

Florida

Fla. Stat. Ann. § 501.171

Quick Links

[Statute](#)

[AG Website](#)

Quick Facts

Is “Personal Information” broader than the general definition? ¹	✓ Yes
Does the law apply to paper records?	✗ No
Is notification triggered by access only?	✓ Yes
Is a risk-of-harm analysis permitted?	✓ Yes
Is notice to a state agency or AG required?	✓ Yes, within 30 days of discovery of the breach, if 500 or more residents are notified
Is there a specific deadline for individual notices?	✓ Yes, within 30 days
Is there a specific format or language that must be included in the individual notice?	✓ Yes
Is a private right of action permitted?	✗ No

“Breach” Definition

The unauthorized access of data in electronic form containing personal information.

“Personal Information” Definition

1. An individual's first name or first initial and last name in combination with any one or more of the following data elements for that individual:
 - a. A social security number
 - b. A driver’s license or identification card number, passport number, military identification number, or other similar number issued on a government document used to verify identity

¹ The general definition of “Personal Information” is an individual's name in combination with any one or more of the following: (1) Social Security number; (2) driver's license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual's financial account.

- c. A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to an individual's financial account
 - d. Any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional, or
 - e. An individual's health insurance policy number or subscriber identification number and any unique identifier used by a health insurer to identify the individual, or
2. A username or e-mail address, in combination with a password or security question and answer that would permit access to an online account.

Notification Trigger

Within 30 days following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall disclose the breach to each state resident within 30 days after the discovery of the breach.
2. Entity that does not own or have the right to license the personal information shall notify the owner or licensee within 10 days after discovery of the breach.

Risk-of-Harm Analysis Standard

Notice is not required if, after an appropriate investigation, the entity reasonably determines that the breach has not and will not likely result in identity theft or any other financial harm to the individuals whose personal information has been accessed.

Such a determination must be documented in writing and maintained for at least 5 years.

Special Form/Content of Consumer Notice

The notice shall include:

1. The date, estimated date, or estimated date range of the breach of security.
2. A description of the personal information that was accessed or reasonably believed to have been accessed as a part of the breach of security.
3. Information that the individual can use to contact the covered entity to inquire about the breach of security and the personal information that the covered entity maintained about the individual.

AG Notice Trigger/Deadline

An entity shall provide notice to the Florida Department of Legal Affairs of any breach of security affecting 500 or more individuals in this state, within 30 days after the determination of the breach or reason to believe a breach occurred.

Notification to Consumer Reporting Agencies Threshold

If an entity discovers circumstances requiring notice pursuant to this section of more than 1,000 individuals at a single time, the covered entity shall also notify, without unreasonable delay, all consumer reporting agencies