutes, is created to  
17 read:

18        501.174 Definitions.—As used in ss. 501.172-501.177, unless  
19 the context otherwise requires, the term:

20        (1) "Advertising and marketing" means a communication by a  
21 business or a person acting on behalf of the business through  
22 any medium intended to induce a consumer to obtain goods,  
23 services, or employment.

24        (2) "Aggregate consumer information" means information that  
25 relates to a group or category of consumers, from which  
26 individual consumer identities have been removed, which is not  
27 linked or reasonably linkable to any consumer or household,  
28 including through a device. The term does not include one or  
29 more individual consumer records that have been de-identified.

30        (3) "Biometric information" means an individual's  
31 physiological, biological, or behavioral characteristics,  
32 including an individual's deoxyribonucleic acid (DNA), which can  
33 be used, singly or in combination with each other or with other  
34 identifying data, to establish individual identity. The term  
35 includes, but is not limited to, imagery of the iris, retina,  
36 fingerprint, face, hand, or palm; vein patterns; voice  
37 recordings from which an identifier template, such as a  
38 faceprint, a minutiae template, or a voice print, can be  
39 extracted; keystroke patterns or rhythms; gait patterns or



40 rhythms; and sleep, health, or exercise data that contain  
41 identifying information.

42 (4) "Business" means:

43 (a) A sole proprietorship, a partnership, a limited  
44 liability company, a corporation, or an association or any other  
45 legal entity that meets the following requirements:

46 1. Is organized or operated for the profit or financial  
47 benefit of its shareholders or owners;

48 2. Does business in this state;

49 3. Collects personal information about consumers, or is the  
50 entity on behalf of which such information is collected;

51 4. Determines the purposes and means of processing personal  
52 information about consumers, alone or jointly with others; and

53 5. Satisfies at least one of the following thresholds:

54 a. Has global annual gross revenues in excess of \$25  
55 million, as adjusted in January of every odd-numbered year to  
56 reflect any increase in the Consumer Price Index.

57 b. Annually buys, sells, or shares the personal information  
58 of 50,000 or more consumers, households, or devices.

59 c. Derives 50 percent or more of its global annual revenues  
60 from selling or sharing personal information about consumers.

61 (b) An entity that controls or is controlled by a business  
62 and that shares common branding with the business. As used in  
63 this paragraph, the term:

64 1. "Common branding" means a shared name, service mark, or  
65 trademark that the average consumer would understand to mean  
66 that two or more entities are commonly owned.

67 2. "Control" means:

68 a. Ownership of, or the power to vote, more than 50 percent



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69 of the outstanding shares of any class of voting security of a  
70 business;

71 b. Control in any manner over the election of a majority of  
72 the directors, or of individuals exercising similar functions;  
73 or

74 c. The power to exercise a controlling influence over the  
75 management of a company.

76 (c) A joint venture or partnership composed of businesses  
77 in which each business has at least a 40 percent interest. For  
78 the purposes of this act, the joint venture or partnership, and  
79 each business that comprises the joint venture or partnership,  
80 must be considered a separate, single business, except that  
81 personal information in the possession of each business and  
82 disclosed to the joint venture or partnership may not be shared  
83 with the other business. A joint venture does not include a  
84 third party that operates, hosts, or manages a website or an  
85 online service on behalf of a business or processes information  
86 on behalf of a business.

87 (5) "Business purpose" means the use of personal  
88 information for the business' operational or other notice-given  
89 purposes or for the service provider's operational purposes,  
90 provided that the use of the personal information is reasonably  
91 necessary to achieve, and proportionate to the benefit of  
92 achieving, the purpose for which the personal information was  
93 collected or processed or for another purpose that is compatible  
94 with the context in which the personal information was  
95 collected. The term includes all of the following:

96 (a) Auditing related to counting ad impressions of unique  
97 visitors and verifying positioning and the quality of ad



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98 impressions, and auditing compliance with this specification and  
99 other standards.

100 (b) Helping to ensure security and integrity to the extent  
101 that the use of the consumer's personal information is  
102 reasonably necessary for these purposes and proportionate to the  
103 benefit of its use for these purposes.

104 (c) Debugging to identify and repair errors that impair  
105 existing intended functionality.

106 (d) Short-term, transient use, including, but not limited  
107 to, nonpersonalized advertising shown as part of a consumer's  
108 current interaction with the business, provided that the  
109 consumer's personal information is not disclosed to a third  
110 party and is not used to build a profile of the consumer or to  
111 otherwise alter the consumer's experience outside his or her  
112 current interaction with the business.

113 (e) Performing services on behalf of the business,  
114 including maintaining or servicing accounts, providing customer  
115 service, processing or fulfilling orders and transactions,  
116 verifying customer information, processing payments, or  
117 providing financing, analytic services, storage, or similar  
118 services on behalf of the business.

