

By Senator Garcia

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1 A bill to be entitled

2 An act relating to copy machines, photocopiers, fax
3 machines, and printers; creating s. 501.974, F.S.;
4 providing definitions; requiring vendors of copy
5 machines to provide specified warning labels and
6 information with machines; requiring rulemaking;
7 requiring vendors of copy machines to erase or
8 otherwise render non-recreatable any records stored in
9 the memory of a machine; providing requirements for
10 financial institutions concerning copy machines;
11 prohibiting specified acts concerning required warning
12 labels; providing for recovery of punitive damages for
13 certain violations; providing an effective date.

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15 WHEREAS, every digital copier manufactured since 2002
16 contains a hard drive that functions in a manner similar to a
17 computer hard drive, storing digital images of documents that
18 are copied, transmitted, or printed by the device, and

19 WHEREAS, the hard drive of a digital copy machine stores an
20 image of every document scanned, emailed, or copied by the
21 machine, and

22 WHEREAS, the hard drives or other forms of memory of other
23 copy machines may also store images of documents, and

24 WHEREAS, social security numbers, birth certificates,
25 medical records, bank records, and other personal information
26 can easily be retrieved from digital copy machines by identity
27 thieves, and

28 WHEREAS, restricting the sale or lease of digital copy
29 machines unless information has been permanently removed from

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30 digital memory will protect the citizens of this state from this
31 danger, NOW, THEREFORE,

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

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35 Section 1. Section 501.974, Florida Statutes, is created to
36 read:

37 501.974 Copy machines.-

38 (1) For purposes of this section, the term:

39 (a) "Copy machine" means any device used to copy, print,
40 scan, or fax documents.

41 (b) "Encrypt" means the scrambling of wire or electronic
42 information using a mathematical formula or algorithm in order
43 to preserve the confidentiality, integrity, or authenticity of,
44 and prevent an unauthorized recipient from accessing or
45 altering, such information.

46 (c) "Warning label" means a notice that is attached to a
47 product or found in the accompanying instruction booklet that
48 alerts the user about a potential danger associated with the
49 product.

50 (2) (a) The vendor of a copy machine may not sell or rent
51 such a machine unless the machine has a warning label affixed to
52 it which informs the customer in substantially the following
53 terms: "Deleting and/or formatting a file does not erase it from
54 your hard drive. It is possible to recover files if you don't
55 dispose of them properly!"

56 (b) Such a vendor shall also provide information explaining
57 to the customer how to install a software program that
58 completely erases all data from the copy machine, unless the

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59 machine's manufacturer has provided support services for such
60 software installation.

61 (c) The department may adopt rules concerning the warning
62 labels required by this subsection and shall adopt a rule
63 requiring that each such machine be accompanied by a brochure
64 advising consumers that data is automatically stored in the hard
65 drive of the machine.

66 (3) A copy machine vendor shall destroy, or arrange for the
67 destruction of, all records stored on a copy machine, in digital
68 or other form of memory, if the machine is sold, leased, or
69 purchased by the vendor, by erasing or otherwise modifying those
70 records to make the records unreadable, undecipherable, or non-
71 recreatable through generally available means.

72 (4) A financial institution, as defined in s. 655.005, must
73 implement written policies and procedures to identify copy
74 machines and ensure that the hard drive or other form of memory
75 of each machine is erased, encrypted, or destroyed prior to the
76 machine being returned to the leasing company, sold to a third
77 party, or otherwise disposed of. If the institution chooses to
78 erase or encrypt the hard drive or other form of memory, the
79 method used must render the stored information unrecoverable.

80 (5) A person may not willfully remove, alter, or render
81 illegible any warning label required by this section that is
82 affixed to any copy machine.

83 (6) Notwithstanding s. 501.211, a person damaged in
84 business or property as a result of a violation of this section
85 may, in addition to other relief, recover punitive damages.

86 Section 2. This act shall take effect July 1, 2011.