

HB 1499

2026

A bill to be entitled  
An act relating to pricing based on collection of consumer information; providing a short title; creating s. 501.003, F.S.; providing definitions; declaring unlawful any act or practice of surveillance pricing; providing applicability; providing exceptions; requiring certain individuals who advertise, promote, label, or publish a statement, display, image, offer, or announcement of surveillance pricing to include a specified clear and conspicuous disclosure with such statement, display, image, offer, or announcement; providing penalties; providing construction; prohibiting a person from requiring consumers to waive certain rights or refusing a consumer access to goods and services under certain conditions; declaring any such waiver void; providing an effective date.

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

**Section 1.** This act may be cited as the "Florida Consumer Privacy Act."

Section 2. Section 501.003, Florida Statutes, is created to read:

501.003 Florida Consumer Privacy Act.—

26        (1) As used in this section, the term:

27        (a) "Collects," "collected," or "collection" means buying,  
28 renting, gathering, obtaining, receiving, or accessing any  
29 personal information relating to a consumer by any means. The  
30 term includes receiving information from the consumer, either  
31 actively or passively, or by observing the consumer's behavior.

32        (b) "Consumer" means an individual who obtains, maintains,  
33 uses, purchases, leases, or receives goods, services, real  
34 property, or personal property or the representative of such  
35 individual.

36        (c) "Covered information" means aggregate personal  
37 information.

38        (d) "Personal information" means information that  
39 identifies, relates to, describes, is reasonably capable of  
40 being associated with, or could reasonably be linked, directly  
41 or indirectly, with a particular consumer or household.

42        1. The term includes, but is not limited to, the following  
43 if it identifies, relates to, describes, is reasonably capable  
44 of being associated with, or could be reasonably linked,  
45 directly or indirectly, with a particular consumer or household:

46        a. An identifier such as a real name, an alias, a postal  
47 address, a unique personal identifier, an online identifier, an  
48 Internet Protocol address, an e-mail address, an account name, a  
49 username, a social security number, a driver license number, a  
50 passport number, a customer identifier, an advertising

51 identifier, or other similar identifier.

52 b. Commercial information, including records of personal  
53 property, products or services purchased, obtained, or  
54 considered, or other purchasing or consuming histories or  
55 tendencies.

56 c. Biometric data, health information, or genetic  
57 information.

58 d. Internet or other electronic network activity  
59 information, including, but not limited to, browsing history,  
60 search history, cookies, and information regarding a consumer's  
61 interaction with a website, an application, a product, or an  
62 advertisement, whether obtained directly or through a third  
63 party.

64 e. Geolocation data, including, but not limited to, data  
65 tracked from a global positioning system or environmental  
66 information about that location, such as a fire or storm that  
67 may indicate heightened consumer needs based on an emergency  
68 situation, not including cost differences based on objective  
69 uniformly applied shipping costs, or any applicable taxes or  
70 tariffs for various locations.

71 f. Audio, electronic, visual, thermal, olfactory, or  
72 similar information.

73 g. Professional or employment-related information.

74 h. Hardware information or hardware state of the online  
75 device, such as battery life, the number of wireless

76 connections, device age, or similar data, including increasing  
77 the price based on the payment information, such as the use of a  
78 specific debit or credit card, virtual wallet, bank transaction,  
79 such as a wire transfer or automated clearing house, or other  
80 payment, unless the price difference is based on a specific  
81 objective and uniformly applied transaction fee, which can vary  
82 based on the costs associated with the transaction. This sub-  
83 subparagraph does not prohibit the generation of a price offered  
84 to a consumer based on the hardware or hardware state of the  
85 online device for repairs or maintenance of the online device or  
86 for calculating a trade-in value of the online device.

87       i. Inferences drawn from or actual data collected about  
88 any of the information identified in this subparagraph to create  
89 a profile about a consumer reflecting the consumer's  
90 preferences, characteristics, psychological trends,  
91 predispositions, behavior, attitudes, intelligence, abilities,  
92 and aptitudes.

93       2. The term does not include:

94           a. Publicly available information or lawfully obtained,  
95 truthful information that is a matter of public concern.

96           b. Consumer information that is deidentified or aggregate  
97 consumer information, such as information used for advertising  
98 or other targeted marketing, but only if the pricing does not  
99 vary between consumers.

100       (e) "Surveillance pricing" means offering or setting a

101 personalized price for a good or service for a specific consumer  
102 or group of consumers based, in whole or in part, on covered  
103 information collected through any targeted pricing technologies,  
104 such as electronic or any other surveillance method. The term  
105 includes the use of technological methods, systems, or tools,  
106 including sensors, cameras, device tracking, biometric  
107 monitoring, cookies, or other forms of observation or data  
108 collection that are capable of gathering covered information  
109 about consumer behavior, characteristics, location, or other  
110 personal attributes, whether in physical or digital  
111 environments, including external or virtual attributes such as  
112 user hardware and payment methods. Surveillance pricing also  
113 includes dynamic pricing whereby a party engages in price fixing  
114 to adjust product prices in real time based on market demands,  
115 competitor prices, inventory levels, customer behavior, or other  
116 factors a person may use to determine or set prices for a  
117 product.

