

By the Committee on Rules

595-03732-18

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; creating an exemption from public
4 records requirements for the address of a victim of an
5 incident of mass violence; providing definitions;
6 providing for future legislative review and repeal of
7 the exemption; amending s. 119.011, F.S.; designating
8 the address of a victim of an incident of mass
9 violence as criminal intelligence information and
10 criminal investigative information; providing a
11 statement of public necessity; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 119.071 General exemptions from inspection or copying of
19 public records.—

20 (2) AGENCY INVESTIGATIONS.—

21 (o) The address of a victim of an incident of mass violence
22 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution. For purposes of this paragraph, the term "incident
24 of mass violence" means an incident in which three or more
25 people, not including the perpetrator, are severely injured or
26 killed by an intentional act of violence of another. For
27 purposes of this paragraph, the term "victim" means a person
28 killed or injured during an incident of mass violence, not
29 including the perpetrator. This paragraph is subject to the Open

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30 Government Sunset Review Act in accordance with s. 119.15 and
31 shall stand repealed on October 2, 2023, unless reviewed and
32 saved from repeal through reenactment by the Legislature.

33 Section 2. Paragraph (c) of subsection (3) of section
34 119.011, Florida Statutes, is amended to read:

35 119.011 Definitions.—As used in this chapter, the term:

36 (3)

37 (c) "Criminal intelligence information" and "criminal
38 investigative information" shall not include:

39 1. The time, date, location, and nature of a reported
40 crime.

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

44 3. The time, date, and location of the incident and of the
45 arrest.

46 4. The crime charged.

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

49 119.071(2) (h) or (m), and, except that the court in a criminal
50 case may order that certain information required by law or

51 agency rule to be given to the person arrested be maintained in
52 a confidential manner and exempt from the provisions of s.

53 119.07(1) until released at trial if it is found that the
54 release of such information would:

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

57 b. Impair the ability of a state attorney to locate or
58 prosecute a codefendant.

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60 6. Informations and indictments except as provided in s.
61 905.26.

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

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