

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; authorizing  
 5           certain public employees and officials to provide a  
 6           written notice to a data broker to prevent disclosure  
 7           of specified personal data concerning themselves and  
 8           related persons; prohibiting a data broker from  
 9           disclosing or redisclosing certain data after receipt  
 10          of such notice; authorizing data brokers to provide e-  
 11          mail addresses for receipt of such notice under  
 12          specified conditions; providing for civil actions  
 13          against a data broker for failure to comply; providing  
 14          the standard of fault in such actions; providing that  
 15          it is not a defense that protected information was  
 16          available through specified means; providing that it  
 17          is an affirmative defense to assert that the person is  
 18          not a covered person; providing exceptions; providing  
 19          for damages and costs; providing construction;  
 20          providing severability; providing an effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:

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 24           **Section 1.**   The Legislature finds that the state's judges,  
 25           prosecutors, law enforcement officers, and other public servants

26 play an essential role in the functioning of the government of  
 27 this state and that the nature of their public duties regularly  
 28 places them in danger of death, serious physical injury,  
 29 threats, intimidation, and other reprisals. Violence, threats,  
 30 and intimidation targeted at such public servants and their  
 31 families is on the rise. Technology has broadened access to the  
 32 personal information of such persons, defined in this act as  
 33 "protected information," and can be and has been used to  
 34 facilitate violence, threats, and intimidation. Accordingly, the  
 35 provisions set forth herein are both necessary and appropriate  
 36 to protect the privacy, safety, and security of such public  
 37 servants and to prevent interference in the administration of  
 38 justice and the operation of government in this state.

39 **Section 2. Section 111.101, Florida Statutes, is created**  
 40 **to read:**

41 111.101 Nondisclosure of public servants' personal  
 42 information.—

43 (1) DEFINITIONS.—As used in this section, the term:

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

48 (b) "Authorized agent" means any of the following persons  
 49 or entities authorized to submit or revoke a request for  
 50 nondisclosure of protected information on behalf of a covered

51 person and to engage in communications and enforcement related  
52 thereto:

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

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

59 3. A person or an entity that has been appointed pursuant  
60 to a written power of attorney by a covered person to act on the  
61 covered person's behalf with respect to this section.

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

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

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

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

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

83           4. Current or former state attorneys, assistant state  
84 attorneys, statewide prosecutors, or assistant statewide  
85 prosecutors.

86           5. Current or former juvenile probation officers, juvenile  
87 probation supervisors, detention superintendents, assistant  
88 detention superintendents, juvenile justice detention officers I  
89 and II, juvenile justice detention officer supervisors, juvenile  
90 justice residential officers, juvenile justice residential  
91 officer supervisors I and II, juvenile justice counselors,  
92 juvenile justice counselor supervisors, human services counselor  
93 administrators, senior human services counselor administrators,  
94 rehabilitation therapists, or social services counselors of the  
95 Department of Juvenile Justice.

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

99           7. Individuals who hold or held elected public office  
100 under the laws of this state at the state, county, or municipal

101 level, including members of the Legislature, statewide officers,  
102 county commissioners, sheriffs, mayors, city council members, or  
103 individuals holding similar positions.

104 8. A child of a person identified in subparagraphs 1.-7.,  
105 until such child attains 26 years of age.

106 9. A person sharing custody of a minor child with a person  
107 identified in subparagraphs 1.-7.

108 10. A blood or legal relative sharing a primary residence  
109 with a person identified in subparagraphs 1.-7.

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

115 (e) "Disclose" means to solicit, sell, manufacture, give,  
116 provide, lend, trade, mail, deliver, transfer, post, publish,  
117 distribute, circulate, disseminate, present, exhibit, advertise,  
118 offer, or include within a searchable list or database,  
119 regardless of whether any other person or entity has actually  
120 searched such list or database for the information.

121 (f) "Federal judge" has the same meaning as in the Daniel  
122 Anderl Judicial Security and Privacy Act of 2022, Pub. L. No.  
123 117-263, div. E, title LIX, subtitle D, Dec. 23, 2022, 136 Stat.  
124 3458.

