

**By** the Committees on Rules; and Commerce and Tourism; and  
Senator Bradley

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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. 501.1745,  
6       F.S.; requiring certain businesses that collect  
7       consumer personal information to provide certain  
8       information to the consumer; requiring such  
9       collection, use, retention, and sharing of such  
10      information to meet certain requirements; requiring  
11      such businesses to implement reasonable security  
12      procedures and practices; requiring such businesses to  
13      enter into an agreement with service providers under  
14      certain circumstances; prohibiting a business from  
15      processing certain sensitive consumer data under  
16      certain circumstances; creating s. 501.175, F.S.;  
17      providing that consumers have the right to direct  
18      certain businesses not to sell their personal  
19      information; providing construction; requiring such  
20      businesses to notify consumers of such right;  
21      requiring businesses to comply with such a request  
22      under certain circumstances; prohibiting businesses  
23      from selling the personal information of consumers  
24      younger than a specified age without express  
25      authorization from the consumer or the consumer's  
26      parent or guardian under certain circumstances;  
27      providing that a business that willfully disregards a  
28      consumer's age is deemed to have actual knowledge of  
29      the consumer's age; requiring certain businesses to

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30 provide a specified link on their home page for  
31 consumers to opt out; providing requirements for  
32 businesses to comply with a consumer's opt-out  
33 request; providing that consumers have the right to  
34 submit a verified request for businesses to delete or  
35 correct personal information the businesses have  
36 collected about the consumers; providing construction;  
37 providing that consumers may authorize other persons  
38 to opt out of the sale of the consumer's personal  
39 information on the consumer's behalf; requiring  
40 businesses to establish designated addresses through  
41 which consumers may submit verified requests;  
42 specifying requirements for consumers' verified  
43 requests and businesses' responses; requiring  
44 businesses to comply with previous consumer requests  
45 without requiring additional information from the  
46 consumer, under certain circumstances; requiring  
47 businesses to provide certain notices to consumers;  
48 authorizing businesses to charge consumers a  
49 reasonable fee for manifestly unfounded or excessive  
50 requests, or to refuse to complete a request under  
51 certain circumstances; providing that business and  
52 service providers are not liable for certain actions;  
53 providing that a consumer's rights and the obligations  
54 of a business may not adversely affect the rights and  
55 freedoms of other consumers; creating s. 501.176,  
56 F.S.; providing applicability; providing exceptions;  
57 creating s. 501.177, F.S.; authorizing the Department  
58 of Legal Affairs to adopt rules and to bring

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59 appropriate legal proceedings for violations under  
60 certain circumstances; providing that businesses must  
61 have a specified timeframe to cure any violations;  
62 providing civil remedies; providing civil penalties  
63 for unintentional and intentional violations;  
64 providing enhanced penalties for certain violations;  
65 providing an effective date.

66  
67 Be It Enacted by the Legislature of the State of Florida:

68  
69 Section 1. Section 501.172, Florida Statutes, is created to  
70 read:

71 501.172 Short title.—This act may be cited as the “Florida  
72 Privacy Protection Act.”

73 Section 2. Section 501.173, Florida Statutes, is created to  
74 read:

75 501.173 Purpose.—This act shall be construed liberally in  
76 recognition that privacy is an important right, and consumers in  
77 this state should have the ability to share their personal  
78 information as they wish, in a way that is safe and that they  
79 understand and control.

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

82 501.174 Definitions.—As used in ss. 501.172-501.177, unless  
83 the context otherwise requires, the term:

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

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

94       (3) "Biometric information" means an individual's  
95 physiological, biological, or behavioral characteristics,  
96 including an individual's deoxyribonucleic acid (DNA), which can  
97 be used, singly or in combination with each other or with other  
98 identifying data, to establish individual identity. The term  
99 includes, but is not limited to, imagery of the iris, retina,  
100 fingerprint, face, hand, or palm; vein patterns; voice  
101 recordings from which an identifier template, such as a  
102 faceprint, a minutiae template, or a voice print, can be  
103 extracted; keystroke patterns or rhythms; gait patterns or  
104 rhythms; and sleep, health, or exercise data that contain  
105 identifying information.

