The Committee on Commerce and Tourism (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 501.172, Florida Statutes, is created to read:

501.172 Short title.—This act may be cited as the “Florida Privacy Protection Act.”

Section 2. Section 501.173, Florida Statutes, is created to read:
501.173 Purpose.—This act shall be construed liberally in recognition that privacy is an important right, and consumers in this state should have the ability to share their personal information as they wish, in a way that is safe and that they understand and control.

Section 3. Section 501.174, Florida Statutes, is created to read:

501.174 Definitions.—As used in ss. 501.172-501.177, unless the context otherwise requires, the term:

(1) “Advertising and marketing” means a communication by a business or a person acting on behalf of the business through any medium intended to induce a consumer to obtain goods, services, or employment.

(2) “Aggregate consumer information” means information that relates to a group or category of consumers, from which individual consumer identities have been removed, which is not linked or reasonably linkable to any consumer or household, including through a device. The term does not include one or more individual consumer records that have been de-identified.

(3) “Biometric information” means an individual’s physiological, biological, or behavioral characteristics, including an individual’s deoxyribonucleic acid (DNA), which can be used, singly or in combination with each other or with other identifying data, to establish individual identity. The term includes, but is not limited to, imagery of the iris, retina, fingerprint, face, hand, or palm; vein patterns; voice recordings from which an identifier template, such as a faceprint, a minutiae template, or a voiceprint, can be extracted; keystroke patterns or rhythms; gait patterns or
rhythms; and sleep, health, or exercise data that contain identifying information.

(4) “Business” means:

(a) A sole proprietorship, a partnership, a limited liability company, a corporation, or an association or any other legal entity that meets the following requirements:

1. Is organized or operated for the profit or financial benefit of its shareholders or owners;
2. Does business in this state;
3. Collects personal information about consumers, or is the entity on behalf of which such information is collected;
4. Determines the purposes and means of processing personal information about consumers, alone or jointly with others; and
5. Satisfies at least one of the following thresholds:
   a. Has global annual gross revenues in excess of $25 million, as adjusted in January of every odd-numbered year to reflect any increase in the Consumer Price Index.
   b. Annually buys, sells, or shares the personal information of 50,000 or more consumers, households, or devices.
   c. Derives 50 percent or more of its global annual revenues from selling or sharing personal information about consumers.

(b) An entity that controls or is controlled by a business and that shares common branding with the business. As used in this paragraph, the term:

1. “Common branding” means a shared name, service mark, or trademark that the average consumer would understand to mean that two or more entities are commonly owned.
2. “Control” means:
   a. Ownership of, or the power to vote, more than 50 percent
of the outstanding shares of any class of voting security of a
business;

b. Control in any manner over the election of a majority of
the directors, or of individuals exercising similar functions;
or

c. The power to exercise a controlling influence over the
management of a company.

(c) A joint venture or partnership composed of businesses
in which each business has at least a 40 percent interest. For
the purposes of this act, the joint venture or partnership, and
each business that comprises the joint venture or partnership,
must be considered a separate, single business, except that
personal information in the possession of each business and
disclosed to the joint venture or partnership may not be shared
with the other business. A joint venture does not include a
third party that operates, hosts, or manages a website or an
online service on behalf of a business or processes information
on behalf of a business.

(5) “Business purpose” means the use of personal
information for the business’ operational or other notice-given
purposes or for the service provider’s operational purposes,
provided that the use of the personal information is reasonably
necessary to achieve, and proportionate to the benefit of
achieving, the purpose for which the personal information was
collected or processed or for another purpose that is compatible
with the context in which the personal information was
collected. The term includes all of the following:

(a) Auditing related to counting ad impressions of unique
visitors and verifying positioning and the quality of ad
impressions, and auditing compliance with this specification and other standards.

(b) Helping to ensure security and integrity to the extent that the use of the consumer’s personal information is reasonably necessary for these purposes and proportionate to the benefit of its use for these purposes.

