

HB 1189

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A bill to be entitled  
An act relating to privacy of personal information;  
providing definitions; requiring certain persons who  
maintain computerized data that contains personal  
information to notify any state resident whose unencrypted  
personal information may have been obtained as a result of  
a security breach; providing for forms of notice;  
providing exceptions and alternative forms of notice;  
providing for delays in notification in certain  
circumstances; providing an effective date.

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

Section 1. (1) As used in this section, the term:  
(a) "Breach of security" means the unauthorized  
acquisition of computerized data which compromises the  
confidentiality, integrity, or security of personal information  
maintained by a person. Good-faith acquisition of personal  
information by an employee or agent of such person for  
legitimate purposes of the person is not a breach of security.

(b) "Person" means any person or political subdivision as  
defined in section 1.01, Florida Statutes, or any agency as  
defined in section 20.03, Florida Statutes.

(c) "Personal information" means an individual's first  
name or first initial and last name and at least one of the  
following elements:

1. Social security number.
2. Driver's license number or state identification card  
number.
3. Account or card number and any required security code,  
access code, or password that permits access to that account.

(2)(a) Any person that conducts business in this state and  
owns or licenses computerized data that contains personal  
information about a resident of this state must notify that  
resident regarding any breach of security of the data  
immediately following discovery of the breach, if the personal  
information was, or is reasonably believed to have been,  
acquired by an unauthorized person.

(b) Any person that conducts business in this state and  
maintains computerized data that includes personal information  
that is owned or licensed by another person must notify such  
owner or licensee regarding any breach of security of the data  
immediately following discovery, if the personal information  
was, or is reasonably believed to have been, acquired by an  
unauthorized person.

- 46                   (3)(a) Notice may be provided in writing or in electronic  
47                   form.
- 48                   (b) If the cost of providing notice exceeds \$250,000, the  
49                   affected class of individuals to be notified exceeds 500,000  
50                   persons, or the person does not have sufficient contact  
51                   information for all of the affected individuals, it may provide  
52                   substitute notice by:
- 53                    1. Sending an e-mail notice to each affected individual  
54                    for whom it has an e-mail address.
- 55                    2. Conspicuously posting notice of the security breach on  
56                    the person's website.
- 57                    3. Providing notification of the security breach to major  
58                    statewide media.
- 59                   (c) If a person has established notification procedures  
60                   that are otherwise consistent with the requirements of this  
61                   section as part of an information security policy, that person  
62                   may notify affected individuals pursuant to such procedures.
- 63                   (d) Notification may be delayed if a law enforcement  
64                   agency determines that the notification will impede a criminal  
65                   investigation.
- 66                   Section 2. This act shall take effect July 1, 2004.

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

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