

Amendment No.5A6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Learned offered the following:

Amendment to Amendment (651457) by Representative McFarland

Remove lines 652-686 of the amendment and insert:

7 1. Failure to delete or correct the consumer's personal
8 information pursuant to this section within 45 calendar days
9 after notice of such failure, accompanied by the consumer's
10 verifiable consumer request, is served upon the controller,
11 processor, or third party pursuant to paragraph (b), unless the
12 controller, processor, or third party qualifies for an exception
13 to the requirements to delete or correct under this section.

14 2. Continuing to sell or share the consumer's personal
15 information more than 45 calendar days after notice of failure
16 to comply with the consumer's directions to opt-out of the sale

Amendment No.5A6

17 or sharing of his or her personal information, accompanied by
18 the consumer's opt-out request, is served upon the controller,
19 processor, or third party pursuant to paragraph (b).

20 3. Continuing to sell or share the personal information of
21 the consumer age 18 or younger without obtaining consent as
22 required by this section more than 45 calendar days after notice
23 that such consent has not been obtained is served upon the
24 controller, processor, or third party pursuant to paragraph (b).

25 (c) As a condition precedent to filing a civil action
26 under this subsection, the consumer must serve the controller,
27 processor, or third party with written notice of the alleged
28 violation described in subparagraph (a)1., subparagraph (a)2.,
29 or subparagraph (a)3. and an intent to initiate litigation under
30 this subsection. Service of the notice must be made in the same
31 manner provided in chapter 48 for service of a complaint,
32 petition, or summons. If the alleged violation is not cured
33 within the time provided in subparagraph (a)1., subparagraph
34 (a)2., or subparagraph (a)3., the consumer may file the civil
35 action in a court of competent jurisdiction for such violation
36 persisting after the time to cure has expired.

37 (d) A court may grant the following relief to a Florida
38 consumer:

39 1. Statutory damages in an amount not less than \$1000 per
40 consumer per incident or actual damages, whichever is greater.

41 2. Injunctive or declaratory relief.

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Amendment No.5A6

42 (e) The prevailing party shall recover reasonable attorney
43 fees and costs.

44 (f) Any action under this subsection may only be brought
45 by or on behalf of a Florida consumer.

46 (g) Liability for a tort, contract claim, or consumer
47 protection claim which is unrelated to an action brought under
48 this subsection or subsection (11) does not arise solely from
49 the failure of a controller, processor, or third party to comply
50 with this section and evidence of such may only be used as the
51 basis to prove a cause of action under this subsection.

52 (h) In assessing the amount of statutory damages, the
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