106       (4) "Business" means:

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

110       1. Is organized or operated for the profit or financial  
111 benefit of its shareholders or owners;

112       2. Does business in this state;

113       3. Collects personal information about consumers, or is the  
114 entity on behalf of which such information is collected;

115       4. Determines the purposes and means of processing personal  
116 information about consumers, alone or jointly with others; and

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117 5. Satisfies either of the following thresholds:

118 a. Annually buys, sells, or shares the personal information  
119 of 100,000 or more consumers, households, or devices.

120 b. Derives 50 percent or more of its global annual revenues  
121 from selling or sharing personal information about consumers.

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

125 1. "Common branding" means a shared name, service mark, or  
126 trademark that the average consumer would understand to mean  
127 that two or more entities are commonly owned.

128 2. "Control" means:

129 a. Ownership of, or the power to vote, more than 50 percent  
130 of the outstanding shares of any class of voting security of a  
131 business;

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

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

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

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146 online service on behalf of a business or processes information  
147 on behalf of a business.

148 (5) "Business purpose" means the use of personal  
149 information for the business' operational or other notice-given  
150 purposes or for the service provider's operational purposes,  
151 provided that the use of the personal information is reasonably  
152 necessary to achieve, and proportionate to the benefit of  
153 achieving, the purpose for which the personal information was  
154 collected or processed or for another purpose that is compatible  
155 with the context in which the personal information was  
156 collected. The term includes all of the following:

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

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

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

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

174 (e) Performing services on behalf of the business,

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175 including maintaining or servicing accounts, providing customer  
176 service, processing or fulfilling orders and transactions,  
177 verifying customer information, processing payments, or  
178 providing financing, analytic services, storage, or similar  
179 services on behalf of the business.

180 (f) Providing advertising and marketing services, not  
181 including targeted advertising, to the consumer provided that,  
182 for the purpose of advertising and marketing, a service provider  
183 may not combine the personal information of consumers who opt  
184 out which the service provider receives from, or on behalf of,  
185 the business with personal information that the service provider  
186 receives from, or on behalf of, another person or persons or  
187 collects from its own interaction with consumers.

188 (g) Undertaking internal research for technological  
189 development and demonstration.

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

196 (6) "Categories" or "category" means the items of personal  
197 identifying information specified as being included as personal  
198 information under subsection (18).

199 (7) "Collects," "collected," or "collection" means buying,  
200 renting, gathering, obtaining, receiving, or accessing by any  
201 means any personal information pertaining to a consumer. The  
202 term includes receiving information from the consumer, either  
203 actively or passively, or by observing the consumer's behavior.

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

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

216       (10) "De-identified" means information:

217       (a) That cannot reasonably identify, relate to, describe,  
218 be associated with, or be linked directly or indirectly to a  
219 particular consumer or device;

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

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

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

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

231       (12) "Device" means a physical object capable of directly  
232 or indirectly connecting to the Internet.

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

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

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

251       (16) "Nonpersonalized advertising" means advertising and  
252 marketing that is based solely on a consumer's personal  
253 information derived from the consumer's current interaction with  
254 the business, with the exception of the consumer's precise  
255 geolocation.

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

261       (18) "Personal information" means information that

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262 identifies, relates to, describes, is reasonably capable of  
263 being associated with, or could reasonably be linked, directly  
264 or indirectly, with a particular consumer or household.

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

268 1. A first and last name.

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

271 3. An electronic mail address.

272 4. A telephone number.

273 5. A social security number.

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

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

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

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

287 10. Professional or employment-related information.

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

290 12. Inferences drawn from any information specified in this

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291 paragraph which can create a profile about a consumer reflecting  
292 the consumer's preferences, characteristics, psychological  
293 trends, predispositions, behavior, attitudes, intelligence,  
294 abilities, and aptitudes.

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

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

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

307 16. Geolocation data.

308 (b) The term does not include:

309 1. Information about a consumer obtained from public  
310 records, including information that is lawfully made available  
311 from federal, state, or local governmental records; information  
312 that a business has a reasonable basis to believe is lawfully  
313 made available to the general public by the consumer or from  
314 widely distributed media; or lawfully obtained, truthful  
315 information that is a matter of public concern.

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

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

325       (20) "Processing" means any operation or set of operations  
326 performed on personal information or on sets of personal  
327 information, whether or not by automated means.

328       (21) "Profiling" means any form of automated processing  
329 performed on personal data to evaluate, analyze, or predict  
330 personal aspects related to an identified or identifiable  
331 natural person's economic situation, health, personal  
332 preferences, interests, reliability, behavior, location, or  
333 movements.