119 (f) Providing advertising and marketing services, not  
120 including targeted advertising, to the consumer provided that,  
121 for the purpose of advertising and marketing, a service provider  
122 may not combine the personal information of consumers who opt  
123 out which the service provider receives from, or on behalf of,  
124 the business with personal information that the service provider  
125 receives from, or on behalf of, another person or persons or  
126 collects from its own interaction with consumers.



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127 (g) Undertaking internal research for technological  
128 development and demonstration.

129 (h) Undertaking activities to verify or maintain the  
130 quality or safety of a service or device that is owned,  
131 manufactured, manufactured for, or controlled by the business,  
132 and to improve, upgrade, or enhance the service or device that  
133 is owned, manufactured, manufactured for, or controlled by the  
134 business.

135 (6) "Categories" or "category" means the items of personal  
136 identifying information specified as being included as personal  
137 information under subsection (18).

138 (7) "Collects," "collected," or "collection" means buying,  
139 renting, gathering, obtaining, receiving, or accessing by any  
140 means any personal information pertaining to a consumer. The  
141 term includes receiving information from the consumer, either  
142 actively or passively, or by observing the consumer's behavior.

143 (8) "Commercial purposes" means to advance a person's  
144 commercial or economic interests, such as by inducing another  
145 person to buy, rent, lease, join, subscribe to, provide, or  
146 exchange products, goods, property, information, or services or  
147 enabling or effecting, directly or indirectly, a commercial  
148 transaction. The term does not include engaging in speech that  
149 state or federal courts have recognized as noncommercial speech,  
150 including political speech and journalism.

151 (9) "Consumer" means a natural person, however identified,  
152 including identification by a unique identifier, who is in this  
153 state for other than a temporary or transitory purpose. The term  
154 does not include any other natural person who is a nonresident.

155 (10) "De-identified" means information:



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156 (a) That cannot reasonably identify, relate to, describe,  
157 be associated with, or be linked directly or indirectly to a  
158 particular consumer or device;

159 (b) Containing data that the business has taken reasonable  
160 measures to ensure could not be reidentified;

161 (c) Containing data that the business publicly commits to  
162 maintain and use in a de-identified fashion and that it does not  
163 attempt to reidentify; and

164 (d) Containing data that the business contractually  
165 prohibits downstream recipients from attempting to reidentify.

166 (11) "Designated request address" means an electronic mail  
167 address, a toll-free telephone number, or a website established  
168 by a business through which a consumer may submit a verified  
169 request to the business.

170 (12) "Device" means a physical object capable of directly or  
171 indirectly connecting to the Internet.

172 (13) "Home page" means the introductory page of an Internet  
173 website and any Internet web page where personal information is  
174 collected. In the case of an online service, such as a mobile  
175 application, the term means the application's platform page or  
176 download page; a link within the application, such as from the  
177 application configuration, "about," "information," or settings  
178 page; and any other location that allows consumers to review the  
179 notices required by this act, at any time, including, but not  
180 limited to, before downloading the application.

181 (14) "Household" means a person or group of persons living  
182 together or sharing living quarters who are or are not related.

183 (15) "Intentional interaction" or "intentionally  
184 interacting" means the consumer intends to interact with or



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185 disclose personal information to a person through one or more  
186 deliberate interactions, including visiting the person's website  
187 or purchasing a good or service from the person. The term does  
188 not include hovering over, muting, pausing, or closing a given  
189 piece of content.

190 (16) "Nonpersonalized advertising" means advertising and  
191 marketing that is based solely on a consumer's personal  
192 information derived from the consumer's current interaction with  
193 the business, with the exception of the consumer's precise  
194 geolocation.

195 (17) "Person" means an individual, a proprietorship, a  
196 firm, a partnership, a joint venture, a syndicate, a business  
197 trust, a company, a corporation, a limited liability company, an  
198 association, a committee, and any other organization or group of  
199 persons acting in concert.

200 (18) "Personal information" means information that  
201 identifies, relates to, describes, is reasonably capable of  
202 being associated with, or could reasonably be linked, directly  
203 or indirectly, with a particular consumer or household.

204 (a) The term includes, but is not limited to, all of the  
205 following items of personal identifying information about a  
206 consumer collected and maintained by a person or business:

- 207 1. A first and last name.
- 208 2. A home or other physical address that includes the name  
209 of a street and the name of a city or town.
- 210 3. An electronic mail address.
- 211 4. A telephone number.
- 212 5. A social security number.
- 213 6. An identifier such as an alias, a unique personal





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214 identifier, an online identifier, an Internet protocol address,  
215 an account name, a driver license number, a passport number, or  
216 other similar identifiers.

217 7. Biometric information, such as DNA or fingerprints or  
218 any other biometric information collected by a business about a  
219 consumer without the consumer's knowledge.

220 8. Internet or other electronic network activity  
221 information, including, but not limited to, browsing history,  
222 search history, and information regarding a consumer's  
223 interaction with a website, an application, or an advertisement.

