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27 Section 1. Section 960.31, Florida Statutes, is created to  
28 read:

29 960.31 Rights of victims of crimes of sexual violence or  
30 sexual exploitation.-

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

32 (a) "Crime of sexual violence or sexual exploitation"  
33 means any sexual offense prohibited by law under s. 787.06,  
34 chapter 794, chapter 796, chapter 800, or s. 827.071.

35 (b) "Public proceeding" includes any public proceeding and  
36 is not limited to a criminal justice proceeding.

37 (c) "School" includes any public or private K-12 school,  
38 college, or university.

39 (d) "Victim" includes minors and adults, including adult  
40 survivors of a crime of sexual violence or sexual exploitation  
41 suffered as a minor. The term also includes a person who suffers  
42 direct or threatened physical, psychological, or financial harm  
43 as a result of the commission or attempted commission of a crime  
44 of sexual violence or sexual exploitation. The term also  
45 includes the victim's lawful representative, the parent or  
46 guardian of a minor victim, and the next of kin of a homicide  
47 victim, except upon a showing that the interests of such  
48 individual would be in actual or potential conflict with the  
49 interests of the victim. The term does not include the accused.  
50 The terms "crime" and "criminal" include delinquent acts and

51 conduct.

52 (2)(a) A victim of any crime of sexual violence or sexual  
53 exploitation has the right to prevent any person or entity from  
54 disclosing or disseminating information or records that might  
55 identify him or her as the victim of sexual violence or sexual  
56 exploitation to any member of the public, including in response  
57 to a public records request or in any public proceeding, in  
58 accordance with s. 16, Art. I of the State Constitution.

59 (b) A person or an entity in possession of information or  
60 records that might identify an individual as a victim of a crime  
61 of sexual violence or sexual exploitation may not disclose or  
62 disseminate such information or records without first obtaining  
63 the express written consent of the victim, including in response  
64 to a public records request or in any public proceeding, in  
65 accordance with s. 16, Art. I of the State Constitution.

66 (3) For purposes of this section, a crime of sexual  
67 violence or sexual exploitation is deemed to have occurred at  
68 the moment the crime is committed, regardless of whether the  
69 accused perpetrator is identified, arrested, prosecuted, or  
70 convicted, and regardless of whether a law enforcement officer  
71 or law enforcement agency confirms by probable cause that a  
72 crime occurred.

73 (4) This section applies to any crime of sexual violence  
74 or sexual exploitation reported by, or on behalf of, a victim.  
75 Such a crime is deemed reported if the victim, or someone acting

76 on the victim's behalf, reports the crime to any of the  
77 following:

78 (a) A law enforcement officer or law enforcement agency,  
79 including a law enforcement officer or law enforcement agency of  
80 a school.

81 (b) A licensed medical provider or facility, including by  
82 seeking a sexual assault examination or any other medical care  
83 related to the crime of sexual violence or sexual exploitation.

84 (c) A mental health provider, including any crime victim  
85 counselor or victim advocate, or any school counseling service.

86 (d) A school employee in a teaching or administrative  
87 position.

88 (e) A school employee whose job functions include  
89 oversight of on-campus housing at any school.

90 (5) A person aggrieved in violation of this section may  
91 initiate a civil action for an injunction against a person or an  
92 entity, excluding a public official, a public employee, or a  
93 public entity, to prevent or remedy further violation of this  
94 section.

95 (a) Except as provided in paragraph (d), at least 5  
96 business days before instituting such action, and as a condition  
97 precedent to such an action, the aggrieved person shall serve  
98 notice in writing on the intended defendant, specifying that the  
99 identity of the aggrieved person qualifies for protection under  
100 this section based on the criteria under subsection (4), without

HB 775

2022

101 the need to specify which criteria apply or provide any  
102 documentary proof.

103 (b) In response to such notice, the recipient of the  
104 notice may avoid the civil action for injunction by certifying  
105 in writing to the aggrieved party all of the following:

106 1. An intent to thereafter maintain as confidential all  
107 information and records identifying the aggrieved person as the  
108 victim of a crime of sexual violence or sexual exploitation;

109 2. Confirmation that the recipient of the notice has  
110 withdrawn from public access any such information or records  
111 that were previously exposed; and

112 3. That the recipient of the notice has informed in  
113 writing any persons or entities to whom the information and  
114 documents were previously disseminated that the victim's rights  
115 under this section apply and that the information and documents  
116 may not be further disseminated. Copies of any such notices  
117 under this subparagraph must be provided to the aggrieved person  
118 as part of the certification.

119 (c) If the recipient of the notice timely provides written  
120 certification as provided in paragraph (b), the aggrieved person  
121 may not initiate an injunction proceeding unless at least one of  
122 the following applies:

123 1. The violation of this section was knowing and malicious  
124 and was committed with the intent to cause harm to the aggrieved  
125 party.

126        2. The violation of this section was done with reckless  
 127 indifference to such harm.

128        3. The person or entity in violation of this section was  
 129 the perpetrator of the crime of sexual violence or sexual  
 130 exploitation or was otherwise legally responsible for the crime.

131        (d) Paragraph (a) does not apply if the person or entity  
 132 in violation of this section commits a new violation of this  
 133 section after receiving notice in accordance with paragraph (a)  
 134 for a previous violation.

135        (e) In addition to injunctive relief, an aggrieved party  
 136 who prevails in seeking an injunction under this subsection is  
 137 entitled to an award of reasonable attorney fees and costs  
 138 incurred in enforcing rights under this section.

139        (6) The remedies provided in this section are cumulative  
 140 to other existing remedies.

141        (7) The rights guaranteed under this section may be waived  
 142 only by express action. An action by a victim may not be deemed  
 143 an implicit waiver of his or her rights under this act.

144        (8) This act does not apply in any case in which a law  
 145 enforcement agency, after investigation, concludes that the  
 146 reported crime was intentionally false.

147        (9) The granting of the rights enumerated in this section  
 148 to a victim may not be construed to deny or impair any other  
 149 rights possessed by a victim.

150        Section 2. This act shall take effect July 1, 2022.