334       (22) "Security and integrity" means the ability of a:

335       (a) Network or information system to detect security  
336 incidents that compromise the availability, authenticity,  
337 integrity, and confidentiality of stored or transmitted personal  
338 information.

339       (b) Business to detect security incidents; to resist  
340 malicious, deceptive, fraudulent, or illegal actions; and to  
341 help prosecute those responsible for such actions.

342       (c) Business to ensure the physical safety of natural  
343 persons.

344       (23) "Sell" means to sell, rent, release, disclose,  
345 disseminate, make available, transfer, or otherwise communicate  
346 orally, in writing, or by electronic or other means a consumer's  
347 personal information by a business to another business or a  
348 third party for monetary or other valuable consideration. The

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349 term does not include:

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

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

358 (24) "Service provider" means a person who processes  
359 personal information on behalf of a business to whom the  
360 business discloses a consumer's personal information for a  
361 business purpose pursuant to a written or electronic contract if  
362 the contract prohibits the person from:

363 (a) Selling the information;

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

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

377 (d) Retaining, using, or disclosing the information outside

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378 of the direct business relationship between the service provider  
379 and the business.

380 (25) "Targeted advertising" means displaying an  
381 advertisement to a consumer when the advertisement is selected  
382 based on personal data obtained from a consumer's activities  
383 over time and across businesses, websites, or online  
384 applications other than the business, website, or online  
385 application with which the consumer is intentionally  
386 interacting, to predict such consumer's preferences or  
387 interests. The term does not include nonpersonalized  
388 advertising.

389 (26) "Third party" means a person who is not any of the  
390 following:

391 (a) The business with which the consumer intentionally  
392 interacts which collects personal information from the consumer  
393 as part of the consumer's current interaction with the business.

394 (b) A service provider to the business.

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

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407 guardian has custody.

408 (28) "Verified request" means a request submitted by a  
409 consumer, by a consumer on behalf of the consumer's minor child,  
410 or by a natural person or a person registered with the Secretary  
411 of State, who is authorized by the consumer to act on the  
412 consumer's behalf, to a business for which the business can  
413 reasonably verify the authenticity of the request.

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

416 501.1745 General duties of businesses that collect personal  
417 information.-

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

422 1. The purposes for which each category of personal  
423 information is collected or used and whether that information is  
424 sold. A business may not collect additional categories of  
425 personal information, or use collected personal information for  
426 additional purposes that are incompatible with the disclosed  
427 purpose for which the personal information was collected,  
428 without providing the consumer with notice consistent with this  
429 section.

430 2. The length of time the business intends to retain each  
431 category of personal information or, if that is not possible,  
432 the criteria used to determine such period, provided that a  
433 business may not retain a consumer's personal information for  
434 each disclosed purpose for which the personal information was  
435 collected for longer than is reasonably necessary for that

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436 disclosed purpose.

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

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

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

452 (4) A business that collects a consumer's personal  
453 information and discloses it to a service provider for a  
454 business purpose shall enter into an agreement with such service  
455 provider which obligates the service provider to comply with  
456 applicable obligations under this act and to provide the same  
457 level of privacy protection as is required by this act. If a  
458 service provider engages any other person to assist it in  
459 processing personal information for a business purpose on behalf  
460 of the business, or if any other person engaged by the service  
461 provider engages another person to assist in processing personal  
462 information for that business purpose, the provider or person  
463 must notify the business of that engagement, and the engagement  
464 must be pursuant to a written contract that includes the

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465 prohibitions described in s. 501.174(24) and a certification  
466 made by the person receiving the personal information that he or  
467 she understands the restrictions under this act and will comply  
468 with them.

469 (5) A business may not process sensitive data concerning a  
470 consumer without obtaining the consumer's consent or, in the  
471 case of the processing of sensitive data concerning a known  
472 child, without processing such data in accordance with the  
473 federal Children's Online Privacy Protection Act, 15 U.S.C. s.  
474 6501 et. seq.

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

477 501.175 Use of personal information; third parties; other  
478 rights.-

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

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

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

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

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

501       1. Reasonably related to the value provided to the business  
502 by the consumer's data; and

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

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

508       (3) A business that sells consumer information and that has  
509 received direction from a consumer not to sell the consumer's  
510 personal information or, in the case of a minor consumer's  
511 personal information, has not received consent to sell the minor  
512 consumer's personal information, is prohibited from selling the  
513 consumer's personal information after the business receives the  
514 consumer's direction, unless the consumer subsequently provides  
515 express authorization for the sale of the consumer's personal  
516 information. A business that is able to authenticate the  
517 consumer, for example, by the consumer logging in, or that uses  
518 some other unique identifier for the consumer, must comply with  
519 any privacy preferences the consumer previously directed. The  
520 business may not require the consumer to declare privacy  
521 preferences every time the consumer visits the business' website  
522 or uses the business' online services.