224 9. Audio, electronic, visual, thermal, olfactory,  
225 geolocation, or similar information.

226 10. Professional or employment-related information.

227 11. Education information, defined as only information that  
228 is not publicly available.

229 12. Inferences drawn from any information specified in this  
230 paragraph which can create a profile about a consumer reflecting  
231 the consumer's preferences, characteristics, psychological  
232 trends, predispositions, behavior, attitudes, intelligence,  
233 abilities, and aptitudes.

234 13. Any other information that may serve as a probabilistic  
235 identifier concerning a consumer which is collected from the  
236 consumer through a website, an online service, or some other  
237 means by the business and maintained by the business in  
238 combination with an identifier in a form that, when used  
239 together with the information, identifies the consumer.

240 14. Characteristics of protected classifications under  
241 state or federal law.

242 15. Commercial information, including records of personal



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243 property; products or services purchased, obtained, or  
244 considered; or other purchasing or consuming histories or  
245 tendencies.

246 16. Geolocation data.

247 (b) The term does not include:

248 1. Information about a consumer obtained from public  
249 records, including information that is lawfully made available  
250 from federal, state, or local governmental records; information  
251 that a business has a reasonable basis to believe is lawfully  
252 made available to the general public by the consumer or from  
253 widely distributed media; or lawfully obtained, truthful  
254 information that is a matter of public concern.

255 2. Consumer information that is de-identified or aggregate  
256 consumer information that relates to a group or category of  
257 consumers from which individual consumer identities have been  
258 removed.

259 (19) "Probabilistic identifier" means the identification of  
260 a consumer or a device to a degree of certainty more probable  
261 than not, based on any categories of personal information  
262 included in or similar to the items of personal identifying  
263 information specified in subsection (18).

264 (20) "Processing" means any operation or set of operations  
265 performed on personal information or on sets of personal  
266 information, whether or not by automated means.

267 (21) "Profiling" means any form of automated processing  
268 performed on personal data to evaluate, analyze, or predict  
269 personal aspects related to an identified or identifiable  
270 natural person's economic situation, health, personal  
271 preferences, interests, reliability, behavior, location, or



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272 movements.

273 (22) (a) "Sale" or "sell" means the sale, rental, release,  
274 disclosure, dissemination, making available, loaning, sharing,  
275 transferring, or other communication, orally, in writing, or by  
276 electronic or other means, of a consumer's personal information  
277 by a business to a third party for monetary or other tangible or  
278 intangible consideration or for any commercial purpose.

279 (b) The term does not include any of the following:

280 1. The disclosure, for a business purpose, of personal  
281 information by a business to a service provider who processes  
282 the personal information on behalf of the business.

283 2. The disclosure, for the purposes of providing a product  
284 or service requested by the consumer, of personal information by  
285 a business to another business resulting from the consumer's  
286 intentional interaction.

287 (23) "Security and integrity" means the ability of a:

288 (a) Network or information system to detect security  
289 incidents that compromise the availability, authenticity,  
290 integrity, and confidentiality of stored or transmitted personal  
291 information.

292 (b) Business to detect security incidents; to resist  
293 malicious, deceptive, fraudulent, or illegal actions; and to  
294 help prosecute those responsible for such actions.

295 (c) Business to ensure the physical safety of natural  
296 persons.

297 (24) "Service provider" means a person who processes  
298 personal information on behalf of a business to whom the  
299 business discloses a consumer's personal information for a  
300 business purpose pursuant to a written or electronic contract if



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301 the contract prohibits the person from:

302 (a) Selling the information;

303 (b) Retaining, using, or disclosing the personal

304 information for any purpose other than the business purposes

305 specified in the contract, including a prohibition on retaining,

306 using, or disclosing the personal information for a commercial

307 purpose other than the business purposes specified in the

308 contract with the business;

309 (c) Combining the personal information that the service

310 provider receives from or on behalf of the business with

311 personal information that the service provider receives from or

312 on behalf of another person or persons or collects from its own

313 interaction with consumers, provided that the service provider

314 may combine personal information to perform a business purpose;

315 and

316 (d) Retaining, using, or disclosing the information outside

317 of the direct business relationship between the service provider

318 and the business.

319 (25) "Targeted advertising" means displaying an

320 advertisement to a consumer when the advertisement is selected

321 based on personal data obtained from a consumer's activities

322 over time and across businesses, websites, or online

323 applications other than the business, website, or online

324 application with which the consumer is intentionally

325 interacting, to predict such consumer's preferences or

326 interests. The term does not include nonpersonalized

327 advertising.

328 (26) "Third party" means a person who is not any of the

329 following:



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330 (a) The business with which the consumer intentionally  
331 interacts which collects personal information from the consumer  
332 as part of the consumer's current interaction with the business.

333 (b) A service provider to the business.