(c) Debugging to identify and repair errors that impair existing intended functionality.

(d) Short-term, transient use, including, but not limited to, nonpersonalized advertising shown as part of a consumer’s current interaction with the business, provided that the consumer’s personal information is not disclosed to a third party and is not used to build a profile of the consumer or to otherwise alter the consumer’s experience outside his or her current interaction with the business.

(e) Performing services on behalf of the business, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, or providing financing, analytic services, storage, or similar services on behalf of the business.

(f) Providing advertising and marketing services, not including targeted advertising, to the consumer provided that, for the purpose of advertising and marketing, a service provider may not combine the personal information of consumers who opt out which the service provider receives from, or on behalf of, the business with personal information that the service provider receives from, or on behalf of, another person or persons or collects from its own interaction with consumers.
(g) Undertaking internal research for technological development and demonstration.

(h) Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by the business, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by the business.

(6) “Categories” or “category” means the items of personal identifying information specified as being included as personal information under subsection (18).

(7) “Collects,” “collected,” or “collection” means buying, renting, gathering, obtaining, receiving, or accessing by any means any personal information pertaining to a consumer. The term includes receiving information from the consumer, either actively or passively, or by observing the consumer’s behavior.

(8) “Commercial purposes” means to advance a person’s commercial or economic interests, such as by inducing another person to buy, rent, lease, join, subscribe to, provide, or exchange products, goods, property, information, or services or enabling or effecting, directly or indirectly, a commercial transaction. The term does not include engaging in speech that state or federal courts have recognized as noncommercial speech, including political speech and journalism.

(9) “Consumer” means a natural person, however identified, including identification by a unique identifier, who is in this state for other than a temporary or transitory purpose. The term does not include any other natural person who is a nonresident.

(10) “De-identified” means information:
(a) That cannot reasonably identify, relate to, describe, be associated with, or be linked directly or indirectly to a particular consumer or device;

(b) Containing data that the business has taken reasonable measures to ensure could not be reidentified;

(c) Containing data that the business publicly commits to maintain and use in a de-identified fashion and that it does not attempt to reidentify; and

(d) Containing data that the business contractually prohibits downstream recipients from attempting to reidentify.

(11) “Designated request address” means an electronic mail address, a toll-free telephone number, or a website established by a business through which a consumer may submit a verified request to the business.

(12) “Device” means a physical object capable of directly or indirectly connecting to the Internet.

(13) “Home page” means the introductory page of an Internet website and any Internet web page where personal information is collected. In the case of an online service, such as a mobile application, the term means the application’s platform page or download page; a link within the application, such as from the application configuration, “about,” “information,” or settings page; and any other location that allows consumers to review the notices required by this act, at any time, including, but not limited to, before downloading the application.

(14) “Household” means a person or group of persons living together or sharing living quarters who are or are not related.

(15) “Intentional interaction” or “intentionally interacting” means the consumer intends to interact with or
disclose personal information to a person through one or more deliberate interactions, including visiting the person’s website or purchasing a good or service from the person. The term does not include hovering over, muting, pausing, or closing a given piece of content.

(16) “Nonpersonalized advertising” means advertising and marketing that is based solely on a consumer’s personal information derived from the consumer’s current interaction with the business, with the exception of the consumer’s precise geolocation.

(17) “Person” means an individual, a proprietorship, a firm, a partnership, a joint venture, a syndicate, a business trust, a company, a corporation, a limited liability company, an association, a committee, and any other organization or group of persons acting in concert.

(18) “Personal information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.

(a) The term includes, but is not limited to, all of the following items of personal identifying information about a consumer collected and maintained by a person or business:

1. A first and last name.

2. A home or other physical address that includes the name of a street and the name of a city or town.

3. An electronic mail address.

4. A telephone number.

5. A social security number.

6. An identifier such as an alias, a unique personal
identifier, an online identifier, an Internet protocol address, an account name, a driver license number, a passport number, or other similar identifiers.

