

26 may not be used to market or solicit the sale of products or
 27 services to the person or to contact the person for the purpose
 28 of marketing or soliciting sales without the consent of the
 29 person. Such marketing, soliciting, and contact is prohibited
 30 unless the person has affirmatively consented by electronic or
 31 paper notification to share the data with a third party before
 32 the data is used for such purpose.

33 Section 2. Section 501.062, Florida Statutes, is created
 34 to read:

35 501.062 Notice regarding privacy of information collected
 36 on the Internet from consumers.-

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

38 (a) "Consumer" means a person who seeks or acquires, by
 39 purchase or lease, any good, service, money, or credit for
 40 personal, family, or household purposes from the website or
 41 online service of an operator.

42 (b) "Covered information" means all of the following items
 43 of personally identifiable information about a consumer
 44 collected by an operator through a website or online service and
 45 maintained by the operator in an accessible format:

- 46 1. A first and last name.
- 47 2. A home or other physical address which includes the
 48 name of a street and the name of a city or town.
- 49 3. An electronic mail address.
- 50 4. A telephone number.

51 5. A social security number.

52 6. An identifier that allows a consumer to be contacted
 53 either physically or online.

54 7. Any other information concerning a consumer that is
 55 collected from the consumer through the website or online
 56 service of the operator and maintained by the operator in
 57 combination with an identifier in a form that makes the
 58 information personally identifiable.

59 (c) "Designated request address" means an electronic mail
 60 address, toll-free telephone number, or website established by
 61 an operator through which a consumer may submit a verified
 62 request to an operator.

63 (d)1. "Operator" means a person who:

64 a. Owns or operates a website or online service for
 65 commercial purposes.

66 b. Collects and maintains covered information from
 67 consumers who reside in this state and use or visit the website
 68 or online service.

69 c. Purposefully directs activities toward this state or
 70 purposefully executes a transaction or engages in any activity
 71 with this state or a resident thereof.

72 2. The term does not include:

73 a. A third party that operates, hosts, or manages a
 74 website or online service on behalf of its operator or processes
 75 information on behalf of its operator;

76 b. A financial institution or an affiliate thereof that is
 77 subject to the Gramm-Leach-Bliley Act, 15 U.S.C. s. 6801 et
 78 seq., and regulations adopted pursuant thereto;

79 c. An entity that is subject to the Health Insurance
 80 Portability and Accountability Act of 1996 (HIPAA), Pub. L. No.
 81 104-191, and regulations adopted pursuant thereto; or

82 d. A manufacturer of a motor vehicle or a person who
 83 repairs or services a motor vehicle who collects, generates,
 84 records, or stores covered information that is retrieved from a
 85 motor vehicle in connection with a technology or service related
 86 to the motor vehicle or that is provided by a consumer in
 87 connection with a subscription or registration for a technology
 88 or service related to the motor vehicle.

89 (e)1. "Sale" means the exchange of covered information for
 90 monetary consideration by the operator to a person for the
 91 person to license or sell the covered information to additional
 92 persons.

93 2. The term does not include:

94 a. The disclosure of covered information by an operator to
 95 a person who processes the covered information on behalf of the
 96 operator;

97 b. The disclosure of covered information by an operator to
 98 a person with whom the consumer has a direct relationship for
 99 the purposes of providing a product or service requested by the
 100 consumer;

101 c. The disclosure of covered information by an operator to
102 a person for purposes that are consistent with the reasonable
103 expectations of a consumer considering the context in which the
104 consumer provided the covered information to the operator;

105 d. The disclosure of covered information to a person who
106 is an affiliate of the operator; or

107 e. The disclosure or transfer of covered information to a
108 person as an asset that is part of a merger, acquisition,
109 bankruptcy, or other transaction in which the person assumes
110 control of all or part of the assets of the operator.

111 (f) "Verified request" means a request submitted by a
112 consumer to an operator for the purposes provided in subsection
113 (2) for which an operator can reasonably verify the authenticity
114 of the request.

115 (2) (a) Each operator shall establish a designated request
116 address through which a consumer may submit a verified request.

117 (b) A consumer may, at any time, submit a verified request
118 through a designated request address to an operator directing
119 the operator not to make any sale of any covered information the
120 operator has collected or will collect about the consumer.

121 (c) An operator who has received a verified request
122 submitted by a consumer may not make any sale of any covered
123 information the operator has collected or will collect about the
124 consumer.

125 (d) An operator shall respond to a verified request
126 submitted by a consumer within 60 days after the date the
127 request is submitted. An operator may extend such period by up
128 to 30 days if the operator determines that such an extension is
129 reasonably necessary. An operator who extends the period shall
130 notify the consumer of such an extension.

131 (3) An operator shall make available, in a manner
132 reasonably accessible to consumers whose covered information the
133 operator collects through its website or online service, a
134 notice that:

135 (a) Identifies the categories of covered information that
136 the operator collects through its website or online service
137 about consumers who use or visit the website or online service
138 and the categories of third parties with whom the operator may
139 share such covered information.

140 (b) Provides a description of the process, if applicable,
141 for a consumer who uses or visits the website or online service
142 to review and request changes to any of his or her covered
143 information that is collected through the website or online
144 service.

145 (c) Describes the process by which the operator notifies
146 consumers who use or visit the website or online service of
147 material changes to the notice.

148 (d) Discloses whether a third party may collect covered
149 information about a consumer's online activities over time and

150 across different websites or online services when the consumer
 151 uses the operator's website or online service.

152 (e) States the effective date of the notice.

153 (4) This section does not apply to an operator:

154 (a) Who is located in this state.

155 (b) Whose revenue is derived primarily from a source other
 156 than the sale or lease of goods, services, or credit on websites
 157 or online services.

158 (c) Whose website or online service has fewer than 20,000
 159 unique visitors per year.

160 (5) (a) An operator may remedy any failure to comply with
 161 this section within 30 days after being informed of such a
 162 failure.

163 (b) An operator violates this section if the operator:

164 1. Knowingly and willfully fails to remedy a failure to
 165 comply within 30 days after being informed of such a failure; or

166 2. Makes available a notice which constitutes a knowing
 167 and material misrepresentation or omission that is likely to
 168 mislead a consumer acting reasonably under the circumstances to
 169 the detriment of the consumer.

170 (6) (a) The Department of Legal Affairs shall adopt rules
 171 to enforce this section. If the department has reason to believe
 172 that an operator, directly or indirectly, has violated or is
 173 violating this section, the department may institute an
 174 appropriate legal proceeding against the operator.

175 (b) The district court, upon a showing that the operator,
 176 directly or indirectly, has violated or is violating this
 177 section, may:

- 178 1. Issue a temporary or permanent injunction; or
 179 2. Impose a civil penalty not to exceed \$5,000 for each
 180 violation.

181 (7) This section does not establish a private right of
 182 action against an operator. This section is not exclusive and is
 183 in addition to any other remedies provided by law.

184 Section 3. This act shall take effect July 1, 2020.