By Senator Bradley

	5-01023C-21 20211734
1	A bill to be entitled
2	An act relating to consumer data privacy; creating s.
3	501.172, F.S.; providing a short title; creating s.
4	501.173, F.S.; providing a purpose; creating s.
5	501.174, F.S.; defining terms; creating s. 501.175,
6	F.S.; providing that consumers have the right to
7	direct certain businesses not to sell their personal
8	information; providing construction; requiring such
9	businesses to notify consumers of such right;
10	requiring businesses to comply with such a request
11	under certain circumstances; prohibiting businesses
12	from selling the personal information of consumers
13	younger than a specified age without express
14	authorization from the consumer or the consumer's
15	parent or guardian under certain circumstances;
16	providing that a business that willfully disregards a
17	consumer's age is deemed to have actual knowledge of
18	the consumer's age; requiring certain businesses to
19	provide a specified link on their web page for
20	consumers to opt out; providing requirements for
21	businesses to comply with a consumer's opt-out
22	request; providing that consumers have the right to
23	submit a verified request for businesses to delete or
24	correct personal information the businesses have
25	collected about the consumers; prohibiting businesses
26	from taking certain actions to discriminate against
27	consumers who exercise certain rights; providing
28	construction; providing that consumers may authorize
29	other persons to opt out of the sale of the consumer's

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30	personal information or to request the deletion of
31	such information on the consumer's behalf; requiring
32	businesses to establish designated addresses through
33	which consumers may submit verified requests;
34	specifying requirements for consumers' verified
35	requests and businesses' responses; requiring
36	businesses to comply with previous consumer requests
37	without requiring additional information from the
38	consumer, under certain circumstances; requiring
39	businesses to provide certain notices to consumers;
40	creating s. 501.176, F.S.; providing applicability;
41	authorizing businesses to charge consumers a
42	reasonable fee for manifestly unfounded or excessive
43	requests, or to refuse to complete a request under
44	certain circumstances; providing for business
45	liability under certain circumstances; providing
46	construction; providing that a consumer's rights and
47	the obligations of a business may not adversely affect
48	the rights and freedoms of other consumers; creating
49	s. 501.177, F.S.; authorizing consumers to initiate
50	civil actions for violations; providing civil
51	remedies; requiring the Department of Legal Affairs to
52	adopt rules and to initiate legal proceedings against
53	a business under certain circumstances; providing
54	civil penalties; providing an effective date.
55	
56	Be It Enacted by the Legislature of the State of Florida:
57	
58	Section 1. Section 501.172, Florida Statutes, is created to

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CODING: Words stricken are deletions; words underlined are additions.

SB 1734

ī	5-01023C-21 20211734
59	read:
60	501.172 Short titleThis act may be cited as the "Florida
61	Privacy Protection Act."
62	Section 2. Section 501.173, Florida Statutes, is created to
63	read:
64	501.173 PurposeThis act shall be construed liberally in
65	recognition that privacy is an important right, and consumers in
66	this state should have the ability to share their personal
67	information as they wish, in a way that is safe and that they
68	understand and control.
69	Section 3. Section 501.174, Florida Statutes, is created to
70	read:
71	501.174 DefinitionsAs used in ss. 501.172-501.177, unless
72	the context otherwise requires, the term:
73	(1) "Biometric information" means an individual's
74	physiological, biological, or behavioral characteristics,
75	including an individual's deoxyribonucleic acid (DNA), which can
76	be used, singly or in combination with each other or with other
77	identifying data, to establish individual identity. The term
78	includes, but is not limited to, imagery of the iris, retina,
79	fingerprint, face, hand, or palm; vein patterns; voice
80	recordings from which an identifier template, such as a
81	faceprint, a minutiae template, or a voice print, can be
82	extracted; keystroke patterns or rhythms; gait patterns or
83	rhythms; and sleep, health, or exercise data that contain
84	identifying information.
85	(2) "Business" means:
86	(a) A sole proprietorship, a partnership, a limited
87	liability company, a corporation, or an association that meets