7. Biometric information, such as DNA or fingerprints or any other biometric information collected by a business about a consumer without the consumer’s knowledge.

8. Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer’s interaction with a website, an application, or an advertisement.

9. Audio, electronic, visual, thermal, olfactory, geolocation, or similar information.

10. Professional or employment-related information.

11. Education information, defined as only information that is not publicly available.

12. Inferences drawn from any information specified in this paragraph which can create a profile about a consumer reflecting the consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

13. Any other information that may serve as a probabilistic identifier concerning a consumer which is collected from the consumer through a website, an online service, or some other means by the business and maintained by the business in combination with an identifier in a form that, when used together with the information, identifies the consumer.

14. Characteristics of protected classifications under state or federal law.

15. Commercial information, including records of personal
property; products or services purchased, obtained, or considered; or other purchasing or consuming histories or tendencies.

16. Geolocation data.
(b) The term does not include:
1. Information about a consumer obtained from public records, including information that is lawfully made available from federal, state, or local governmental records; information that a business has a reasonable basis to believe is lawfully made available to the general public by the consumer or from widely distributed media; or lawfully obtained, truthful information that is a matter of public concern.

2. Consumer information that is de-identified or aggregate consumer information that relates to a group or category of consumers from which individual consumer identities have been removed.

(19) “Probabilistic identifier” means the identification of a consumer or a device to a degree of certainty more probable than not, based on any categories of personal information included in or similar to the items of personal identifying information specified in subsection (18).

(20) “Processing” means any operation or set of operations performed on personal information or on sets of personal information, whether or not by automated means.

(21) “Profiling” means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person’s economic situation, health, personal preferences, interests, reliability, behavior, location, or
272 movements.

(22) (a) “Sale” or “sell” means the sale, rental, release, disclosure, dissemination, making available, loaning, sharing, transferring, or other communication, orally, in writing, or by electronic or other means, of a consumer’s personal information by a business to a third party for monetary or other tangible or intangible consideration or for any commercial purpose.

(b) The term does not include any of the following:
1. The disclosure, for a business purpose, of personal information by a business to a service provider who processes the personal information on behalf of the business.
2. The disclosure, for the purposes of providing a product or service requested by the consumer, of personal information by a business to another business resulting from the consumer’s intentional interaction.

(23) “Security and integrity” means the ability of a:
(a) Network or information system to detect security incidents that compromise the availability, authenticity, integrity, and confidentiality of stored or transmitted personal information.
(b) Business to detect security incidents; to resist malicious, deceptive, fraudulent, or illegal actions; and to help prosecute those responsible for such actions.
(c) Business to ensure the physical safety of natural persons.

(24) “Service provider” means a person who processes personal information on behalf of a business to whom the business discloses a consumer’s personal information for a business purpose pursuant to a written or electronic contract if
the contract prohibits the person from:

(a) Selling the information;

(b) Retaining, using, or disclosing the personal information for any purpose other than the business purposes specified in the contract, including a prohibition on retaining, using, or disclosing the personal information for a commercial purpose other than the business purposes specified in the contract with the business;

(c) Combining the personal information that the service provider receives from or on behalf of the business with personal information that the service provider receives from or on behalf of another person or persons or collects from its own interaction with consumers, provided that the service provider may combine personal information to perform a business purpose;

and

(d) Retaining, using, or disclosing the information outside of the direct business relationship between the service provider and the business.

(25) “Targeted advertising” means displaying an advertisement to a consumer when the advertisement is selected based on personal data obtained from a consumer’s activities over time and across businesses, websites, or online applications other than the business, website, or online application with which the consumer is intentionally interacting, to predict such consumer’s preferences or interests. The term does not include nonpersonalized advertising.

(26) “Third party” means a person who is not any of the following:
(a) The business with which the consumer intentionally interacts which collects personal information from the consumer as part of the consumer’s current interaction with the business.

