

By Senator Polsky

30-00900A-25

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1                   A bill to be entitled  
2       An act relating to cyberintimidation by publication;  
3       amending s. 836.115, F.S.; providing increased  
4       criminal penalties for persons who electronically  
5       publish another person's personal identification  
6       information with the intent to, or with the intent  
7       that a third party will use the information to, incite  
8       violence or commit a crime against the person or  
9       threaten or harass the person; authorizing a person  
10      whose personal identification information is  
11      electronically published in violation of certain  
12      provisions to initiate a civil action against the  
13      perpetrator to obtain all appropriate relief;  
14      providing a standard of evidence for an aggrieved  
15      person to prevail in a civil action; making technical  
16      changes; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20       Section 1. Section 836.115, Florida Statutes, is amended to  
21       read:

22       836.115 Cyberintimidation by publication; civil cause of  
23       action; penalties.—

24       (1) As used in this section, the term:

25       (a) "Electronically publish" means to disseminate, post, or  
26       otherwise disclose information to an Internet site or forum.

27       (b) "Harass" has the same meaning as ~~provided~~ in s.  
28       817.568(1)(c).

29       (c) "Personal identification information" has the same

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30 meaning as ~~provided~~ in s. 817.568(1) ~~s. 817.568(1)(f)~~.

31 (2)(a) It is unlawful for a person to electronically  
32 publish another person's personal identification information  
33 with the intent to, or with the intent that a third party will  
34 use the information to:

35 ~~1.(a)~~ Incite violence or commit a crime against the person;  
36 or

37 ~~2.(b)~~ Threaten or harass the person, ~~placing such person in~~  
38 ~~reasonable fear of bodily harm.~~

39 (b) A person who violates this subsection commits a felony  
40 ~~misdemeanor~~ of the third ~~a first~~ degree, punishable as provided  
41 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

42 (3) An individual whose personal identification information  
43 is electronically published in violation of subsection (2) may  
44 initiate a civil action against the perpetrator to obtain all  
45 appropriate relief in order to prevent or remedy the violation,  
46 including injunctive relief, monetary damages, reasonable  
47 attorney fees and costs, or any other appropriate relief in law  
48 or in equity. To prevail in a civil action, an aggrieved person  
49 must establish a violation of subsection (2) by clear and  
50 convincing evidence.

51 Section 2. This act shall take effect October 1, 2025.