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

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

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

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

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

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

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

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

551 (b) Ensure that all individuals responsible for handling

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552 consumer inquiries about the business' privacy practices or the  
553 business' compliance with this section are informed of all  
554 requirements of this section and how to direct consumers to  
555 exercise their rights.

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

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

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

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

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

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

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581 its contract with the business or another service provider, is  
582 not required to comply with a consumer's verified request to  
583 delete the consumer's personal information if it is necessary  
584 for the business or service provider to maintain the consumer's  
585 personal information in order to do any of the following:

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

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

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

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

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

606 (f) Comply with a legal obligation.

607 (8) Consumers have the right to submit a verified request  
608 for correction of their personal information held by a business  
609 if that information is inaccurate.

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610 (9) This section may not be construed to require a business  
611 to comply by doing any of the following:

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

614 1. The business maintains a separate and additional home  
615 page that is dedicated to consumers in this state and includes  
616 the required links and text; and

617 2. The business takes reasonable steps to ensure that  
618 consumers in this state are directed to the home page for  
619 consumers in this state and not the home page made available to  
620 the public generally.

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

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

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639 his or her information.

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

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

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

648 2. To correct a consumer's inaccurate personal information  
649 shall correct the inaccurate personal information.

650 3. To delete a consumer's personal information shall delete  
651 such personal information.

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

663 (c) At the direction of the business, a service provider  
664 shall correct inaccurate personal information or delete personal  
665 information, or enable the business to do the same, and shall  
666 direct any service providers who may have accessed such personal  
667 information from or through the service provider to correct or

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668 delete the consumer's personal information, as applicable.

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

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

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

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

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

695 (a) Identifies the categories of personal information that  
696 the business collects through its website or online service

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697 about consumers who use or visit the website or online service  
698 and the categories of third parties with whom the business may  
699 share such personal information.

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

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

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

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

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

722 (16) A business that discloses personal information to a  
723 service provider is not liable under this act if the service  
724 provider receiving the personal information uses it in violation  
725 of the restrictions set forth in the act, provided that, at the

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726 time of disclosing the personal information, the business does  
727 not have actual knowledge, or reason to believe, that the  
728 service provider intends to commit such a violation. A service  
729 provider is likewise not liable under this act for the  
730 obligations of a business for which it provides services as set  
731 forth in this act.

732 (17) The rights afforded to consumers and the obligations  
733 imposed on a business in this act may not adversely affect the  
734 rights and freedoms of other consumers. Notwithstanding  
735 subsection (7), a verified request for specific items of  
736 personal information, to delete a consumer's personal  
737 information, or to correct inaccurate personal information does  
738 not extend to personal information about the consumer which  
739 belongs to, or which the business maintains on behalf of,  
740 another natural person.

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

743 501.176 Scope; exclusions.—

744 (1) The obligations imposed on a business by this act do  
745 not restrict a business' ability to do any of the following:

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

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

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

754 (d) Exercise or defend legal claims.

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

759 (f) Collect or sell a consumer's personal information if  
760 every aspect of that commercial conduct takes place wholly  
761 outside of this state. For purposes of this act, commercial  
762 conduct takes place wholly outside of this state if the business  
763 collected that information while the consumer was outside of  
764 this state, no part of the sale of the consumer's personal  
765 information occurred in this state, and no personal information  
766 collected while the consumer was in this state is sold. This  
767 paragraph does not permit a business to store, including on a  
768 device, personal information about a consumer when the consumer  
769 is in this state and then to collect that personal information  
770 when the consumer and stored personal information are outside of  
771 this state.

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

773 (a) A business that collects or discloses the personal  
774 information of its employees, owners, directors, officers, job  
775 applicants, interns, or volunteers, so long as the business is  
776 collecting or disclosing such information only to the extent  
777 reasonable and necessary within the scope of the role the  
778 business has in relation to each class of listed individuals.