(b) A service provider to the business.

(27) “Unique identifier” or “unique personal identifier” means a persistent identifier that can be used to recognize a consumer, a family, or a device linked to a consumer or family over time and across different services, including, but not limited to, a device identifier; an Internet protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; a customer number, unique pseudonym, or user alias; telephone numbers; or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device that is linked to a consumer or family. For purposes of this subsection, the term “family” means a custodial parent or guardian and any minor children of which the parent or guardian has custody.

(28) “Verified request” means a request submitted by a consumer, by a consumer on behalf of the consumer’s minor child, or by a natural person or a person registered with the Secretary of State, who is authorized by the consumer to act on the consumer’s behalf, to a business for which the business can reasonably verify the authenticity of the request.

Section 4. Section 501.1745, Florida Statutes, is created to read:

501.1745 General duties of businesses that collect personal information.—

(1) A business that controls the collection of a consumer’s personal information that will be used for any purpose other
than a business purpose, at or before the point of collection, shall inform consumers of all of the following:

(a) The purposes for which each category of personal information is collected or used and whether that information is sold. A business may not collect additional categories of personal information, or use collected personal information for additional purposes that are incompatible with the disclosed purpose for which the personal information was collected, without providing the consumer with notice consistent with this section.

(b) The length of time the business intends to retain each category of personal information or, if that is not possible, the criteria used to determine such period, provided that a business may not retain a consumer’s personal information for each disclosed purpose for which the personal information was collected for longer than is reasonably necessary for that disclosed purpose.

(2) A business’ collection, use, retention, and sharing of a consumer’s personal information must be reasonably necessary to achieve, and proportionate to the benefit of achieving, the purposes for which the personal information was collected or processed, and such information may not be further processed in a manner that is incompatible with those purposes.

(3) A business that collects a consumer’s personal information shall implement reasonable security procedures and practices appropriate to the nature of the personal information to protect the personal information from unauthorized or illegal access, destruction, use, modification, or disclosure.

(4) A business that collects a consumer’s personal
information and sells that personal information to a third party
or discloses it to a service provider for a business purpose
shall enter into an agreement with such third party or service
provider which obligates the third party or service provider to
comply with applicable obligations under this act and obligates
those persons to provide the same level of privacy protection as
is required by this act. If a service provider engages any other
person to assist it in processing personal information for a
business purpose on behalf of the business, or if any other
person engaged by the service provider engages another person to
assist in processing personal information for that business
purpose, the provider or person must notify the business of that
engagement, and the engagement must be pursuant to a written
contract that includes the prohibitions described in s.
501.174(23) and a certification made by the person receiving the
personal information that he or she understands the restrictions
under this act and will comply with them.

Section 5. Section 501.175, Florida Statutes, is created to
read:

501.175 Use of personal information; third parties; other
rights.—

(1)(a) A consumer has the right, at any time, to direct a
business that sells personal information about the consumer not
to sell the consumer’s personal information. This right may be
referred to as the right to opt out of the sale.

(b) As part of the right to opt out of the sale of his or
her personal information, a consumer has the right, at any time,
to opt out of the processing of the consumer’s personal data for
purposes of targeted advertising or profiling. However, this
paragraph may not be construed to prohibit the business that collected the consumer’s personal information from:

1. Offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has opted out of targeted advertising or the sale of his or her personal information; or

2. Offering a loyalty, reward, premium feature, discount, or club card program.

(c) A business that charges or offers a different price, rate, level, quality, or selection of goods or services to a consumer who has opted out of targeted advertising or the sale of his or her personal information, or that offers goods or services for no fee, shall ensure that such charge or offer is:

1. Reasonably related to the value provided to the business by the consumer’s data; and

2. Not unjust, unreasonable, coercive, or usurious.

(2) A business that sells consumers’ personal information shall provide notice to consumers that the information may be sold and that consumers have the right to opt out of the sale of their personal information.

