

By Senator Burgess

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1 A bill to be entitled
2 An act relating to personal information of judicial
3 officers and their family members; creating s. 38.24,
4 F.S.; providing definitions; authorizing a judicial
5 officer or an immediate family member of a judicial
6 officer to request the removal of his or her personal
7 identifying information from the Internet in a
8 specified manner; requiring the removal of such
9 information within a certain timeframe; prohibiting
10 such information from being reposted or transferred to
11 another person; providing applicability; authorizing a
12 judicial officer or the immediate family member of a
13 judicial officer to bring an action seeking certain
14 relief; requiring a person to pay certain court costs
15 and attorney fees; authorizing a court to award
16 certain damages, court costs, and attorney fees;
17 providing an effective date.

18
19 WHEREAS, Florida judicial officers perform the important
20 and essential function of interpreting Florida law and
21 administering justice in a fair and impartial manner, and

22 WHEREAS, when carrying out their public duties, judicial
23 officers must be able to act without fear of personal reprisal
24 from individuals affected by the decisions they make, and

25 WHEREAS, in recent years, as a result of the rise in the
26 use of social media and online access to information, judicial
27 officers across the country have been exposed to an increasing
28 number of personal threats in connection with their public
29 duties, and

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30 WHEREAS, on July 19, 2020, an assailant went to the home of
31 Esther Salas, a judge for the United States District Court for
32 the District of New Jersey, impersonated a package delivery
33 driver, shot and killed Daniel Anderl, the 20-year-old son of
34 Judge Salas, and seriously wounded Mark Anderl, her husband, and

35 WHEREAS, in the lessons learned in the aftermath of this
36 tragedy and in response to the continuous rise of threats
37 against judicial officers, there is a need for judicial officers
38 to protect the privacy of their personal identifying information
39 and the personal identifying information of their immediate
40 family members, NOW, THEREFORE,

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Section 38.24, Florida Statutes, is created to
45 read:

46 38.24 Personal identifying information of judicial
47 officers.—

48 (1) For purposes of this section, the term:

49 (a) "Immediate family member" means a judicial officer's
50 spouse, parent, sibling, or child, or an individual to whom a
51 judicial officer stands in loco parentis.

52 (b) "Judicial officer" means a current or former:

53 1. Federal judge, including, but not limited to, a justice
54 of the Supreme Court, district court judge, court of appeal
55 judge, bankruptcy judge, military judge, federal magistrate, or
56 federal administrative law judge.

57 2. Circuit court judge.

58 3. County court judge.

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- 59 4. Judge of compensation claims.
- 60 5. Administrative law judge of the Division of
61 Administrative Hearings.
- 62 6. General magistrate.
- 63 7. Special magistrate.
- 64 8. General hearing officer.
- 65 9. Special hearing officer.
- 66 10. Judicial law clerk.
- 67 11. Judicial staff attorney.
- 68 12. Judicial assistant.
- 69
- 70 The term includes any similarly situated officers not listed in
71 this paragraph.
- 72 (c) "Personal identifying information" means:
- 73 1. A home address, including a primary residence and any
74 secondary residences.
- 75 2. A home telephone number, personal cellular telephone
76 number, or telephone number associated with a personal
77 communications device.
- 78 3. An e-mail address, except an official government e-mail
79 address.
- 80 4. A social security number or driver license number.
- 81 5. A date of birth.
- 82 6. Bank account, credit card, or debit card information.
- 83 7. A license plate number or other unique identifier of a
84 vehicle owned, leased, or regularly used by a judicial officer
85 or a judicial officer's immediate family member.
- 86 8. The name of a judicial officer's minor child.
- 87 9. The names and locations of schools and day care

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88 facilities attended by the children of judicial officers.

89 10. Places of employment, except for information relating
90 to employment with a governmental agency.

91 (2) A judicial officer or an immediate family member whose
92 personal identifying information is publicly posted or displayed
93 on the Internet may submit to the person who owns or operates
94 the Internet website on which such information is posted or
95 displayed a request to remove the information from the Internet.
96 The request must be in writing and identify the information
97 sought to be removed.

98 (3) (a) Within 72 hours after receiving a written request
99 submitted in accordance with subsection (2), the person who owns
100 or operates the Internet website must remove from the Internet
101 without charge the personal identifying information identified
102 in the written request.

103 (b) A person may not repost or redisplay on the Internet or
104 transfer to any other person through any medium the personal
105 identifying information removed from the Internet pursuant to
106 paragraph (a).

107 (c) Paragraphs (a) and (b) do not apply to the personal
108 identifying information of a judicial officer or immediate
109 family member if the information is:

110 1. Relevant to a conflict of interest issue involving the
111 judicial officer;

112 2. Voluntarily posted or displayed on the Internet by the
113 judicial officer or immediate family member after October 1,
114 2023; or

115 3. Posted, displayed, or transferred at the request of the
116 judicial officer or immediate family member.

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117 (4) (a) A judicial officer or an immediate family member may
118 bring an action seeking injunctive or declaratory relief in a
119 court of competent jurisdiction to enforce this section. If the
120 court grants injunctive or declaratory relief, the person
121 responsible for the violation of this section shall be required
122 to pay the judicial officer's or immediate family member's court
123 costs and reasonable attorney fees.

124 (b) If a person knowingly violates an order granting
125 injunctive or declaratory relief, the court may award the
126 judicial officer or immediate family member an amount equal to
127 the actual damages sustained by the judicial officer or
128 immediate family member as a result of his or her personal
129 identifying information being made public in addition to court
130 costs and reasonable attorney fees.

131 Section 2. This act shall take effect October 1, 2023.