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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/26/2018	.	
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The Committee on Rules (Galvano and Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (o) is added to subsection (2) of
section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of
public records.—

(2) AGENCY INVESTIGATIONS.—

(o) The address of a victim of an incident of mass violence



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11 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution. For purposes of this paragraph, the term "incident
13 of mass violence" means an incident in which three or more
14 people, not including the perpetrator, are severely injured or
15 killed by an intentional act of violence of another. For
16 purposes of this paragraph, the term "victim" means a person
17 killed or injured during an incident of mass violence, not
18 including the perpetrator. This paragraph is subject to the Open
19 Government Sunset Review Act in accordance with s. 119.15 and
20 shall stand repealed on October 2, 2023, unless reviewed and
21 saved from repeal through reenactment by the Legislature.

22 Section 2. Paragraph (c) of subsection (3) of section
23 119.011, Florida Statutes, is amended to read:

24 119.011 Definitions.—As used in this chapter, the term:

25 (3)

26 (c) "Criminal intelligence information" and "criminal
27 investigative information" shall not include:

28 1. The time, date, location, and nature of a reported
29 crime.

30 2. The name, sex, age, and address of a person arrested or
31 of the victim of a crime except as provided in s. 119.071(2) (h)
32 or (o).

33 3. The time, date, and location of the incident and of the
34 arrest.

35 4. The crime charged.

36 5. Documents given or required by law or agency rule to be
37 given to the person arrested, except as provided in s.

38 119.071(2) (h) or (m), and, except that the court in a criminal
39 case may order that certain information required by law or



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40 agency rule to be given to the person arrested be maintained in
41 a confidential manner and exempt from the provisions of s.
42 119.07(1) until released at trial if it is found that the
43 release of such information would:

44 a. Be defamatory to the good name of a victim or witness or
45 would jeopardize the safety of such victim or witness; and

46 b. Impair the ability of a state attorney to locate or
47 prosecute a codefendant.

48 6. Informations and indictments except as provided in s.
49 905.26.

50 Section 3. The Legislature finds that it is a public
51 necessity that the address of victims of an incident of mass
52 violence be made exempt from s. 119.07(1), Florida Statutes, and
53 s. 24(a), Article I of the State Constitution. After an incident
54 of mass violence has occurred, victims of such an incident are
55 in a vulnerable state as they assist law enforcement with the
56 investigation of the incident and try to recover from the events
57 that occurred. In some instances, the victim may have been
58 killed or injured leaving their families to deal with the
59 aftermath of the crime. The public availability of such victim's
60 address may be used to locate the victim or the victim's family.
61 The availability of such information has allowed people to take
62 advantage of the victims or their families by subjecting the
63 victims or their families to media intrusions at their homes and
64 other unwelcome intrusions into their privacy. Therefore, it is
65 necessary that the address of victims of incidents of mass
66 violence be protected to ensure that persons affected by such
67 incidents are not harassed, taken advantage of, or otherwise
68 subjected to additional pain and suffering.



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69 Section 4. This act shall take effect upon becoming a law.

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete everything before the enacting clause

74 and insert:

75 A bill to be entitled

76 An act relating to public records; amending s.

77 119.071, F.S.; creating an exemption from public

78 records requirements for the address of a victim of an

79 incident of mass violence; providing definitions;

80 providing for future legislative review and repeal of

81 the exemption; amending s. 119.011, F.S.; designating

82 the address of a victim of an incident of mass

83 violence as criminal intelligence information and

84 criminal investigative information; providing a

85 statement of public necessity; providing an effective

86 date.