

**BUSINESS LAW SECTION OF THE FLORIDA BAR
COMPUTER AND TECHNOLOGY LAW COMMITTEE**

2021 Labor Day Retreat

In-Person

CLTC: Hot Topics

1. A preliminary injunction was issued against Florida's social media platform law - *NetChoice, LLC v. Moody*, 4:21CV220-RH-MAF, 2021 WL 2690876 (N.D. Fla. June 30, 2021) - https://storage.courtlistener.com/recap/gov.uscourts.flnd.371253/gov.uscourts.flnd.371253.113.0_1.pdf
2. Crypto regulation is ramping up
 - a. Jobs and infrastructure bill – could extend tax reporting requirements to wallet developers and miners - Section 80603 of the bill defines a “broker” as “any person who (for consideration) is responsible for regularly providing any service effectuating transfers of digital assets on behalf of another person,” https://www.govtrack.us/congress/bills/117/hr3684/text/dhg-406745#link=H_VI_80603&nearest=id271DEDAAF587405C8D291CCCDADCCF76
 - b. Settlements based upon allegations that the companies were operating unlicensed trading platforms
 - i. \$100 million CFTC and Treasury settlement with crypto derivatives service BitMEX - <https://www.cftc.gov/PressRoom/PressReleases/8412-21> (Aug. 10)
 - ii. \$10 million SEC settlement with digital asset exchange Poloniex - <https://www.sec.gov/news/press-release/2021-147> (Aug. 9)
 - c. SEC settlement based upon accusations of selling unregistered securities
 - i. DeFi Money Market's backers accused of selling more than \$30 million in unregistered securities using “smart contracts” and DeFi (decentralized finance) technology - <https://www.sec.gov/news/press-release/2021-145> (Aug. 6)
3. More privacy laws
 1. Colorado - Colorado Privacy Act – similar to the California Consumer Privacy Act (CCPA) but provides instruction on what to do when the request is denied, including instructions regarding an internal appeal process - https://leg.colorado.gov/sites/default/files/2021a_190_signed.pdf
 2. China - The Personal Information Protection Law (“PIPL”) - the country's first law that purports to provide individuals with rights and protections related to their personal information - <https://digichina.stanford.edu/news/translation-personal-information-protection-law-peoples-republic-china-effective-nov-1-2021>

4. US Consumer Product Safety Commission sues Amazon -

https://www.cpsc.gov/s3fs-public/pdfs/recall/lawsuits/abc/001-In-re-Amazon-com-Inc_.pdf

1. Seeking a ruling that Amazon is a distributor of consumer products under federal law and seeks to compel Amazon to participate in formal recalls of defective products sold by merchants on its marketplace. Could hold Amazon liable for its third-party sellers where Amazon failed to warn consumers of defective products or if banned products appear on its website.