

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Learned offered the following:

2
3 **Amendment to Amendment (801573)**

4 Remove lines 664-699 of the amendment and insert:

5 1. Failure to delete or correct the consumer's personal
6 information pursuant to this section within 10 calendar days
7 after notice of such failure, accompanied by the consumer's
8 verifiable consumer request or directions to delete or correct,
9 is served upon the controller, processor, or third party
10 pursuant to paragraph (c), unless the controller, processor, or
11 third party qualifies for an exception to the requirements to
12 delete or correct under this section.

258739

Approved For Filing: 2/25/2022 6:50:55 PM

Amendment No.

13 2. Continuing to sell or share the consumer's personal
14 information more than 45 calendar days after notice of failure
15 to comply with the consumer's directions to opt-out of the sale
16 or sharing of his or her personal information, accompanied by
17 the consumer's opt-out request, is served upon the controller,
18 processor, or third party pursuant to paragraph (c).

19 3. Continuing to sell or share the personal information of
20 the consumer age 18 or younger without obtaining consent as
21 required by this section more than 45 calendar days after notice
22 that such consent has not been obtained is served upon the
23 controller, processor, or third party pursuant to paragraph (c).

24 (c) As a condition precedent to filing a civil action
25 under this subsection, the consumer must serve the controller,
26 processor, or third party with written notice of the alleged
27 violation described in subparagraph (b)1., subparagraph (b)2.,
28 or subparagraph (b)3. and an intent to initiate litigation under
29 this subsection. Service of the notice must be made in the same
30 manner provided in chapter 48 for service of a complaint,
31 petition, or summons. If the alleged violation is not cured
32 within the time provided in subparagraph (b)1., subparagraph
33 (b)2., or subparagraph (b)3., the consumer may file the civil
34 action in a court of competent jurisdiction for such violation
35 persisting after the time to cure has expired.

36 (d) A court may grant the following relief to a Florida
37 consumer:

258739

Approved For Filing: 2/25/2022 6:50:55 PM

Amendment No.

38 1. Statutory damages in an amount of \$1000 per consumer
39 per incident or actual damages, whichever is greater.

40 2. Injunctive or declaratory relief.

41 (e) The prevailing party shall recover reasonable attorney
42 fees and costs.

43 (f) A consumer must commence a civil action for a claim
44 under this section within 1 year after discovery of the
45 violation.

46 (g) Any action under this subsection may only be brought
47 by or on behalf of a Florida consumer.

48 (h) Liability for a tort, contract claim, or consumer
49 protection claim which is unrelated to an action brought under
50 this subsection or subsection (11) does not arise solely from
51 the failure of a controller, processor, or third party to comply
52 with this section and evidence of such may only be used as the
53 basis to prove a cause of action under this subsection.

54 (i) In assessing the amount of statutory damages, the

258739

Approved For Filing: 2/25/2022 6:50:55 PM