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

781 1. Who applies to, is or was previously employed by, or  
782 acts as an agent of the business, service provider, or third  
783 party, to the extent that the personal information is collected

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784 and used in a manner related to or arising from the individual's  
785 employment status; or

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

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

793 (d) Protected health information for purposes of the  
794 federal Health Insurance Portability and Accountability Act of  
795 1996 and related regulations, and patient identifying  
796 information for purposes of 42 C.F.R. part 2, established  
797 pursuant to 42 U.S.C. s. 290dd-2.

798 (e) A covered entity or business associate governed by the  
799 privacy, security, and breach notification rules issued by the  
800 United States Department of Health and Human Services in 45  
801 C.F.R. parts 160 and 164, or a program or a qualified service  
802 program defined in 42 C.F.R. part 2, to the extent the covered  
803 entity, business associate, or program maintains personal  
804 information in the same manner as medical information or  
805 protected health information as described in paragraph (d).

806 (f) Identifiable private information collected for purposes  
807 of research as defined in 45 C.F.R. s. 164.501 conducted in  
808 accordance with the Federal Policy for the Protection of Human  
809 Subjects for purposes of 45 C.F.R. part 46, the good clinical  
810 practice guidelines issued by the International Council for  
811 Harmonisation of Technical Requirements for Pharmaceuticals for  
812 Human Use, or the Protection for Human Subjects for purposes of

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813 21 C.F.R. parts 50 and 56; or personal information used or  
814 shared in research conducted in accordance with one or more of  
815 these standards.

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

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

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

837 (j) The sale of personal information to or from a consumer  
838 reporting agency if that information is to be reported in or  
839 used to generate a consumer report as defined by 15 U.S.C. s.  
840 1681(a), and if the use of that information is limited by the  
841 federal Fair Credit Reporting Act, 15 U.S.C. s. 1681 et seq.

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

845 (l) Personal information collected, processed, sold, or  
846 disclosed pursuant to the Farm Credit Act of 1971, as amended in  
847 12 U.S.C. s. 2001-2279cc and implementing regulations.

848 (m) Personal information collected, processed, sold, or  
849 disclosed pursuant to the federal Driver's Privacy Protection  
850 Act of 1994, 18 U.S.C. s. 2721 et seq.

851 (n) Education information covered by the federal Family  
852 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g and 34  
853 C.F.R. part 99.

854 (o) Personal information collected, processed, sold, or  
855 disclosed in relation to price, route, or service as those terms  
856 are used in the federal Airline Deregulation Act, 49 U.S.C. s.  
857 40101 et seq., by entities subject to the federal Airline  
858 Deregulation Act, to the extent the provisions of this act are  
859 preempted by s. 41713 of the federal Airline Deregulation Act.

860 (p) Vehicle information or ownership information retained  
861 or shared between a new motor vehicle dealer and the vehicle's  
862 manufacturer if the vehicle or ownership information is shared  
863 for the purpose of effectuating, or in anticipation of  
864 effectuating, a vehicle repair covered by a vehicle warranty or  
865 a recall conducted pursuant to 49 U.S.C. s. 30118-30120,  
866 provided that the new motor vehicle dealer or vehicle  
867 manufacturer with which that vehicle information or ownership  
868 information is shared does not sell, share, or use that  
869 information for any other purpose. As used in this paragraph,  
870 the term "vehicle information" means the vehicle information

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871 number, make, model, year, and odometer reading, and the term  
872 "ownership information" means the name or names of the  
873 registered owner or owners and the contact information for the  
874 owner or owners.

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

877 501.177 Enforcement; Attorney General; rules.-

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

884 (2) After the department has notified a business in writing  
885 of an alleged violation, the department may grant the business a  
886 30-day period to cure the alleged violation. The department may  
887 consider the number of violations, the substantial likelihood of  
888 injury to the public, or the safety of persons or property when  
889 determining whether to grant 30 days to cure an alleged  
890 violation. If the business cures the alleged violation to the  
891 satisfaction of the department and provides proof of such cure  
892 to the department, the department may issue a letter of guidance  
893 to the business which indicates that the business will not be  
894 offered a 30-day cure period for any future violations. If the  
895 business fails to cure the violation within 30 days, the  
896 department may bring an action against the business for the  
897 alleged violation.

898 (3) The trial court, upon a showing that any business,  
899 service provider, or other person or entity is in violation of

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900 this act, may take any of the following actions:

901 (a) Issue a temporary or permanent injunction.

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

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

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

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