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88	the following requirements:
89	1. Is organized or operated for the profit or financial
90	benefit of its shareholders or owners;
91	2. Does business in this state;
92	3. Collects personal information about consumers, or is the
93	entity on behalf of which such information is collected;
94	4. Determines the purposes and means of processing personal
95	information about consumers, alone or jointly with others; and
96	5. Satisfies at least one of the following thresholds:
97	a. Has global annual gross revenues in excess of \$25
98	million, as adjusted in January of every odd-numbered year to
99	reflect any increase in the Consumer Price Index.
100	b. Annually buys, receives for the business' commercial
101	purposes, sells, or shares for commercial purposes the personal
102	information of 50,000 or more consumers, households, or devices.
103	c. Derives 50 percent or more of its global annual revenues
104	from selling or sharing personal information about consumers.
105	(b) An entity that controls or is controlled by a business
106	and that shares common branding with the business. As used in
107	this paragraph, the term:
108	1. "Common branding" means a shared name, service mark, or
109	trademark.
110	2. "Control" means:
111	a. Ownership of, or the power to vote, more than 50 percent
112	of the outstanding shares of any class of voting security of a
113	business;
114	b. Control in any manner over the election of a majority of
115	the directors, or of individuals exercising similar functions;
116	or

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117	c. The power to exercise a controlling influence over the
118	management of a company.
119	(c) A joint venture or partnership composed of businesses
120	in which each business has at least a 40 percent interest. For
121	the purposes of this act, the joint venture or partnership and
122	each business that composes the joint venture or partnership
123	must be considered a separate, single business, except that
124	personal information in the possession of each business and
125	disclosed to the joint venture or partnership may not be shared
126	with the other businesses.
127	
128	The term does not include a third party that operates, hosts, or
129	manages a website or an online service on behalf of a business
130	or processes information on behalf of a business; or an entity
131	that is subject to the Health Insurance Portability and
132	Accountability Act of 1996, Pub. L. No. 104-191, and regulations
133	adopted pursuant thereto.
134	(3) "Business purpose" means a business or a service
135	provider that uses personal information for the operational
136	purposes of the business or service provider, which is necessary
137	and proportionate to achieve the operational purpose for which
138	the personal information was collected or processed or for
139	another operational purpose that is compatible with the context
140	in which the personal information was collected.
141	(4) "Commercial purposes" means to advance a business'
142	commercial or economic interests, such as by inducing a consumer
143	to buy, rent, lease, join, subscribe to, provide, or exchange
144	products, goods, property, information, or services or enabling
145	or effecting, directly or indirectly, a commercial transaction.

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146	The term does not include engaging in speech that state or
147	federal courts have recognized as noncommercial speech,
148	including political speech and journalism.
149	(5) "Consumer" means a natural person who is in this state
150	for other than a temporary or transitory purpose, or a natural
151	person who is domiciled in this state but is outside this state
152	for a temporary or transitory purpose, who seeks or acquires, by
153	purchase or lease, any good, service, money, or credit for
154	personal, family, or household purposes from a business. The
155	term does not include any other natural person who is a
156	nonresident.
157	(6) "De-identified" means information:
158	(a) That cannot reasonably identify, relate to, describe,
159	be associated with, or be linked directly or indirectly to a
160	particular consumer or device;
161	(b) Containing data that the business has taken reasonable
162	measures to ensure could not be reidentified;
163	(c) Containing data that the business publicly commits to
164	maintain and use in a de-identified fashion and that it does not
165	attempt to reidentify; and
166	(d) Containing data that the business contractually
167	prohibits downstream recipients from attempting to reidentify.
168	(7) "Designated request address" means an electronic mail
169	address, a toll-free telephone number, or a website established
170	by a business through which a consumer may submit a verified
171	request to the business.
172	(8) "Personal information" means information that
173	identifies, relates to, describes, is reasonably capable of
174	being associated with, or could reasonably be linked, directly
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175	or indirectly, with a particular consumer or household.
176	(a) The term includes, but is not limited to, all of the
177	following items of personal identifying information about a
178	consumer collected and maintained by a person or business in an
179	accessible format:
180	1. A first and last name.
181	2. A home or other physical address that includes the name
182	of a street and the name of a city or town.
183	3. An electronic mail address.
184	4. A telephone number.
185	5. A social security number.
186	6. An identifier that allows a consumer to be contacted
187	either physically or online.
188	7. Biometric information, such as DNA or fingerprints or
189	any other biometric information collected by a business about a
190	consumer without the consumer's knowledge.
191	8. Internet or other electronic network activity
192	information, including, but not limited to, browsing history,
193	search history, and information regarding a consumer's
194	interaction with a website, an application, or an advertisement.
195	9. Audio, electronic, visual, thermal, olfactory,
196	geolocation, or similar information.
197	10. Professional or employment-related information.
198	11. Education information, defined as only information that
199	is not publicly available.
200	12. Inferences drawn from any information specified in this
201	paragraph which can create a profile about a consumer reflecting
202	the consumer's preferences, characteristics, psychological
203	trends, predispositions, behavior, attitudes, intelligence,