334 (27) "Unique identifier" or "unique personal identifier"  
335 means a persistent identifier that can be used to recognize a  
336 consumer, a family, or a device linked to a consumer or family  
337 over time and across different services, including, but not  
338 limited to, a device identifier; an Internet protocol address;  
339 cookies, beacons, pixel tags, mobile ad identifiers, or similar  
340 technology; a customer number, unique pseudonym, or user alias;  
341 telephone numbers; or other forms of persistent or probabilistic  
342 identifiers that can be used to identify a particular consumer  
343 or device that is linked to a consumer or family. For purposes  
344 of this subsection, the term "family" means a custodial parent  
345 or guardian and any minor children of which the parent or  
346 guardian has custody.

347 (28) "Verified request" means a request submitted by a  
348 consumer, by a consumer on behalf of the consumer's minor child,  
349 or by a natural person or a person registered with the Secretary  
350 of State, who is authorized by the consumer to act on the  
351 consumer's behalf, to a business for which the business can  
352 reasonably verify the authenticity of the request.

353 Section 4. Section 501.1745, Florida Statutes, is created  
354 to read:

355 501.1745 General duties of businesses that collect personal  
356 information.—

357 (1) A business that controls the collection of a consumer's  
358 personal information that will be used for any purpose other



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359 than a business purpose, at or before the point of collection,  
360 shall inform consumers of all of the following:

361 (a) The purposes for which each category of personal  
362 information is collected or used and whether that information is  
363 sold. A business may not collect additional categories of  
364 personal information, or use collected personal information for  
365 additional purposes that are incompatible with the disclosed  
366 purpose for which the personal information was collected,  
367 without providing the consumer with notice consistent with this  
368 section.

369 (b) The length of time the business intends to retain each  
370 category of personal information or, if that is not possible,  
371 the criteria used to determine such period, provided that a  
372 business may not retain a consumer's personal information for  
373 each disclosed purpose for which the personal information was  
374 collected for longer than is reasonably necessary for that  
375 disclosed purpose.

376 (2) A business' collection, use, retention, and sharing of  
377 a consumer's personal information must be reasonably necessary  
378 to achieve, and proportionate to the benefit of achieving, the  
379 purposes for which the personal information was collected or  
380 processed, and such information may not be further processed in  
381 a manner that is incompatible with those purposes.

382 (3) A business that collects a consumer's personal  
383 information shall implement reasonable security procedures and  
384 practices appropriate to the nature of the personal information  
385 to protect the personal information from unauthorized or illegal  
386 access, destruction, use, modification, or disclosure.

387 (4) A business that collects a consumer's personal



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388 information and sells that personal information to a third party  
389 or discloses it to a service provider for a business purpose  
390 shall enter into an agreement with such third party or service  
391 provider which obligates the third party or service provider to  
392 comply with applicable obligations under this act and obligates  
393 those persons to provide the same level of privacy protection as  
394 is required by this act. If a service provider engages any other  
395 person to assist it in processing personal information for a  
396 business purpose on behalf of the business, or if any other  
397 person engaged by the service provider engages another person to  
398 assist in processing personal information for that business  
399 purpose, the provider or person must notify the business of that  
400 engagement, and the engagement must be pursuant to a written  
401 contract that includes the prohibitions described in s.  
402 501.174(23) and a certification made by the person receiving the  
403 personal information that he or she understands the restrictions  
404 under this act and will comply with them.

405 Section 5. Section 501.175, Florida Statutes, is created to  
406 read:

407 501.175 Use of personal information; third parties; other  
408 rights.-

409 (1) (a) A consumer has the right, at any time, to direct a  
410 business that sells personal information about the consumer not  
411 to sell the consumer's personal information. This right may be  
412 referred to as the right to opt out of the sale.

413 (b) As part of the right to opt out of the sale of his or  
414 her personal information, a consumer has the right, at any time,  
415 to opt out of the processing of the consumer's personal data for  
416 purposes of targeted advertising or profiling. However, this



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417 paragraph may not be construed to prohibit the business that  
418 collected the consumer's personal information from:

419 1. Offering a different price, rate, level, quality, or  
420 selection of goods or services to a consumer, including offering  
421 goods or services for no fee, if the consumer has opted out of  
422 targeted advertising or the sale of his or her personal  
423 information; or

424 2. Offering a loyalty, reward, premium feature, discount,  
425 or club card program.

426 (c) A business that charges or offers a different price,  
427 rate, level, quality, or selection of goods or services to a  
428 consumer who has opted out of targeted advertising or the sale  
429 of his or her personal information, or that offers goods or  
430 services for no fee, shall ensure that such charge or offer is:

431 1. Reasonably related to the value provided to the business  
432 by the consumer's data; and

433 2. Not unjust, unreasonable, coercive, or usurious.

434 (2) A business that sells consumers' personal information  
435 shall provide notice to consumers that the information may be  
436 sold and that consumers have the right to opt out of the sale of  
437 their personal information.

