

By Senator Gruters

23-00355A-22

20221848__

1 A bill to be entitled
2 An act relating to personal information protection;
3 creating s. 501.9744, F.S.; providing a short title;
4 defining terms; prohibiting a public agency from
5 requiring, publicly disclosing, or requesting
6 specified personal information; providing construction
7 and applicability; providing for the right of civil
8 action and award of damages; providing penalties;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 501.9744, Florida Statutes, is created
14 to read:

15 501.9744 Personal privacy protection.-

16 (1) This act may be cited as the "Personal Privacy
17 Protection Act."

18 (2) As used in this section, the term:

19 (a) "Person" means an individual or a corporation, a
20 partnership, an association, or any other legal or commercial
21 entity.

22 (b) "Personal information" means any compilation of data
23 that directly or indirectly identifies a person as a member of,
24 supporter of, volunteer for, or donor of financial or
25 nonfinancial support to any entity exempt from federal income
26 tax under s. 501(c)(3) of the Internal Revenue Code.

27 (c) "Public agency" means any state or local governmental
28 unit, however designated, including, but not limited to, the
29 state; any department, agency, office, commission, board,

23-00355A-22

20221848__

30 division, or other entity of the state; any political
31 subdivision of the state, including, but not limited to, a
32 county, municipality, township, village, school district, or
33 community college district or any other local governmental unit,
34 agency, authority, council, board, or commission; or any state
35 or local court, tribunal, or other judicial or quasi-judicial
36 body.

37 (3) Notwithstanding any law, and subject to subsection (4),
38 a public agency may not do any of the following:

39 (a) Require a person to provide the public agency with
40 personal information or otherwise compel the release of personal
41 information.

42 (b) Require an entity exempt from federal income tax under
43 s. 501(c)(3) of the Internal Revenue Code to provide the public
44 agency with personal information or otherwise compel the release
45 of personal information.

46 (c) Release, publish, or otherwise publicly disclose
47 personal information held by a public agency.

48 (d) Request or require a current or prospective contractor
49 or grantee with the public agency to provide the public agency
50 with a list of entities exempt from federal income tax under s.
51 501(c)(3) of the Internal Revenue Code to which it has provided
52 financial or nonfinancial support.

53 (4) This section does not preclude:

54 (a) The disclosure of personal information exempt from
55 disclosure under the Freedom of Information Act.

56 (b) A report or disclosure required for campaign financing
57 under chapter 106 or lobbying under chapter 11.

58 (c) A lawful warrant for personal information issued by a

23-00355A-22

20221848

59 court of competent jurisdiction.

60 (d) A lawful request for discovery of personal information
61 in litigation if both of the following conditions are met:

62 1. The requestor demonstrates a compelling need for the
63 personal information by clear and convincing evidence.

64 2. The requestor obtains a protective order barring
65 disclosure of personal information to any person not named in
66 the litigation.

67 (e) Admission of personal information as relevant evidence
68 before a court of competent jurisdiction. However, a court may
69 not publicly reveal personal information without a specific
70 finding of good cause.

71 (5) This section does not apply to a national securities
72 association, as defined in 15 U.S.C. s. 78o-3, or regulations
73 adopted thereunder, or to any information a national securities
74 association provides to the Financial Services Commission
75 pursuant to chapter 517 and rules adopted thereunder.

76 (6) (a) A person alleging a violation of this section may
77 bring a civil action for injunctive relief, damages, or both.
78 Damages awarded under this section may include one of the
79 following:

80 1. For injury or loss caused by a violation, a sum not less
81 than \$2,500 for each violation.

82 2. For an intentional violation, a sum not to exceed 3
83 times the sum under subparagraph 1.

84 (b) The court may award all or a portion of the costs of
85 litigation, including reasonable attorney and witness fees, to
86 the complainant bringing the action.

87 (c) A person who knowingly violates this section commits a

23-00355A-22

20221848__

88 misdemeanor, punishable by imprisonment for not more than 90
89 days or a fine of not more than \$1,000, or both.

90 Section 2. This act shall take effect July 1, 2022.