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204	abilities, and aptitudes.
205	13. Any other information that may serve as a probabilistic
206	identifier concerning a consumer which is collected from the
207	consumer through a website, an online service, or some other
208	means by the business and maintained by the business in
209	combination with an identifier in a form that, when used
210	together with the information, identifies the consumer.
211	(b) The term does not include:
212	1. Information about a consumer actually obtained from
213	public records, including information that is lawfully made
214	available from federal, state, or local governmental records.
215	2. Consumer information that is de-identified or aggregate
216	consumer information that relates to a group or category of
217	consumers from which individual consumer identities have been
218	removed.
219	3. Information collected, processed, sold, or disclosed
220	pursuant to the federal Gramm-Leach-Bliley Act, 15 U.S.C. s.
221	6801 et seq., and regulations adopted pursuant thereto, if it is
222	inconsistent with that act, and only to the extent of the
223	inconsistency.
224	(9) "Probabilistic identifier" means the identification of
225	a consumer or a device to a degree of certainty more probable
226	than not, based on any categories of personal information
227	included in or similar to the categories enumerated in
228	subsection (8).
229	(10) "Profiling" means any form of automated processing
230	performed on personal data to evaluate, analyze, or predict
231	personal aspects related to an identified or identifiable
232	natural person's economic situation, health, personal

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233	preferences, interests, reliability, behavior, location, or
234	movements.
235	(11)(a) "Sale" or "sell" means to sell, rent, release,
236	disclose, disseminate, make available, loan, share, transfer, or
237	otherwise communicate orally, in writing, or by electronic or
238	other means, a consumer's personal information by a business to
239	another business or a third party for monetary or other tangible
240	or intangible consideration or for any commercial purpose.
241	(b) The term does not include any of the following:
242	1. The business disclosing personal information to a
243	service provider that processes the personal information on
244	behalf of the business.
245	2. The business disclosing personal information to another
246	business that the consumer has a direct relationship, for the
247	purposes of providing a product or service requested by the
248	consumer.
249	(12) "Service provider" means a person that processes
250	personal information on behalf of a business and to which the
251	business discloses a consumer's personal information pursuant to
252	a written or electronic contract if:
253	(a) The contract prohibits the person from retaining,
254	using, or disclosing the personal information for any purpose
255	other than the specific purposes of performing the services
256	specified in the contract for the business, including a
257	prohibition on retaining, using, or disclosing the personal
258	information for a commercial purpose other than providing the
259	services specified in the contract with the business; and
260	(b) The service provider does not combine the personal
261	information that the service provider receives from or on behalf

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262 of the business with personal information that the servi	rice
263 provider receives from or on behalf of another person or	or persons
264 or collects from its own interaction with consumers.	
265 (13) "Targeted advertising" means displaying an	
266 advertisement to a consumer when the advertisement is se	selected
267 based on personal data obtained from a consumer's activi	vities
268 over time and across nonaffiliated websites or online	
269 applications to predict such consumer's preferences or	
270 interests. The term does not include any of the followin	ng:
271 (a) Advertisements based on activities within a bus	usiness'
272 own websites or online applications.	
(b) Advertisements based on the context of a consum	umer's
274 <u>current search query, visit to a website, or online appl</u>	plication.
275 (c) Advertisements directed to a consumer in respon	onse to
276 the consumer's request for information or feedback.	
277 (d) Processing personal data processed solely to me	neasure or
278 report advertising performance, reach, or frequency.	
279 (14) "Third party" means a person who is not any of	of the
280 <u>following:</u>	
281 (a) The business that collects personal information	on from
282 <u>consumers under this section.</u>	
283 (b) A service provider that the business discloses	<u>a</u>
284 <u>consumer's personal information for a business purpose p</u>	pursuant
285 to a written contract that does all of the following:	
286 <u>1. Prohibits the person receiving the personal info</u>	formation
287 from doing any of the following:	
288 <u>a. Selling the personal information.</u>	
289 b. Retaining, using, or disclosing the personal inf	nformation
290 for any purpose other than for the specific purpose of	