438 (3) A business that sells consumer information and that has  
439 received direction from a consumer not to sell the consumer's  
440 personal information or, in the case of a minor consumer's  
441 personal information, has not received consent to sell the minor  
442 consumer's personal information, is prohibited from selling the  
443 consumer's personal information after the business receives the  
444 consumer's direction, unless the consumer subsequently provides  
445 express authorization for the sale of the consumer's personal





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446 information. A business that is able to authenticate the  
447 consumer, for example, by the consumer logging in, or that uses  
448 some other unique identifier for the consumer, must comply with  
449 any privacy preferences the consumer previously directed. The  
450 business may not require the consumer to declare privacy  
451 preferences every time the consumer visits the business' website  
452 or uses the business' online services.

453 (4) (a) Notwithstanding subsection (1), a business may not  
454 sell the personal information of consumers if the business has  
455 actual knowledge that the consumer is younger than 16 years of  
456 age, unless:

457 1. The consumer, in the case of consumers between 13 and 16  
458 years of age, has affirmatively authorized the sale of the  
459 consumer's personal information; or

460 2. The consumer's parent or guardian, in the case of  
461 consumers who are younger than 13 years of age, has  
462 affirmatively authorized the sale of the consumer's personal  
463 information.

464 (b) This right may be referred to as the right to opt in.

465 (c) A business that willfully disregards the consumer's age  
466 is deemed to have actual knowledge of the consumer's age.

467 (5) A business that is required to comply with this section  
468 shall, in a form that is reasonably accessible to consumers, do  
469 all of the following:

470 (a) Provide a clear and conspicuous link on the business'  
471 Internet home page, titled "Do Not Sell My Personal  
472 Information," to a web page that enables a consumer or a person  
473 authorized by the consumer to opt out of the sale of the  
474 consumer's personal information. A business may not require a



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475 consumer to create an account in order to direct the business  
476 not to sell the consumer's information.

477 (b) Ensure that all individuals responsible for handling  
478 consumer inquiries about the business' privacy practices or the  
479 business' compliance with this section are informed of all  
480 requirements of this section and how to direct consumers to  
481 exercise their rights.

482 (c) For consumers who exercise their right to opt out of  
483 the sale of their personal information, refrain from selling  
484 personal information the business collected about the consumer  
485 as soon as reasonably possible but no longer than 2 business  
486 days after receiving the request to opt out.

487 (d) For consumers who have opted out of the sale of their  
488 personal information, respect the consumer's decision to opt out  
489 for at least 12 months before requesting that the consumer  
490 authorize the sale of the consumer's personal information.

491 (e) Use any personal information collected from the  
492 consumer in connection with the submission of the consumer's  
493 opt-out request solely for the purposes of complying with the  
494 opt-out request.

495 (f) Ensure that consumers have the right to submit a  
496 verified request for certain information from a business,  
497 including the sources from which the consumer's personal  
498 information was collected, the specific items of personal  
499 information it has collected about the consumer, and any third  
500 parties to whom the personal information was sold.

501 (6) Consumers have the right to submit a verified request  
502 for the deletion of their personal information that the business  
503 has collected.



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504       (7) A business, or a service provider acting pursuant to  
505 its contract with the business or another service provider, is  
506 not required to comply with a consumer's verified request to  
507 delete the consumer's personal information if it is necessary  
508 for the business or service provider to maintain the consumer's  
509 personal information in order to do any of the following:

510           (a) Complete the transaction for which the personal  
511 information was collected, fulfill the terms of a written  
512 warranty or product recall conducted in accordance with federal  
513 law, provide a good or service requested by the consumer, or  
514 otherwise perform a contract between the business and the  
515 consumer.

516           (b) Help to ensure security and integrity to the extent  
517 that the use of the consumer's personal information is  
518 reasonably necessary and proportionate for those purposes.

519           (c) Debug to identify and repair errors that impair  
520 existing intended functionality.

521           (d) Exercise free speech, ensure the right of another  
522 consumer to exercise that consumer's right of free speech, or  
523 exercise another right provided for by law.

524           (e) Engage in public or peer-reviewed scientific,  
525 historical, or statistical research that conforms or adheres to  
526 all other applicable ethics and privacy laws, when the business'  
527 deletion of the information is likely to render impossible or  
528 seriously impair the ability to complete such research, if the  
529 consumer has provided informed consent.

530           (f) Comply with a legal obligation.

531       (8) Consumers have the right to submit a verified request  
532 for correction of their personal information held by a business



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533 if that information is inaccurate.

534 (9) This section may not be construed to require a business  
535 to comply by including the required links and text on the home  
536 page that the business makes available to the public generally,  
537 if:

538 (a) The business maintains a separate and additional home  
539 page that is dedicated to consumers in this state and includes  
540 the required links and text; and

541 (b) The business takes reasonable steps to ensure that  
542 consumers in this state are directed to the home page for  
543 consumers in this state and not the home page made available to  
544 the public generally.

