

By Senator Burgess

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1                   A bill to be entitled  
2           An act relating to the disclosure of public servants'  
3           personal information; providing legislative findings;  
4           creating s. 111.101, F.S.; defining terms; providing  
5           that certain public employees and officials may  
6           provide a written notice to a data broker to prevent  
7           disclosure of specified personal data concerning  
8           themselves and related persons; prohibiting the  
9           release of data after receipt of such notice;  
10          providing for civil actions against a data broker for  
11          failure to comply; providing the standard of fault in  
12          such action; providing that it is not a defense that  
13          protected information was obtained through specified  
14          means; providing construction; providing that it is an  
15          affirmative defense to assert that the person is not a  
16          covered person; providing exceptions; providing for  
17          damages and costs; providing construction; providing  
18          severability; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. The Legislature finds that the state's judges,  
23 prosecutors, law enforcement officers, and other public servants  
24 play an essential role in the functioning of the government of  
25 this state, and that the nature of their public duties regularly  
26 places them in danger of death, serious physical injury,  
27 threats, intimidation, and other reprisals. Violence, threats,  
28 and intimidation targeted at such public servants and their  
29 families is on the rise. Technology has broadened access to the

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30 personal information of such persons, defined herein as  
31 "protected information," which can be and has been used to  
32 facilitate violence, threats, and intimidation. Accordingly, the  
33 provisions set forth herein are both necessary and appropriate  
34 to protect the privacy, safety, and security of such public  
35 servants and to prevent interference in the administration of  
36 justice and the operation of government in this state.

37 Section 2. Section 111.101, Florida Statutes, is created to  
38 read:

39 111.101 Nondisclosure of public servants' personal  
40 information.-

41 (1) DEFINITIONS.-As used in this section, the term:

42 (a) "Assignee" means a person or entity to whom a covered  
43 person's right to bring a civil action for a violation of  
44 paragraph (2) (b) has been assigned, in writing, by the covered  
45 person or his or her authorized agent.

46 (b) "Authorized agent" means any of the following persons  
47 or entities authorized to submit or revoke a request for  
48 nondisclosure of protected information on behalf of a covered  
49 person and to engage in communications and enforcement related  
50 thereto:

51 1. A designated trustee or other agent acting pursuant to a  
52 written power of attorney or other legal instrument on behalf of  
53 any covered person who is physically or mentally incapacitated.

54 2. A parent or legal guardian on behalf of any child who is  
55 a minor and who is otherwise entitled to nondisclosure pursuant  
56 to this section.

57 3. A person or entity that has been appointed pursuant to a  
58 written power of attorney by a covered person to act on the

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59 covered person's behalf with respect to this section.

60 4. An agent acting on behalf of any federal judge, a  
61 designee of the United States Marshals Service, or the clerk of  
62 any United States District Court.

63 (c) "Covered person" means any of the following persons:

64 1. Active or former sworn law enforcement personnel or  
65 active or former civilian personnel employed by a law  
66 enforcement agency, including law enforcement officers;  
67 correctional officers; correctional probation officers;  
68 personnel of the Department of Children and Families whose  
69 duties include the investigation of abuse, neglect,  
70 exploitation, fraud, theft, or other criminal activities; and  
71 personnel of the Department of Revenue or local governments  
72 whose responsibilities include revenue collection and  
73 enforcement or child support enforcement.

74 2. Current or former federal judges, justices of the  
75 Supreme Court, district court of appeal judges; circuit court  
76 judges; county court judges; and current judicial assistants.

77 3. Current or former general magistrates, special  
78 magistrates, judges of compensation claims, administrative law  
79 judges of the Division of Administrative Hearings, and child  
80 support enforcement hearing officers.

81 4. Current or former state attorneys, assistant state  
82 attorneys, statewide prosecutors, or assistant statewide  
83 prosecutors.

84 5. Current or former juvenile probation officers, juvenile  
85 probation supervisors, detention superintendents, assistant  
86 detention superintendents, juvenile justice detention officers I  
87 and II, juvenile justice detention officer supervisors, juvenile

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88 justice residential officers, juvenile justice residential  
89 officer supervisors I and II, juvenile justice counselors,  
90 juvenile justice counselor supervisors, human services counselor  
91 administrators, senior human services counselor administrators,  
92 rehabilitation therapists, and social services counselors of the  
93 Department of Juvenile Justice.

94 6. Current or former public defenders, assistant public  
95 defenders, criminal conflict and civil regional counsel, and  
96 assistant criminal conflict and civil regional counsel.

97 7. The parents, grandparents, siblings, spouses, children,  
98 and grandchildren of persons identified in subparagraphs 1.-6.

99 8. A person sharing custody of a minor child with a person  
100 identified in subparagraphs 1.-6.

101 9. A person sharing a primary residence with a person  
102 identified in subparagraphs 1.-6.

