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 service providers under certain circumstances; prohibiting a business from processing certain sensitive consumer data 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; 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 that business and service providers are not liable for certain actions; 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. 501.176, F.S.; providing applicability; providing exceptions; creating s. 501.177, F.S.; authorizing the Department of Legal Affairs to adopt rules and to bring
appropriate legal proceedings for violations under
certain circumstances; providing that businesses must
have a specified timeframe to cure any violations;
providing civil remedies; providing civil penalties
for unintentional and intentional violations;
providing enhanced penalties for certain violations;
providing an effective date.

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

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 voice print, 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

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5. Satisfies either of the following thresholds:
   a. Annually buys, sells, or shares the personal information of 100,000 or more consumers, households, or devices.
   b. 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 movements.

(22) “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.

(23) “Sell” means to sell, rent, release, disclose, disseminate, make available, transfer, or otherwise communicate orally, in writing, or by electronic or other means a consumer’s personal information by a business to another business or a third party for monetary or other valuable consideration. The
term does not include:

(a) The disclosure by a business, for a business purpose, of a consumer’s personal information to another business or third-party entity that processes the information for the business; or

(b) The disclosure by a business, for the purpose of providing a product or service requested or approved by a consumer, of the consumer’s personal information to another business or third-party entity.

(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) 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:

1. 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.

2. 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
(b) A business that collects personal information about, but not directly from, consumers may provide the required information on its Internet home page or in its online privacy policy.

(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 discloses it to a service provider for a business purpose shall enter into an agreement with such service provider which obligates the service provider to comply with applicable obligations under this act and 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(24) 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.

(5) A business may not process sensitive data concerning a consumer without obtaining the consumer’s consent or, in the case of the processing of sensitive data concerning a known child, without processing such data in accordance with the federal Children’s Online Privacy Protection Act, 15 U.S.C. s. 6501 et. seq.

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 some other 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.

(d) A business that complies with the verifiable parental consent requirements of the Children’s Online Privacy Protection Act, 15 U.S.C. s. 6501 et seq., shall be deemed compliant with any obligation to obtain parental consent.

(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 categories of sources from which the consumer’s personal information was collected, the specific items of personal information it has collected about the consumer, and the categories of any third parties to whom the personal information was sold.

(6) Consumers have the right to submit a verified request that personal information that has been collected from the consumer be deleted. A business shall notify a third party to delete any consumer information bought or sold.

(7) A business, or a service provider acting pursuant to

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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 if that information is inaccurate.
(9) This section may not be construed to require a business to comply by doing any of the following:

(a) Including any required links and text on the home page that the business makes available to the public generally, if:

1. 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

2. 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.

(b) Reidentifying or otherwise linking information that is not maintained in a manner that would be considered personal information; retaining any personal information about a consumer if, in the ordinary course of business, that information would not be retained; maintaining information in identifiable, linkable, or associable form; or collecting, obtaining, retaining, or accessing any data or technology in order to be capable of linking or associating a verifiable consumer request with personal information.

(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 direct 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.

(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.

(15) 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.

(16) 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 forth in this act.

(17) 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 subsection (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 6. Section 501.176, Florida Statutes, is created to read:

501.176 Scope; 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 an 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 its employees, owners, directors, officers, job applicants, interns, or volunteers, so long as the business is collecting or disclosing such information only to the extent reasonable and necessary within the scope of the role the business has in relation to each class of listed individuals.

(b) A business, service provider, or third party that collects the personal information of an individual:

1. Who applies to, is or was previously employed by, or acts as an agent of the business, service provider, or third party, to the extent that the personal information is collected
and used in a manner related to or arising from the individual’s employment status; or

2. To administer benefits for another individual and the personal information is used to administer those benefits.

(c) A business that enters into a contract with an independent contractor and collects or discloses personal information about the contractor reasonably necessary to either enter into or to fulfill the contract when the contracted services would not defeat the purposes of this act.

(d) Protected health information for purposes of the federal Health Insurance Portability and Accountability Act of 1996 and related regulations, and patient identifying information for purposes of 42 C.F.R. part 2, established pursuant to 42 U.S.C. s. 290dd-2.

(e) 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, or a program or a qualified service program defined in 42 C.F.R. part 2, to the extent the covered entity, business associate, or program maintains personal information in the same manner as medical information or protected health information as described in paragraph (d).

(f) Identifiable private information collected for purposes of research as defined in 45 C.F.R. s. 164.501 conducted in accordance with the Federal Policy for the Protection of Human Subjects for purposes of 45 C.F.R. part 46, the good clinical practice guidelines issued by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use, or the Protection for Human Subjects for purposes of...
21 C.F.R. parts 50 and 56; or personal information used or shared in research conducted in accordance with one or more of these standards.

(g) Information and documents created for purposes of the federal Health Care Quality Improvement Act of 1986 and related regulations, or patient safety work product for purposes of 42 C.F.R. part 3, established pursuant to 42 U.S.C. s. 299b-21 through 299b-26.

(h) Information that is de-identified in accordance with 45 C.F.R. part 164 and that is derived from individually identifiable health information, as described in the Health Insurance Portability and Accountability Act of 1996, or identifiable personal information, consistent with the Federal Policy for the Protection of Human Subjects or the human subject protection requirements of the United States Food and Drug Administration or the good clinical practice guidelines issued by the International Council for Harmonisation.

(i) 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.

(j) 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.
(k) Personal information collected, processed, sold, or disclosed pursuant to the federal Gramm-Leach-Bliley Act, 15 U.S.C. s. 6801 et seq. and implementing regulations.

(l) Personal information collected, processed, sold, or disclosed pursuant to the Farm Credit Act of 1971, as amended in 12 U.S.C. s. 2001-2279cc and implementing regulations.

(m) 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.


(o) 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.

(p) 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.

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

501.177 Enforcement; Attorney General; rules.—
(1) The Department of Legal Affairs may adopt rules to
implement this section. If the department has reason to believe
that any business, service provider, or other person or entity
is in violation of this act and that proceedings would be in the
public interest, the department may institute an appropriate
legal proceeding against such party.

(2) After the department has notified a business in writing
of an alleged violation, the department may grant the business a
30-day period to cure the alleged violation. The department may
consider the number of violations, the substantial likelihood of
injury to the public, or the safety of persons or property when
determining whether to grant 30 days to cure an alleged
violation. If the business cures the alleged violation to the
satisfaction of the department and provides proof of such cure
to the department, the department may issue a letter of guidance
to the business which indicates that the business will not be
offered a 30-day cure period for any future violations. If the
business fails to cure the violation within 30 days, the
department may bring an action against the business for the
alleged violation.

(3) The trial court, upon a showing that any business,
.service provider, or other person or entity is in violation of
this act, may take any of the following actions:

(a) Issue a temporary or permanent injunction.

(b) Impose a civil penalty of not more than $2,500 for each unintentional violation or $7,500 for each intentional violation. Such fines may be tripled if the violation involves a consumer who is 16 years of age or younger.

(c) Award reasonable costs of enforcement, including reasonable attorney fees and costs.

(d) Grant such other relief as the court may deem appropriate.

Section 8. This act shall take effect July 1, 2022.