

1 A bill to be entitled
 2 An act relating to personal information protection;
 3 creating s. 501.9744, F.S.; providing a short title;
 4 providing definitions; prohibiting a public agency
 5 from requesting, requiring, and publicly disclosing,
 6 specified personal information; providing construction
 7 and applicability; providing for the right of civil
 8 action and award of damages; providing penalties;
 9 providing an effective date.

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

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 13 Section 1. Section 501.9744, Florida Statutes, is created
 14 to read:

15 501.9744 Personal privacy protection.-

16 (1) This act may be cited as the "Personal Privacy
 17 Protection Act."

18 (2) As used in this section, the term:

19 (a) "Person" means an individual or a corporation,
 20 partnership, association, or any other legal or commercial
 21 entity.

22 (b) "Personal information" means any compilation of data
 23 that directly or indirectly identifies a person as a member,
 24 supporter, volunteer, or donor of financial or nonfinancial
 25 support to any entity.

26 (c) "Public agency" means any state or local governmental
27 unit, however designated, including, but not limited to, this
28 state; any department, agency, office, commission, board,
29 division, or other entity of this state; any political
30 subdivision of this state, including, but not limited to, a
31 county, city, township, village, school district, community
32 college district, or any other local governmental unit, agency,
33 authority, council, board, or commission; or any state or local
34 court, tribunal, or other judicial or quasi-judicial body.

35 (3) Notwithstanding any law, and subject to subsection
36 (4), a public agency may not:

37 (a) Require a person to provide the public agency with
38 personal information or otherwise compel the release of personal
39 information.

40 (b) Require an entity to provide the public agency with
41 personal information or otherwise compel the release of personal
42 information.

43 (c) Release, publish, or otherwise publicly disclose
44 personal information held by a public agency.

45 (d) Request or require a current or prospective contractor
46 or grantee with the public agency to provide the public agency
47 with a list of entities to which it has provided financial or
48 nonfinancial support.

49 (4) This section does not preclude:

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50 (a) Personal information exempt from disclosure under the
51 Freedom of Information Act.

52 (b) A report or disclosure required for campaign financing
53 under chapter 106 or lobbying under chapter 11.

54 (c) A lawful warrant for personal information issued by a
55 court of competent jurisdiction.

56 (d) A lawful request for discovery of personal information
57 in litigation if both of the following conditions are met:

58 1. The requestor demonstrates a compelling need for the
59 personal information by clear and convincing evidence.

60 2. The requestor obtains a protective order barring
61 disclosure of personal information to any person not named in
62 the litigation.

63 (e) Admission of personal information as relevant evidence
64 before a court of competent jurisdiction. However, a court may
65 not publicly reveal personal information without a specific
66 finding of good cause.

67 (5) This section does not apply to a national securities
68 association, as defined in s. 78o-3, 15 U.S.C., or regulations
69 adopted thereunder, or to any information a national securities
70 association provides to the Financial Services Commission
71 pursuant to chapter 517 and rules adopted thereunder.

72 (6) (a) A person alleging a violation of this section may
73 bring a civil action for injunctive relief, damages, or both.

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74 Damages awarded under this section may include one of the
75 following:

76 1. For injury or loss caused by a violation, a sum not
77 less than \$2,500 for each violation.

78 2. For an intentional violation, a sum not to exceed 3
79 times the sum under subparagraph 1.

80 (b) The court may award all or a portion of the costs of
81 litigation, including reasonable attorney and witness fees, to
82 the complainant bringing the action.

83 (c) A person who knowingly violates this section commits a
84 misdemeanor punishable by imprisonment for not more than 90 days
85 or a fine of not more than \$1,000, or both.

86 Section 2. This act shall take effect July 1, 2022.