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291	performing the services specified in the contract, including
292	retaining, using, or disclosing the personal information for a
293	commercial purpose other than providing the services specified
294	in the contract.
295	c. Retaining, using, or disclosing the information outside
296	of the direct business relationship between the person and the
297	business.
298	d. Combining the personal information that the service
299	provider receives from or on behalf of any person with personal
300	information that the service provider receives from or on behalf
301	of another person or persons or collects from its own
302	interaction with consumers.
303	2. Includes a certification made by the person who receives
304	the personal information that the person understands the
305	restrictions under this act and will comply with them.
306	(15) "Unique identifier" or "unique personal identifier"
307	means a persistent identifier that can be used to recognize a
308	consumer, a family, or a device linked to a consumer or family
309	over time and across different services, including, but not
310	limited to, a device identifier; an Internet protocol address;
311	cookies, beacons, pixel tags, mobile ad identifiers, or similar
312	technology; a customer number, unique pseudonym, or user alias;
313	telephone numbers; or other forms of persistent or probabilistic
314	identifiers that can be used to identify a particular consumer
315	or device. For purposes of this subsection, the term "family" $\!\!\!\!\!\!$
316	means a custodial parent or guardian and any minor children of
317	which the parent or guardian has custody.
318	(16) "Verified request" means a request submitted by a
319	consumer, by a consumer on behalf of the consumer's minor child,

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320	by a natural person or a person registered with the Secretary of
321	State, authorized by the consumer to act on the consumer's
322	behalf, to a business for which a business can reasonably verify
323	the authenticity of the request.
324	Section 4. Section 501.175, Florida Statutes, is created to
325	read:
326	501.175 Use of personal information; third parties; other
327	rights
328	(1)(a) A consumer has the right, at any time, to direct a
329	business that sells personal information about the consumer not
330	to sell the consumer's personal information. This right may be
331	referred to as the right to opt out of the sale.
332	(b) As part of the right to opt out of the sale of his or
333	her personal information, a consumer has the right, at any time,
334	to opt out of the processing of the consumer's personal data for
335	purposes of targeted advertising or profiling in furtherance of
336	decisions that produce legal or similarly significant effects
337	concerning the consumer. However, this paragraph may not be
338	construed to prohibit the business that collected the consumer's
339	personal information from offering a different price, rate,
340	level, quality, or selection of goods or services to a consumer,
341	including offering goods or services for no fee, if the consumer
342	has opted out of targeted advertising or the offer is related to
343	a consumer's voluntary participation in a bona fide loyalty,
344	rewards, premium features, discounts, or club card program.
345	(2) A business that sells consumers' personal information
346	to third parties shall provide notice to consumers that the
347	information may be sold and that consumers have the right to opt
348	out of the sale of their personal information.

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349	(3) A business that has received direction from a consumer										
350	not to sell the consumer's personal information or, in the case										
351	of a minor consumer's personal information, has not received										
352	consent to sell the minor consumer's personal information, is										
353	prohibited from selling the consumer's personal information										
354	after the business receives the consumer's direction, unless the										
355	consumer subsequently provides express authorization for the										
356	sale of the consumer's personal information. A business that is										
357	able to authenticate the consumer, for example, by the consumer										
358	logging in, or that uses some other unique identifier for the										
359	consumer must comply with any privacy preferences the consumer										
360	previously directed. The consumer may not be required to declare										
361	privacy preferences every time the consumer visits the business'										
362	website or uses the business' online services.										
363	(4)(a) Notwithstanding subsection (1), a business may not										
364	sell the personal information of consumers if the business has										
365	actual knowledge that the consumer is younger than 16 years of										
366	age, unless:										
367	1. The consumer, in the case of consumers between 13 and 16										
368	years of age, has affirmatively authorized the sale of the										
369	consumer's personal information; or										
370	2. The consumer's parent or guardian, in the case of										
371	consumers who are younger than 13 years of age, has										
372	affirmatively authorized the sale of the consumer's personal										
373	information.										
374	(b) A business that willfully disregards the consumer's age										
375	is deemed to have actual knowledge of the consumer's age. This										
376	right may be referred to as the right to opt in.										
377	(5) A business that is required to comply with this section										