545 (10) A consumer may authorize another person to opt out of  
546 the sale of the consumer's personal information. A business  
547 shall comply with an opt-out request received from a person  
548 authorized by the consumer to act on the consumer's behalf,  
549 including a request received through a user-enabled global  
550 privacy control, such as a browser plug-in or privacy setting,  
551 device setting, or other mechanism, which communicates or  
552 signals the consumer's choice to opt out, and may not require a  
553 consumer to make a verified request to opt out of the sale of  
554 his or her information.

555 (11) Each business shall establish a designated request  
556 address through which a consumer may submit a request to  
557 exercise his or her rights under this act.

558 (12) (a) A business that receives a verified request:

559 1. For a consumer's personal information, shall disclose to  
560 the consumer any personal information about the consumer which  
561 it has collected since July 1, 2022, directly or indirectly,



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562 including through or by a service provider.

563 2. To correct a consumer's inaccurate personal information,  
564 shall correct the inaccurate personal information.

565 3. To delete a consumer's personal information, shall  
566 delete such personal information.

567 (b) A service provider is not required to personally comply  
568 with a verified request received directly from a consumer or a  
569 consumer's authorized agent to the extent that the service  
570 provider has collected personal information about the consumer  
571 in its role as a service provider. A service provider shall  
572 provide assistance to a business with which it has a contractual  
573 relationship with respect to the business' response to a  
574 verifiable consumer request, including, but not limited to, by  
575 providing to the business the consumer's personal information in  
576 the service provider's possession which the service provider  
577 obtained as a result of providing services to the business.

578 (c) At the direction of the business, a service provider  
579 shall correct inaccurate personal information, or delete  
580 personal information, or enable the business to do the same, and  
581 shall notify any service providers who may have accessed such  
582 personal information from or through the service provider, to  
583 correct or delete the consumer's personal information, as  
584 applicable.

585 (d) A business shall comply with a verified request  
586 submitted by a consumer to access, correct, or delete personal  
587 information within 30 days after the date the request is  
588 submitted. A business may extend such period by up to 30 days if  
589 the business, in good faith, determines that such an extension  
590 is reasonably necessary. A business that extends the period



591 shall notify the consumer of the necessity of an extension.

592 (13) A business shall comply with a consumer's previous  
593 expressed decision to opt out of the sale of his or her personal  
594 information without requiring the consumer to take any  
595 additional action if:

596 (a) The business is able to identify the consumer through a  
597 login protocol or any other process the business uses to  
598 identify consumers and the consumer has previously exercised his  
599 or her right to opt out of the sale of his or her personal  
600 information; or

601 (b) The business is aware of the consumer's desire to opt  
602 out of the sale of his or her personal information through the  
603 use of a user-enabled global privacy control, such as a browser,  
604 browser instruction, plug-in or privacy setting, device setting,  
605 application, service, or other mechanism, which communicates or  
606 signals the consumer's choice to opt out.

607 (14) A business shall make available, in a manner  
608 reasonably accessible to consumers whose personal information  
609 the business collects through its website or online service, a  
610 notice that does all of the following:

611 (a) Identifies the categories of personal information that  
612 the business collects through its website or online service  
613 about consumers who use or visit the website or online service  
614 and the categories of third parties with whom the business may  
615 share such personal information.

616 (b) Provides a description of the process, if applicable,  
617 for a consumer who uses or visits the website or online service  
618 to review and request changes to any of his or her personal  
619 information that is collected through the website or online



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620 service.

621 (c) Describes the process by which the business notifies  
622 consumers who use or visit the website or online service of  
623 material changes to the notice.

624 (d) Discloses whether a third party may collect personal  
625 information about a consumer's online activities over time and  
626 across different websites or online services when the consumer  
627 uses the business' website or online service.

628 (e) States the effective date of the notice.

629 Section 6. Section 501.176, Florida Statutes, is created to  
630 read:

631 501.176 Exclusions.—

632 (1) The obligations imposed on a business by this act do  
633 not restrict a business' ability to do any of the following:

634 (a) Comply with federal, state, or local laws.

635 (b) Comply with a civil, criminal, or regulatory inquiry or  
636 an investigation, a subpoena, or a summons by federal, state, or  
637 local authorities.

638 (c) Cooperate with law enforcement agencies concerning  
639 conduct or activity that the business, service provider, or  
640 third party reasonably and in good faith believes may violate  
641 federal, state, or local law.

642 (d) Exercise or defend legal claims.

643 (e) Collect, use, retain, sell, or disclose consumer  
644 information that is de-identified or in the aggregate consumer  
645 information that relates to a group or category of consumers  
646 from which individual consumer identities have been removed.