(3) A business that sells consumer information and that has received direction from a consumer not to sell the consumer’s personal information or, in the case of a minor consumer’s personal information, has not received consent to sell the minor consumer’s personal information, is prohibited from selling the consumer’s personal information after the business receives the consumer’s direction, unless the consumer subsequently provides express authorization for the sale of the consumer’s personal
information. A business that is able to authenticate the consumer, for example, by the consumer logging in, or that uses any unique identifier for the consumer, must comply with any privacy preferences the consumer previously directed. The business may not require the consumer to declare privacy preferences every time the consumer visits the business’ website or uses the business’ online services.

(4)(a) Notwithstanding subsection (1), a business may not sell the personal information of consumers if the business has actual knowledge that the consumer is younger than 16 years of age, unless:

1. The consumer, in the case of consumers between 13 and 16 years of age, has affirmatively authorized the sale of the consumer’s personal information; or

2. The consumer’s parent or guardian, in the case of consumers who are younger than 13 years of age, has affirmatively authorized the sale of the consumer’s personal information.

(b) This right may be referred to as the right to opt in.

(c) A business that willfully disregards the consumer’s age is deemed to have actual knowledge of the consumer’s age.

(5) A business that is required to comply with this section shall, in a form that is reasonably accessible to consumers, do all of the following:

(a) Provide a clear and conspicuous link on the business’ Internet home page, titled “Do Not Sell My Personal Information,” to a web page that enables a consumer or a person authorized by the consumer to opt out of the sale of the consumer’s personal information. A business may not require a
consumer to create an account in order to direct the business
not to sell the consumer’s information.

(b) Ensure that all individuals responsible for handling
consumer inquiries about the business’ privacy practices or the
business’ compliance with this section are informed of all
requirements of this section and how to direct consumers to
exercise their rights.

(c) For consumers who exercise their right to opt out of
the sale of their personal information, refrain from selling
personal information the business collected about the consumer
as soon as reasonably possible but no longer than 2 business
days after receiving the request to opt out.

(d) For consumers who have opted out of the sale of their
personal information, respect the consumer’s decision to opt out
for at least 12 months before requesting that the consumer
authorize the sale of the consumer’s personal information.

(e) Use any personal information collected from the
consumer in connection with the submission of the consumer’s
opt-out request solely for the purposes of complying with the
opt-out request.

(f) Ensure that consumers have the right to submit a
verified request for certain information from a business,
including the sources from which the consumer’s personal
information was collected, the specific items of personal
information it has collected about the consumer, and any third
parties to whom the personal information was sold.

(6) Consumers have the right to submit a verified request
for the deletion of their personal information that the business
has collected.
(7) A business, or a service provider acting pursuant to
its contract with the business or another service provider, is
not required to comply with a consumer’s verified request to
delete the consumer’s personal information if it is necessary
for the business or service provider to maintain the consumer’s
personal information in order to do any of the following:

(a) Complete the transaction for which the personal
information was collected, fulfill the terms of a written
warranty or product recall conducted in accordance with federal
law, provide a good or service requested by the consumer, or
otherwise perform a contract between the business and the
consumer.

(b) Help to ensure security and integrity to the extent
that the use of the consumer’s personal information is
reasonably necessary and proportionate for those purposes.

(c) Debug to identify and repair errors that impair
existing intended functionality.

(d) Exercise free speech, ensure the right of another
consumer to exercise that consumer’s right of free speech, or
exercise another right provided for by law.

(e) Engage in public or peer-reviewed scientific,
historical, or statistical research that conforms or adheres to
all other applicable ethics and privacy laws, when the business’
deletion of the information is likely to render impossible or
seriously impair the ability to complete such research, if the
consumer has provided informed consent.

(f) Comply with a legal obligation.