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378	shall, in a form that is reasonably accessible to consumers, do									
379	all of the following:									
380	(a) Provide a clear and conspicuous link on the business'									
381	Internet home page, titled "Do Not Sell My Personal									
382	Information," to a web page that enables a consumer or a person									
383	authorized by the consumer to opt out of the sale of the									
384	consumer's personal information. A business may not require a									
385	consumer to create an account in order to direct the business									
386	not to sell the consumer's information.									
387	(b) Ensure that all individuals responsible for handling									
388	consumer inquiries about the business' privacy practices or the									
389	business' compliance with this section are informed of all									
390	requirements of this section and how to direct consumers to									
391	exercise their rights.									
392	(c) For consumers who exercise their right to opt out of									
393	the sale of their personal information, refrain from selling									
394	personal information the business collected about the consumer									
395	within 15 business days after receiving the request to opt out.									
396	(d) For consumers who have opted out of the sale of their									
397	personal information, respect the consumer's decision to opt out									
398	for at least 12 months before requesting that the consumer									
399	authorize the sale of the consumer's personal information.									
400	(e) Use any personal information collected from the									
401	consumer in connection with the submission of the consumer's									
402	opt-out request solely for the purposes of complying with the									
403	opt-out request.									
404	(f) Ensure that consumers have the right to submit a									
405	verified request for certain information from a business,									
406	including the sources from which the consumer's personal									

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407	information was collected, the specific elements of personal									
408	information it collected about the consumer, and any third									
409	parties to whom the personal information was sold.									
410	(6) Consumers have the right to submit a verified request									
411	that personal information that has been collected be deleted. A									
412	business shall notify a third party to delete any consumer									
413	personal information bought or received.									
414	(7) Consumers have the right to submit a verified request									
415	for correction of their personal information held by a business									
416	if that information is inaccurate.									
417	(8) Consumers have the right to receive equal service and									
418	pricing from a business, even if they exercise their privacy									
419	rights. A business may not discriminate against such consumers									
420	by denying them goods or services, charging different prices, or									
421	providing a different quality of goods or services to consumers									
422	who exercise their right to opt out from having their personal									
423	information sold.									
424	(9) This section may not be construed to require a business									
425	to comply by including the required links and text on the home									
426	page that the business makes available to the public generally,									
427	<u>if:</u>									
428	(a) The business maintains a separate and additional home									
429	page that is dedicated to consumers in this state and includes									
430	the required links and text; and									
431	(b) The business takes reasonable steps to ensure that									
432	consumers in this state are directed to the home page for									
433	consumers in this state and not the home page made available to									
434	the public generally.									
435	(10) A consumer may authorize another person to opt out of									
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436	the sale of the consumer's personal information or to request									
437	the deletion of the consumer's personal information on the									
438	consumer's behalf. A business shall comply with an opt-out									
439	request or deletion request received from a person authorized by									
440	the consumer to act on the consumer's behalf, including a									
441	request received through a user-enabled global privacy control,									
442	such as a browser plug-in or privacy setting, device setting, or									
443	other mechanism, which communicates or signals the consumer's									
444	choice to opt out.									
445	(11) Each business shall establish a designated request									
446	address through which a consumer may submit a request to									
447	exercise his or her rights under this act.									
448	(12) A business shall respond to a verified request									
449	submitted by a consumer to correct or delete personal									
450	information within 30 days after the date the request is									
451	submitted. A business may extend such period by up to 30 days if									
452	the business, in good faith, determines that such an extension									
453	is reasonably necessary. A business that extends the period									
454	shall notify the consumer of the necessity of an extension.									
455	(13) A business shall comply with a consumer's previous									
456	expressed decision to opt out of the sale of his or her personal									
457	information without requiring the consumer to take any									
458	additional action if:									
459	(a) The business is able to identify the consumer through a									
460	login protocol, and the consumer has previously exercised his or									
461	her right to opt out of the sale of their personal information;									
462	or									
463	(b) The business is aware of the consumer's desire to opt									
464	out of the sale of his or her personal information through the									

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465	use of a user-enabled global privacy control, such as a browser									
466	plug-in or privacy setting, device setting, or other mechanism,									
467	which communicates or signals the consumer's choice to opt out.									
468	(14) A business shall make available, in a manner									
469	reasonably accessible to consumers whose personal information									
470	the business collects through its website or online service, a									
471	notice that does all of the following:									
472	(a) Identifies the categories of personal information that									
473	the business collects through its website or online service									
474	about consumers who use or visit the website or online service									
475	and the categories of third parties with whom the business may									
476	share such personal information.									
477	(b) Provides a description of the process, if applicable,									
478	for a consumer who uses or visits the website or online service									
479	to review and request changes to any of his or her personal									
480	information that is collected through the website or online									
481	service.									
482	(c) Describes the process by which the business notifies									
483	consumers who use or visit the website or online service of									
484	material changes to the notice.									
485	(d) Discloses whether a third party may collect personal									
486	information about a consumer's online activities over time and									
487	across different websites or online services when the consumer									
488	uses the business' website or online service.									
489	(e) States the effective date of the notice.									
490	Section 5. Section 501.176, Florida Statutes, is created to									
491	read:									
492	501.176 Exclusions									
493	(1) The obligations imposed on a business by this act do									

