

Amendment No.5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Learned offered the following:

Amendment

Remove lines 683-711 and insert:

6 1. Failure to delete or correct the consumer's personal
 7 information pursuant to this section within 45 calendar days
 8 after notice of such failure, accompanied by the consumer's
 9 verifiable consumer request, is served upon the controller,
 10 processor, or third party pursuant to paragraph (b), unless the
 11 controller, processor, or third party qualifies for an exception
 12 to the requirements to delete or correct under this section.

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

Amendment No.5

17 the consumer's opt-out request, is served upon the controller,
18 processor, or third party pursuant to paragraph (b).

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 (b).

24 (b) 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 (a)1., subparagraph (a)2.,
28 or subparagraph (a)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 (a)1., subparagraph
33 (a)2., or subparagraph (a)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 (c) A court may grant the following relief to a Florida
37 consumer:

38 1. Statutory damages in an amount not less than \$1000 per
39 consumer per incident or actual damages, whichever is greater.

40 2. Injunctive or declaratory relief.

Amendment No.5

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

43 (e) Any action under this subsection may only be brought
44 by or on behalf of a Florida consumer.

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

51 (g) In assessing the amount of statutory damages, the