(8) Consumers have the right to submit a verified request
for correction of their personal information held by a business
(9) This section may not be construed to require a business to comply by including the required links and text on the home page that the business makes available to the public generally, if:

(a) The business maintains a separate and additional home page that is dedicated to consumers in this state and includes the required links and text; and

(b) The business takes reasonable steps to ensure that consumers in this state are directed to the home page for consumers in this state and not the home page made available to the public generally.

(10) A consumer may authorize another person to opt out of the sale of the consumer’s personal information. A business shall comply with an opt-out request received from a person authorized by the consumer to act on the consumer’s behalf, including a request received through a user-enabled global privacy control, such as a browser plug-in or privacy setting, device setting, or other mechanism, which communicates or signals the consumer’s choice to opt out, and may not require a consumer to make a verified request to opt out of the sale of his or her information.

(11) Each business shall establish a designated request address through which a consumer may submit a request to exercise his or her rights under this act.

(12)(a) A business that receives a verified request:

1. For a consumer’s personal information, shall disclose to the consumer any personal information about the consumer which it has collected since July 1, 2022, directly or indirectly,
including through or by a service provider.

2. To correct a consumer’s inaccurate personal information, shall correct the inaccurate personal information.

3. To delete a consumer’s personal information, shall delete such personal information.

(b) A service provider is not required to personally comply with a verified request received directly from a consumer or a consumer’s authorized agent to the extent that the service provider has collected personal information about the consumer in its role as a service provider. A service provider shall provide assistance to a business with which it has a contractual relationship with respect to the business’ response to a verifiable consumer request, including, but not limited to, by providing to the business the consumer’s personal information in the service provider’s possession which the service provider obtained as a result of providing services to the business.

(c) At the direction of the business, a service provider shall correct inaccurate personal information, or delete personal information, or enable the business to do the same, and shall notify any service providers who may have accessed such personal information from or through the service provider, to correct or delete the consumer’s personal information, as applicable.

(d) A business shall comply with a verified request submitted by a consumer to access, correct, or delete personal information within 30 days after the date the request is submitted. A business may extend such period by up to 30 days if the business, in good faith, determines that such an extension is reasonably necessary. A business that extends the period
shall notify the consumer of the necessity of an extension.

(13) A business shall comply with a consumer’s previous expressed decision to opt out of the sale of his or her personal information without requiring the consumer to take any additional action if:

(a) The business is able to identify the consumer through a login protocol or any other process the business uses to identify consumers and the consumer has previously exercised his or her right to opt out of the sale of his or her personal information; or

(b) The business is aware of the consumer’s desire to opt out of the sale of his or her personal information through the use of a user-enabled global privacy control, such as a browser, browser instruction, plug-in or privacy setting, device setting, application, service, or other mechanism, which communicates or signals the consumer’s choice to opt out.

(14) A business shall make available, in a manner reasonably accessible to consumers whose personal information the business collects through its website or online service, a notice that does all of the following:

(a) Identifies the categories of personal information that the business collects through its website or online service about consumers who use or visit the website or online service and the categories of third parties with whom the business may share such personal information.

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

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

(d) Discloses whether a third party may collect personal information about a consumer’s online activities over time and across different websites or online services when the consumer uses the business’ website or online service.

(e) States the effective date of the notice.

Section 6. Section 501.176, Florida Statutes, is created to read:

501.176 Exclusions.—
(1) The obligations imposed on a business by this act do not restrict a business’ ability to do any of the following:

(a) Comply with federal, state, or local laws.

(b) Comply with a civil, criminal, or regulatory inquiry or investigation, a subpoena, or a summons by federal, state, or local authorities.

(c) Cooperate with law enforcement agencies concerning conduct or activity that the business, service provider, or third party reasonably and in good faith believes may violate federal, state, or local law.

(d) Exercise or defend legal claims.

(e) Collect, use, retain, sell, or disclose consumer information that is de-identified or in the aggregate consumer information that relates to a group or category of consumers from which individual consumer identities have been removed.