103 10. Any person who holds or previously held a position in  
104 another state comparable to those identified in subparagraphs  
105 1.-6. and who has a home address in this state.

106 (d) "Data broker" means a person or entity that knowingly  
107 collects or obtains the protected information of a consumer and  
108 then discloses that information to a third party. The term does  
109 not include any governmental agency and its representatives  
110 acting in their official capacity.

111 (e) "Disclose" shall mean to solicit, sell, manufacture,  
112 give, provide, lend, trade, mail, deliver, transfer, post,  
113 publish, distribute, circulate, disseminate, present, exhibit,  
114 advertise, offer, or include within a searchable list or  
115 database, regardless of whether any other person or entity has  
116 actually searched such list or database for such person's

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117 information.

118 (f) "Federal judge" has the same meaning as in the Daniel  
119 Anderl Judicial Security and Privacy Act of 2022, Pub. L. No.  
120 117-263, div. E, title LIX, subtitle D, Dec. 23, 2022, 136 Stat.  
121 3458.

122 (g) "Home addresses" means the dwelling location at which a  
123 person resides and includes the physical address, mailing  
124 address, street address, parcel identification number, plot  
125 identification number, legal property description, neighborhood  
126 name and lot number, GPS coordinates, and any other descriptive  
127 property information that may reveal the home address.

128 (h) "Home telephone number" means any telephone number used  
129 primarily for personal communications or associated with  
130 personal communications devices, including a landline or  
131 cellular number.

132 (i) "Judicial assistant" means a court employee assigned to  
133 the following class codes: 8140, 8150, 8310, and 8320.

134 (j) "Protected information" means:

135 1. A home address, including a primary residence or  
136 secondary residences.

137 2. A home telephone number.

138 3. A personal e-mail address.

139 4. A social security number or driver license number.

140 5. A license plate number or other unique identifiers of a  
141 vehicle owned, leased, or regularly used by the covered person.

142 6. The mobile advertising ID or other unique identifiers  
143 used for tracking cellular phones or smart devices regularly  
144 used by the covered person.

145 (2) NONDISCLOSURE OF PROTECTED INFORMATION.—

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146 (a) A covered person or their authorized agent seeking to  
147 prohibit the disclosure by a data broker of the protected  
148 information of the covered person shall provide written notice  
149 to the data broker referencing this section and requesting that  
150 the data broker cease the disclosure of the covered person's  
151 protected information, as described in such notice.

152 (b) Upon notification pursuant to paragraph (a), and not  
153 later than 10 business days following physical or electronic  
154 receipt thereof, a data broker may not disclose or redisclose,  
155 including, but not limited to, on the Internet, the protected  
156 information of the covered person.

157 (3) ENFORCEMENT.—

158 (a) A data broker that violates paragraph (2) (b) shall be  
159 liable to the covered person or the covered person's assignee,  
160 who may bring a civil action in circuit court.

161 (b) In any judicial proceeding hereunder, the standard of  
162 fault shall be ordinary negligence, and it is not a defense to  
163 liability in such proceeding that the covered person's protected  
164 information is or was available to the public from other sources  
165 or available by inspection of public records. A party accessing  
166 a data broker's website or other products or services for the  
167 purpose of determining whether the covered person's protected  
168 information is disclosed therein shall not, as a result of such  
169 access, be deemed to have agreed on behalf of the covered person  
170 or the covered person's assignee to any website terms and  
171 conditions, including waivers of claims or limitations of  
172 liability, with respect to the covered person's or the covered  
173 person's assignee's rights under this section. Prior  
174 verification of a covered person's status is not required for

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175 the notice under paragraph (2) (a) to be effective, but it shall  
176 be an affirmative defense to liability that a person is not a  
177 covered person.

178 (c) A disclosure of protected information is not a  
179 violation of this section if the disclosure is:

180 1. Made with the express authorization of the covered  
181 person, contingent upon such authorization being provided  
182 subsequent to the relevant nondisclosure request described in  
183 paragraph (2) (b); or

184 2. For the sole purpose of facilitating a transaction  
185 initiated by the covered person.

186 (d) For violations of paragraph (2) (b), the court shall  
187 award:

188 1. The greater of actual damages or liquidated damages  
189 computed at the rate of \$1,000 for each violation of paragraph  
190 (2) (b).

191 2. Punitive damages upon proof of willful or reckless  
192 disregard of the law.

193 3. Reasonable attorney fees and other litigation costs  
194 reasonably incurred.

195 4. Any other preliminary and equitable relief as the court  
196 determines to be appropriate.

197 (4) CONSTRUCTION.—

198 (a) This section shall be liberally construed in order to  
199 accomplish its purpose.

200 (b) If any provision of this section or its application to  
201 any person or circumstance is held invalid, the invalidity does  
202 not affect other provisions or applications of this section that  
203 can be given effect without the invalid provision or

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204 application, and to this end the provisions of this section are  
205 severable.

206 Section 3. This act shall take effect July 1, 2025.