



April 4, 2023

Senate Committee on Commerce and Tourism
310 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

RE: SB 262 - "Technology Transparency" (Oppose)

Chair Trumbull and Members of the Committee on Commerce and Tourism,

I write in regard to SB 262 which is up for a hearing in the Senate Committee on Commerce and Tourism today. We are appreciative of your dedication to protecting the privacy of Florida consumers. While we are encouraged by the ongoing efforts to establish guardrails for businesses in Florida, we are concerned that this bill misses the mark and will have a negative impact on Florida residents and businesses.

By way of background, SIIA is the principal trade association for the software and digital information industries worldwide. Our members include over 600 companies, many of which serve Florida consumers. Our members include a range of broad and diverse digital content providers and users in specialized content industries, academic publishing, education technology, and financial information, along with creators of software and platforms used by millions worldwide, and companies specializing in data analytics and information services. On behalf of our members' wide interests and services, SIIA has long advocated for privacy protections.

Privacy is a complex issue that impacts citizens, businesses, and government and should be addressed holistically so Floridians are protected and innovation can flourish. The internet provides Florida residents access to Florida news and weather on newspaper websites, access to important information from Florida-based non-profits, connections to others through video conferencing and online platforms, and access to entertainment like movies, shows, and sports. It helps to sustain the Florida economy by providing businesses with ways to reach potential customers and facilitating growth of the tourism economy. All of these online experiences may be impacted if this bill becomes law. Many of these websites that Florida consumers



rely on and have incorporated into their daily lives depend on ad-based revenues to remain in business. SB 262 would negatively impact their ability to remain in business and share information and experiences with Florida citizens. This will in all likelihood lead to service disruptions that hurt consumer welfare and increase the costs of doing business in Florida, and hurt the bottom lines of Florida-based businesses.

Laws passed in states like Virginia, Colorado, Utah, and Iowa were successful in finding a balance to protect citizen information and preserve routine business use of data. Consumers in those states will receive greater privacy protection online than Florida residents. Additionally, all companies will need to offer protections, including those based in China. A number of companies affiliated with the CCP fall below the bill's threshold and would not need to comply with the obligations of this legislation leaving Florida consumers in the hands of Chinese companies. Absent a federal privacy law, Floridians lose out. We urge policymakers to continue to work on this legislation to make it workable and implementable for businesses and to live up to the expectation of constituents.

At a minimum, we urge Florida policymakers to amend the bill's extremely broad opt-out provisions related to "sales" and "sharing" to align with the approach taken in the Virginia, Colorado, Utah, and Iowa privacy laws. All of those laws provide consumers with the right to opt-out of "sales" and "targeted advertising," and define those terms in a way that captures practices that may raise privacy concerns for some consumers (e.g., sales of data to data brokers, use of data from multiple websites to target ads), but excludes important uses of non-sensitive data, such as contextual advertising and ad measurement.

Thank you for considering our views.

Respectfully,

Paul Lekas

Senior Vice President, Head of Global Public Policy and Government Affairs
Software & Information Industry Association