(f) Collect or sell a consumer’s personal information if every aspect of that commercial conduct takes place wholly
outside of this state. For purposes of this act, commercial conduct takes place wholly outside of this state if the business collected that information while the consumer was outside of this state, no part of the sale of the consumer’s personal information occurred in this state, and no personal information collected while the consumer was in this state is sold. This paragraph does not permit a business to store, including on a device, personal information about a consumer when the consumer is in this state and then to collect that personal information when the consumer and stored personal information are outside of this state.

(2) This act does not apply to any of the following:

(a) A business that collects or discloses the personal information of the business’ employees, applicants, interns, or volunteers so long as the business is collecting or disclosing such information within the scope of its role as an employer.

(b) Health information that is collected by a covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services in 45 C.F.R. parts 160 and 164.

(c) A covered entity governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services in 45 C.F.R. parts 160 and 164, to the extent the provider or covered entity maintains patient information in the same manner as medical information or protected health information as described in paragraph (b).

(d) Information collected as part of a clinical trial subject to the Federal Policy for the Protection of Human
Subjects pursuant to good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use or pursuant to human subject protection requirements of the United States Food and Drug Administration.

(e) The sale of personal information to or from a consumer reporting agency if that information is to be reported in or used to generate a consumer report as defined by 15 U.S.C. s. 1681(a), and if the use of that information is limited by the federal Fair Credit Reporting Act, 15 U.S.C. s. 1681 et seq.

(f) Personal information collected, processed, sold, or disclosed pursuant to the federal Gramm-Leach-Bliley Act, 12 U.S.C. s. 24(a) et seq. and implementing regulations.

(g) Personal information collected, processed, sold, or disclosed pursuant to the federal Driver’s Privacy Protection Act of 1994, 18 U.S.C. s. 2721 et seq.;


(i) Personal information collected, processed, sold, or disclosed in relation to price, route, or service as those terms are used in the federal Airline Deregulation Act, 49 U.S.C. s. 40101 et seq., by entities subject to the federal Airline Deregulation Act, to the extent the provisions of this act are preempted by s. 41713 of the federal Airline Deregulation Act.

(j) Vehicle information or ownership information retained or shared between a new motor vehicle dealer and the vehicle’s manufacturer if the vehicle or ownership information is shared for the purpose of effectuating, or in anticipation of
effectuating, a vehicle repair covered by a vehicle warranty or
a recall conducted pursuant to 49 U.S.C. s. 30118-30120,
provided that the new motor vehicle dealer or vehicle
manufacturer with which that vehicle information or ownership
information is shared does not sell, share, or use that
information for any other purpose. As used in this paragraph,
the term “vehicle information” means the vehicle information
number, make, model, year, and odometer reading, and the term
“ownership information” means the name or names of the
registered owner or owners and the contact information for the
owner or owners.

(3) If a request from a consumer is manifestly unfounded or
excessive, in particular because of the request’s repetitive
character, a business may either charge a reasonable fee, taking
into account the administrative costs of providing the
information or communication or taking the action requested, or
refuse to act on the request and notify the consumer of the
reason for refusing the request. The business bears the burden
of demonstrating that any verified consumer request is
manifestly unfounded or excessive.

(4) A business that discloses personal information to a
service provider is not liable under this act if the service
provider receiving the personal information uses it in violation
of the restrictions set forth in the act, provided that, at the
time of disclosing the personal information, the business does
not have actual knowledge, or reason to believe, that the
service provider intends to commit such a violation. A service
provider is likewise not liable under this act for the
obligations of a business for which it provides services as set
(5) This act may not be construed to require a business to reidentify or otherwise link information that is not maintained in a manner that would be considered personal information; retain any personal information about a consumer if, in the ordinary course of business, that information would not be retained; maintain information in identifiable, linkable, or associable form; or collect, obtain, retain, or access any data or technology in order to be capable of linking or associating a verifiable consumer request with personal information.

