

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

[2023s00262.hms.cm]

BILL: CS/CS/SB 262, First Engrossed
INTRODUCER: Rules, Commerce and Tourism, and Senator Bradley
SUBJECT: Technology Transparency
DATE: May 3, 2023

I. Amendments Contained in Message:

House Amendment - 471655 (body with title)
House Amendment - 703943 (body)
House Amendment - 338513 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment - 471655 clarifies the definition of “governmental entity” in the section of the bill that prohibits government directed content moderation of social media platforms, and provides that this section takes effect on July 1, 2023.

Additionally, the amendment creates s. 501.173, F.S., relating to the use of tracking technology. The amendment prohibits a tracking entity from collecting a consumer’s tracking information without the consumer’s consent, or from collecting a consumer’s tracking information while the collecting technology is not in active use by the consumer without the consumer’s consent for continued collection. The amendment provides exceptions to the above prohibitions, and provides that a violation of s. 501.173, F.S., is an unfair and deceptive trade practice, which is actionable under part II of chapter 501, F.S., and enforced by the Department of Legal Affairs.

The amendment also creates s. 501.1735, F.S., relating to the protection of children in online spaces. The amendment prohibits an online platform that provides an online service, product, game, or feature likely to be predominantly accessed by children from processing or collecting the personal information of children in particular ways. The amendment provides that a violation of s. 501.1735, F.S., is an unfair and deceptive trade practice actionable under part II of chapter 501, F.S., to be enforced by the Department of Legal Affairs. Additionally, the amendment provides that the new provisions explained above do establish a private cause of action.

House Amendment - 703943 amends the definition of “targeted advertising” to mean displaying to a consumer an advertisement selected based on personal data obtained from that consumer's activities over time, but does not include an advertisement that is based on the context of a consumer's current search query on the controller’s own website or online application, or is directed to a consumer search query on the controller’s own website or online application in response to the consumer’s request for information or feedback. The amendment provides that the data privacy provisions of the bill do not apply to the processing of personal data solely for

measuring or reporting advertising, performance, reach, or frequency. Additionally, the amendment clarifies the provisions relating to the opt out of the collection of precise geolocation data, and collection of personal data collected through the operation of a voice recognition feature.

House Amendment - 338513 clarifies that all moneys recovered by the Attorney General for attorney fees, costs, and penalties in an action for a violation of the provisions relating to tracking technology, protection of children in online spaces, or data privacy must be deposited into the Legal Affairs Revolving Trust Fund. The amendment provides that except as otherwise expressly provided in the bill, the bill takes effect on July 1, 2024.