647 (f) Collect or sell a consumer's personal information if  
648 every aspect of that commercial conduct takes place wholly



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649 outside of this state. For purposes of this act, commercial  
650 conduct takes place wholly outside of this state if the business  
651 collected that information while the consumer was outside of  
652 this state, no part of the sale of the consumer's personal  
653 information occurred in this state, and no personal information  
654 collected while the consumer was in this state is sold. This  
655 paragraph does not permit a business to store, including on a  
656 device, personal information about a consumer when the consumer  
657 is in this state and then to collect that personal information  
658 when the consumer and stored personal information are outside of  
659 this state.

660 (2) This act does not apply to any of the following:

661 (a) A business that collects or discloses the personal  
662 information of the business' employees, applicants, interns, or  
663 volunteers so long as the business is collecting or disclosing  
664 such information within the scope of its role as an employer.

665 (b) Health information that is collected by a covered  
666 entity or business associate governed by the privacy, security,  
667 and breach notification rules issued by the United States  
668 Department of Health and Human Services in 45 C.F.R. parts 160  
669 and 164.

670 (c) A covered entity governed by the privacy, security, and  
671 breach notification rules issued by the United States Department  
672 of Health and Human Services in 45 C.F.R. parts 160 and 164, to  
673 the extent the provider or covered entity maintains patient  
674 information in the same manner as medical information or  
675 protected health information as described in paragraph (b).

676 (d) Information collected as part of a clinical trial  
677 subject to the Federal Policy for the Protection of Human





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678 Subjects pursuant to good clinical practice guidelines issued by  
679 the International Council for Harmonisation of Technical  
680 Requirements for Pharmaceuticals for Human Use or pursuant to  
681 human subject protection requirements of the United States Food  
682 and Drug Administration.

683 (e) The sale of personal information to or from a consumer  
684 reporting agency if that information is to be reported in or  
685 used to generate a consumer report as defined by 15 U.S.C. s.  
686 1681(a), and if the use of that information is limited by the  
687 federal Fair Credit Reporting Act, 15 U.S.C. s. 1681 et seq.

688 (f) Personal information collected, processed, sold, or  
689 disclosed pursuant to the federal Gramm-Leach-Bliley Act, 12  
690 U.S.C. s. 24(a) et seq. and implementing regulations.

691 (g) Personal information collected, processed, sold, or  
692 disclosed pursuant to the federal Driver's Privacy Protection  
693 Act of 1994, 18 U.S.C. s. 2721 et seq.;

694 (h) Education information covered by the federal Family  
695 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g and 34  
696 C.F.R. part 99.

697 (i) Personal information collected, processed, sold, or  
698 disclosed in relation to price, route, or service as those terms  
699 are used in the federal Airline Deregulation Act, 49 U.S.C. s.  
700 40101 et seq., by entities subject to the federal Airline  
701 Deregulation Act, to the extent the provisions of this act are  
702 preempted by s. 41713 of the federal Airline Deregulation Act.

703 (j) Vehicle information or ownership information retained  
704 or shared between a new motor vehicle dealer and the vehicle's  
705 manufacturer if the vehicle or ownership information is shared  
706 for the purpose of effectuating, or in anticipation of



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707 effectuating, a vehicle repair covered by a vehicle warranty or  
708 a recall conducted pursuant to 49 U.S.C. s. 30118-30120,  
709 provided that the new motor vehicle dealer or vehicle  
710 manufacturer with which that vehicle information or ownership  
711 information is shared does not sell, share, or use that  
712 information for any other purpose. As used in this paragraph,  
713 the term "vehicle information" means the vehicle information  
714 number, make, model, year, and odometer reading, and the term  
715 "ownership information" means the name or names of the  
716 registered owner or owners and the contact information for the  
717 owner or owners.

718 (3) If a request from a consumer is manifestly unfounded or  
719 excessive, in particular because of the request's repetitive  
720 character, a business may either charge a reasonable fee, taking  
721 into account the administrative costs of providing the  
722 information or communication or taking the action requested, or  
723 refuse to act on the request and notify the consumer of the  
724 reason for refusing the request. The business bears the burden  
725 of demonstrating that any verified consumer request is  
726 manifestly unfounded or excessive.

727 (4) A business that discloses personal information to a  
728 service provider is not liable under this act if the service  
729 provider receiving the personal information uses it in violation  
730 of the restrictions set forth in the act, provided that, at the  
731 time of disclosing the personal information, the business does  
732 not have actual knowledge, or reason to believe, that the  
733 service provider intends to commit such a violation. A service  
734 provider is likewise not liable under this act for the  
735 obligations of a business for which it provides services as set



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736 forth in this act.

737 (5) This act may not be construed to require a business to  
738 reidentify or otherwise link information that is not maintained  
739 in a manner that would be considered personal information;  
740 retain any personal information about a consumer if, in the  
741 ordinary course of business, that information would not be  
742 retained; maintain information in identifiable, linkable, or  
743 associable form; or collect, obtain, retain, or access any data  
744 or technology in order to be capable of linking or associating a  
745 verifiable consumer request with personal information.