(6) The rights afforded to consumers and the obligations imposed on a business in this act may not adversely affect the rights and freedoms of other consumers. Notwithstanding s. 501.175(7), a verified request for specific items of personal information, to delete a consumer’s personal information, or to correct inaccurate personal information does not extend to personal information about the consumer which belongs to, or which the business maintains on behalf of, another natural person.

Section 7. Section 501.177, Florida Statutes, is created to read:

501.177 Civil actions; private right of action; attorney general; rules.—

(1) If any business violates any provision of this act, the consumer may initiate a civil action for any of the following:

(a) Recovery of damages of at least $100 and not more than $750 per consumer per incident or actual damages, whichever is greater.

(b) Injunctive or declaratory relief.
(c) Reasonable costs of enforcement, including a reasonable attorney fee and costs.

(d) Any other relief deemed appropriate by the court.

(2) In assessing the amount of statutory damages, the court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant’s misconduct, and the defendant’s assets, liabilities, and net worth.

(3)(a) The Department of Legal Affairs shall adopt rules to enforce this act. If the department has reason to believe that a business, directly or indirectly, has violated or is violating this section, the department may institute an appropriate legal proceeding against the business.

(b) The trial court, upon a showing that any business, directly or indirectly, has violated or is violating this act, may take any of the following actions:

1. Issue a temporary or permanent injunction.

2. Impose a civil penalty not to exceed $5,000 for each violation. If the violation involves a consumer who was 16 years of age or younger at the time of the violation, the court may triple the civil penalty.

3. Award reasonable costs of enforcement, including a reasonable attorney fee and costs.

4. Grant such other relief as the court may deem appropriate.

Section 8. This act shall take effect January 1, 2022.
And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to consumer data privacy; creating s. 501.172, F.S.; providing a short title; creating s. 501.173, F.S.; providing a purpose; creating s. 501.174, F.S.; defining terms; creating s. 501.1745, F.S.; requiring certain businesses that collect consumer personal information to provide certain information to the consumer; requiring such collection, use, retention, and sharing of such information to meet certain requirements; requiring such businesses to implement reasonable security procedures and practices; requiring such businesses to enter into an agreement with third parties under certain circumstances; creating s. 501.175, F.S.; providing that consumers have the right to direct certain businesses not to sell their personal information; providing construction; requiring such businesses to notify consumers of such right; requiring businesses to comply with such a request under certain circumstances; prohibiting businesses from selling the personal information of consumers younger than a specified age without express authorization from the consumer or the consumer’s parent or guardian under certain circumstances;
providing that a business that willfully disregards a consumer’s age is deemed to have actual knowledge of the consumer’s age; requiring certain businesses to provide a specified link on their home page for consumers to opt out; providing requirements for businesses to comply with a consumer’s opt-out request; providing that consumers have the right to submit a verified request for businesses to delete or correct personal information the businesses have collected about the consumers; providing construction; providing that consumers may authorize other persons to opt out of the sale of the consumer’s personal information on the consumer’s behalf; requiring businesses to establish designated addresses through which consumers may submit verified requests; specifying requirements for consumers’ verified requests and businesses’ responses; requiring businesses to comply with previous consumer requests without requiring additional information from the consumer, under certain circumstances; requiring businesses to provide certain notices to consumers; creating s. 501.176, F.S.; providing applicability; authorizing businesses to charge consumers a reasonable fee for manifestly unfounded or excessive requests, or to refuse to complete a request under certain circumstances; providing for business liability under certain circumstances; providing construction; providing that a consumer’s rights and the obligations of a business may not adversely affect
the rights and freedoms of other consumers; creating s. 501.177, F.S.; authorizing consumers to initiate civil actions for violations; providing civil remedies; requiring the Department of Legal Affairs to adopt rules and to initiate legal proceedings against a business under certain circumstances; providing civil penalties; providing an effective date.