118 (2) (a) Notwithstanding any law to the contrary, a person  
119 may not engage in any act of surveillance pricing to charge,  
120 offer, or accept payment of an increased price for goods or  
121 services.

122 (b) This subsection does not apply to a refusal to extend  
123 credit on specific terms, such as credit cards, personal loans,  
124 and mortgages, or a refusal to enter into a transaction with a  
125 specific consumer, based primarily on information contained in a

126 consumer report in accordance with the federal Fair Credit  
127 Reporting Act.

128 (3) (a) A person does not engage in surveillance pricing in  
129 violation of paragraph (2) (a) if:

130 1. The difference in price is based solely on objective  
131 costs associated with providing the good or service to different  
132 consumers, such as zip codes, which can cause shipping or tax  
133 cost variations.

134 2. A discounted price is offered based on publicly  
135 disclosed eligibility criteria, including, but not limited to,  
136 signing up for a mailing list, registering for promotional  
137 communications, or participating in a promotional event, or the  
138 use of or access to forms of payment, such as credit or debit  
139 cards, online wallets, or other accepted forms of payment.

140 3. A discounted price is offered to members of a broadly  
141 defined group, including, but not limited to, teachers,  
142 veterans, senior citizens, or students based on publicly  
143 disclosed eligibility criteria.

144 4. A discounted price is offered through a loyalty,  
145 membership, or rewards program in which consumers affirmatively  
146 enroll.

147 5. The pricing analysis is being conducted by an insurer  
148 complying with the Florida Insurance Code, or a credit analyst  
149 in compliance with the federal Fair Credit Reporting Act.

150 (b) The discounted price offered in subparagraph (a) 2.,

151 subparagraph (a)3., or subparagraph(a)4. must comply with the  
152 following:

153 1. The eligibility criteria, available discounts, and any  
154 conditions for receiving or earning the discount or reward shall  
155 be clearly and conspicuously disclosed before any covered  
156 information is collected.

157 2. The discount or reward shall be offered uniformly to  
158 all consumers who meet the disclosed eligibility criteria.

159 (c) Any covered information collected pursuant to this  
160 subsection shall be used solely for the purpose of offering or  
161 administering the applicable discount, cost-based pricing, or  
162 loyalty program and may not be used for any other purpose,  
163 including profiling, targeted advertising, or individualized  
164 price setting.

165 (4) A person who knowingly advertises, promotes, labels,  
166 or publishes a statement, display, image, offer, or announcement  
167 of surveillance pricing shall include with such statement,  
168 display, image, offer, or announcement a clear and conspicuous  
169 disclosure that states:

170  
171 THIS PRICE WAS SET BY A SURVEILLANCE METHOD USING YOUR PERSONAL  
172 CONSUMER INFORMATION.

173  
174 (5) (a) The Attorney General or any state attorney may  
175 bring a civil action on behalf of the state to seek the

176 imposition of civil penalties against any person who violates  
177 this section. A civil penalty not to exceed \$1,500 shall be  
178 imposed for each violation, with each violation constituting a  
179 separate violation with respect to each consumer, worker, or  
180 transaction involved. Attorney fees and costs shall be awarded  
181 to the prevailing party.

182 (b) In addition to any other remedy available at law or in  
183 equity, a person aggrieved by a violation of this section may  
184 bring a civil action on behalf of themselves or a group of  
185 similarly situated persons to restrain further violations and to  
186 recover damages, reasonable attorney fees, and costs, including  
187 the greater of:

188 1. The amount of actual damages sustained, including  
189 prejudgment interest of 8 percent per year from the date the  
190 claim under this section accrued;

191 2. A civil penalty not to exceed \$1,500 for each  
192 violation, with each violation constituting a separate violation  
193 with respect to each consumer, worker, or transaction involved;  
194 or

195 3. Three times the amount of actual damages sustained, if  
196 it is established by clear and convincing evidence that such  
197 person violating this section engaged in bad faith conduct or  
198 intentionally violated this section.

199 (c) A person who violates this section shall be required  
200 to disgorge all revenues earned thereby. A prevailing plaintiff

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201 shall be awarded reasonable attorney fees and costs. A court may  
202 also award injunctive or declaratory relief as necessary.

203 (d) This subsection is cumulative to other existing  
204 remedies and penalties and does not limit other remedies and  
205 penalties that are available under the laws of this state or any  
206 applicable federal or local law.

207 (e) This section, including the enforcement authority  
208 granted to the Attorney General and the state attorneys of this  
209 state, does not preempt or otherwise affect any other right,  
210 claim, remedy, presumption, or defense available at law or in  
211 equity

212 (6) A person may not require a consumer to waive his or  
213 her rights under this section or any other rights under law or  
214 refuse a consumer access to goods or services for enforcing the  
215 protections under this section. Any such waiver, including, but  
216 not limited to, any mandatory dispute resolution provisions or  
217 contrary terms of use or service, is contrary to public policy  
218 and is void.

219 **Section 3.** This act shall take effect July 1, 2026.