746 (6) The rights afforded to consumers and the obligations  
747 imposed on a business in this act may not adversely affect the  
748 rights and freedoms of other consumers. Notwithstanding s.  
749 501.175(7), a verified request for specific items of personal  
750 information, to delete a consumer's personal information, or to  
751 correct inaccurate personal information does not extend to  
752 personal information about the consumer which belongs to, or  
753 which the business maintains on behalf of, another natural  
754 person.

755 Section 7. Section 501.177, Florida Statutes, is created to  
756 read:

757 501.177 Civil actions; private right of action; attorney  
758 general; rules.—

759 (1) If any business violates any provision of this act, the  
760 consumer may initiate a civil action for any of the following:

761 (a) Recovery of damages of at least \$100 and not more than  
762 \$750 per consumer per incident or actual damages, whichever is  
763 greater.

764 (b) Injunctive or declaratory relief.



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765 (c) Reasonable costs of enforcement, including a reasonable  
766 attorney fee and costs.

767 (d) Any other relief deemed appropriate by the court.

768 (2) In assessing the amount of statutory damages, the court  
769 shall consider any one or more of the relevant circumstances  
770 presented by any of the parties to the case, including, but not  
771 limited to, the nature and seriousness of the misconduct, the  
772 number of violations, the persistence of the misconduct, the  
773 length of time over which the misconduct occurred, the  
774 willfulness of the defendant's misconduct, and the defendant's  
775 assets, liabilities, and net worth.

776 (3) (a) The Department of Legal Affairs shall adopt rules to  
777 enforce this act. If the department has reason to believe that a  
778 business, directly or indirectly, has violated or is violating  
779 this section, the department may institute an appropriate legal  
780 proceeding against the business.

781 (b) The trial court, upon a showing that any business,  
782 directly or indirectly, has violated or is violating this act,  
783 may take any of the following actions:

784 1. Issue a temporary or permanent injunction.

785 2. Impose a civil penalty not to exceed \$5,000 for each  
786 violation. If the violation involves a consumer who was 16 years  
787 of age or younger at the time of the violation, the court may  
788 triple the civil penalty.

789 3. Award reasonable costs of enforcement, including a  
790 reasonable attorney fee and costs.

791 4. Grant such other relief as the court may deem  
792 appropriate.

793 Section 8. This act shall take effect January 1, 2022.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to consumer data privacy; creating s.  
501.172, F.S.; providing a short title; creating s.  
501.173, F.S.; providing a purpose; creating s.  
501.174, F.S.; defining terms; creating s. 501.1745,  
F.S.; requiring certain businesses that collect  
consumer personal information to provide certain  
information to the consumer; requiring such  
collection, use, retention, and sharing of such  
information to meet certain requirements; requiring  
such businesses to implement reasonable security  
procedures and practices; requiring such businesses to  
enter into an agreement with third parties under  
certain circumstances; creating s. 501.175, F.S.;  
providing that consumers have the right to direct  
certain businesses not to sell their personal  
information; providing construction; requiring such  
businesses to notify consumers of such right;  
requiring businesses to comply with such a request  
under certain circumstances; prohibiting businesses  
from selling the personal information of consumers  
younger than a specified age without express  
authorization from the consumer or the consumer's  
parent or guardian under certain circumstances;



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823 providing that a business that willfully disregards a  
824 consumer's age is deemed to have actual knowledge of  
825 the consumer's age; requiring certain businesses to  
826 provide a specified link on their home page for  
827 consumers to opt out; providing requirements for  
828 businesses to comply with a consumer's opt-out  
829 request; providing that consumers have the right to  
830 submit a verified request for businesses to delete or  
831 correct personal information the businesses have  
832 collected about the consumers; providing construction;  
833 providing that consumers may authorize other persons  
834 to opt out of the sale of the consumer's personal  
835 information on the consumer's behalf; requiring  
836 businesses to establish designated addresses through  
837 which consumers may submit verified requests;  
838 specifying requirements for consumers' verified  
839 requests and businesses' responses; requiring  
840 businesses to comply with previous consumer requests  
841 without requiring additional information from the  
842 consumer, under certain circumstances; requiring  
843 businesses to provide certain notices to consumers;  
844 creating s. 501.176, F.S.; providing applicability;  
845 authorizing businesses to charge consumers a  
846 reasonable fee for manifestly unfounded or excessive  
847 requests, or to refuse to complete a request under  
848 certain circumstances; providing for business  
849 liability under certain circumstances; providing  
850 construction; providing that a consumer's rights and  
851 the obligations of a business may not adversely affect



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852 the rights and freedoms of other consumers; creating  
853 s. 501.177, F.S.; authorizing consumers to initiate  
854 civil actions for violations; providing civil  
855 remedies; requiring the Department of Legal Affairs to  
856 adopt rules and to initiate legal proceedings against  
857 a business under certain circumstances; providing  
858 civil penalties; providing an effective date.