

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

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

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

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

25 501.003 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

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

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

(b) This subsection does not apply to a refusal to extend credit on specific terms, such as credit cards, personal loans, and mortgages, or a refusal to enter into a transaction with a 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.,

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

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

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

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

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

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

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

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

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

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

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

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

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

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.