

By Senator Bradley

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A bill to be entitled

An act relating to the disclosure of public servants' personal information; providing legislative findings; creating s. 111.101, F.S.; defining terms; authorizing certain public employees and officials to provide a written notice to a data broker to prevent disclosure of specified personal data concerning themselves and related persons; prohibiting a data broker from disclosing or redisclosing certain data after receipt of such notice; authorizing data brokers to provide e-mail addresses for receipt of such notice under specified conditions; providing for civil actions against a data broker for failure to comply; providing the standard of fault in such actions; providing that it is not a defense that protected information was available through specified means; providing that it is an affirmative defense to assert that the person is not a covered person; providing exceptions; providing for damages and costs; providing construction; providing severability; providing an effective date.

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

Section 1. The Legislature finds that the state's judges, prosecutors, law enforcement officers, and other public servants play an essential role in the functioning of the government of this state and that the nature of their public duties regularly places them in danger of death, serious physical injury, threats, intimidation, and other reprisals. Violence, threats,

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and intimidation targeted at such public servants and their families is on the rise. Technology has broadened access to the personal information of such persons, defined in this act as "protected information," and can be and has been used to facilitate violence, threats, and intimidation. Accordingly, the provisions set forth herein are both necessary and appropriate to protect the privacy, safety, and security of such public servants and to prevent interference in the administration of justice and the operation of government in this state.

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

111.101 Nondisclosure of public servants' personal information.—

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

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

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

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

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

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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 designee
63 of the United States Marshals Service, or the clerk of any
64 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

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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 under
100 the laws of this state at the state, county, or municipal level,
101 including members of the Legislature, statewide officers, county
102 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,

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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 used
133 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 to
137 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.

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

149 (2) NONDISCLOSURE OF PROTECTED INFORMATION.—

150 (a) A covered person or his or her authorized agent seeking
151 to prohibit the disclosure by a data broker of the protected
152 information of the covered person must provide written notice to
153 the data broker referencing this section and requesting that the
154 data broker cease the disclosure of the covered person's
155 protected information, as described in such notice.

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

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

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

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

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

171 (3) ENFORCEMENT.—

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

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

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

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

199 2. For the sole purpose of facilitating a transaction
200 initiated by the covered person.

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

203 1. The greater of actual damages or liquidated damages

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204 computed at the rate of \$1,000 for each violation of paragraph
205 (2) (b) .

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

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

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

212 (4) CONSTRUCTION AND SEVERABILITY.-

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

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

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