125 (g) "Home address" means the dwelling location at which a

126 person resides and includes the person's physical address,  
127 mailing address, street address, parcel identification number,  
128 plot identification number, legal property description,  
129 neighborhood name and lot number, GPS coordinates, or any other  
130 descriptive property information that may reveal the home  
131 address.

132 (h) "Home telephone number" means any telephone number  
133 used primarily for personal communications or associated with  
134 personal communications devices, including a landline or  
135 cellular number.

136 (i) "Judicial assistant" means a court employee assigned  
137 to the following class codes: 8140, 8150, 8310, or 8320.

138 (j) "Protected information" means:

139 1. A home address, including a primary residence or  
140 secondary residences.

141 2. A home telephone number.

142 3. A personal e-mail address.

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

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

146 6. The mobile advertising ID or any other unique  
147 identifier used for tracking cellular phones or smart devices  
148 regularly used by the covered person.

149 (2) NONDISCLOSURE OF PROTECTED INFORMATION.—

150 (a) A covered person or his or her authorized agent

151 seeking to prohibit the disclosure by a data broker of the  
152 protected information of the covered person must provide written  
153 notice to the data broker referencing this section and  
154 requesting that the data broker cease the disclosure of the  
155 covered person's protected information, as described in such  
156 notice.

157 (b) Not later than 10 business days following physical or  
158 electronic receipt of such written notice, a data broker may not  
159 disclose or redisclose, including, but not limited to, on the  
160 Internet, the person's protected information set forth in such  
161 notice.

162 (c) For receipt of such written notices from or on behalf  
163 of covered persons, a data broker may provide an e-mail address  
164 for receipt of written notices under this subsection, provided  
165 that the e-mail address:

166 1. Is clearly and publicly published in a privacy policy  
167 on the data broker's website;

168 2. Does not change without at least 30 days' notice to be  
169 communicated in the privacy policy; and

170 3. Is able to receive any written notice delivered by e-  
171 mail.

172 (3) ENFORCEMENT.—

173 (a) A data broker that violates paragraph (2)(b) shall be  
174 liable to the covered person or the covered person's assignee,  
175 either of whom may bring a civil action in circuit court.

176        (b) In any judicial proceeding initiated pursuant to  
177 paragraph (a), the standard of fault is ordinary negligence, and  
178 it is not a defense to liability in such proceeding that the  
179 covered person's protected information is or was available to  
180 the public from other sources or available by inspection of  
181 public records. For the purpose of determining whether the  
182 covered person's protected information has been disclosed in  
183 violation of paragraph (2) (b), a party accessing a data broker's  
184 website or other products or services may not, as a result of  
185 such access, be deemed to have agreed on behalf of the covered  
186 person or the covered person's assignee to any website terms and  
187 conditions, including waivers of claims or limitations of  
188 liability, with respect to the covered person's or the covered  
189 person's assignee's rights under this section. Prior  
190 verification of a covered person's status is not required for  
191 the notice under paragraph (2) (a) to be effective, but it is an  
192 affirmative defense to liability that such person is not a  
193 covered person.

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

196            1. Made with the express authorization of the covered  
197 person, contingent upon such authorization being provided  
198 subsequent to the relevant nondisclosure request described in  
199 paragraph (2) (a); or

200            2. For the sole purpose of facilitating a transaction



201 initiated by the covered person.

202 (d) For violations of paragraph (2)(b), the court shall  
 203 award:

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

207 2. Punitive damages upon proof of willful or reckless  
 208 disregard of the law.

209 3. Reasonable attorney fees and other litigation costs  
 210 reasonably incurred.

211 4. Any other preliminary or equitable relief as the court  
 212 determines to be appropriate.

213 (4) CONSTRUCTION AND SEVERABILITY.—

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

216 (b) If any provision of this section or its application to  
 217 any person or circumstance is held invalid, the invalidity does  
 218 not affect other provisions or applications of this section  
 219 which can be given effect without the invalid provision or  
 220 application, and to this end the provisions of this section are  
 221 severable.

222 **Section 3.** This act shall take effect January 15, 2027.