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494	not restrict a business' ability to do any of the following:									
495	(a) Comply with federal, state, or local laws.									
496	(b) Comply with a civil, criminal, or regulatory inquiry or									
497	an investigation, a subpoena, or a summons by federal, state, or									
498	local authorities.									
499	(c) Cooperate with law enforcement agencies concerning									
500	conduct or activity that the business, service provider, or									
501	third party reasonably and in good faith believes may violate									
502	federal, state, or local law.									
503	(d) Exercise or defend legal claims.									
504	(e) Collect, use, retain, sell, or disclose consumer									
505	information that is de-identified or in the aggregate consumer									
506	information that relates to a group or category of consumers									
507	from which individual consumer identities have been removed.									
508	(f) Collect or sell a consumer's personal information if									
509	every aspect of that commercial conduct takes place wholly									
510	outside of this state. For purposes of this act, commercial									
511	conduct takes place wholly outside of this state if the business									
512	collected that information while the consumer was outside of									
513	this state, no part of the sale of the consumer's personal									
514	information occurred in this state, and no personal information									
515	collected while the consumer was in this state is sold. This									
516	paragraph does not permit a business to store, including on a									
517	device, personal information about a consumer when the consumer									
518	is in this state and then to collect that personal information									
519	when the consumer and stored personal information are outside of									
520	this state.									
521	(2) This act does not apply to the sale of personal									
522	information to or from a consumer reporting agency if that									

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523	information is to be reported in, or used to generate, a
524	consumer report as defined by subdivision (d) of 15 U.S.C. s.
525	1681a, and use of that information is limited by the federal
526	Fair Credit Reporting Act, 15 U.S.C. s. 1681 et seq.
527	(3) If a request from a consumer is manifestly unfounded or
528	excessive, in particular because of the request's repetitive
529	character, a business may either charge a reasonable fee, taking
530	into account the administrative costs of providing the
531	information or communication or taking the action requested, or
532	refuse to act on the request and notify the consumer of the
533	reason for refusing the request. The business bears the burden
534	of demonstrating that any verified consumer request is
535	manifestly unfounded or excessive.
536	(4) A business that discloses personal information to a
537	service provider is not liable under this act if the service
538	provider receiving the personal information uses it in violation
539	of the restrictions set forth in the act, provided that, at the
540	time of disclosing the personal information, the business does
541	not have actual knowledge, or reason to believe, that the
542	service provider intends to commit such a violation. A service
543	provider is likewise not liable under this act for the
544	obligations of a business for which it provides services as set
545	forth in this act.
546	(5) This act may not be construed to require a business to
547	reidentify or otherwise link information that is not maintained
548	in a manner that would be considered personal information.
549	(6) The rights afforded to consumers and the obligations
550	imposed on a business in this act may not adversely affect the
551	rights and freedoms of other consumers.

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552	Section 6. Section 501.177, Florida Statutes, is created to										
553	read:										
554	501.177 Civil actions; private right of action; Attorney										
555	General; rules										
556	(1) If any business violates any provision of this act, the										
557	consumer may initiate a civil action for any of the following:										
558	(a) Recovery of damages of at least \$100 and less than \$750										
559	per consumer per incident or actual damages, whichever is										
560	greater.										
561	(b) Injunctive or declaratory relief.										
562	(c) Reasonable costs of enforcement, including a reasonable										
563	attorney fee.										
564	(d) Any other relief the court deems proper.										
565	(2)(a) The Department of Legal Affairs shall adopt rules to										
566	enforce this act. If the department has reason to believe that a										
567	business, directly or indirectly, has violated or is violating										
568	this section, the department may institute an appropriate legal										
569	proceeding against the business.										
570	(b) The trial court, upon a showing that any business,										
571	directly or indirectly, has violated or is violating this act,										
572	may take any of the following actions:										
573	1. Issue a temporary or permanent injunction.										
574	2. Impose a civil penalty not to exceed \$5,000 for each										
575	violation. If the consumer was under 16 years of age at the time										
576	of the violation, the court may triple the civil penalty.										
577	3. Award reasonable costs of enforcement, including a										
578	reasonable attorney fee.										
579	4. Grant such other relief as the court may deem										
580	appropriate.										

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581	Section	7.	This	act	shall	take	effect	July	1,	2021.	
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CODING: Words stricken are deletions; words underlined are additions.

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