

By Senator Martin

33-00827E-23

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1                   A bill to be entitled  
2       An act relating to public records; creating s.  
3       252.3591, F.S.; defining the term "victim"; exempting  
4       from public records requirements the personal  
5       identifying information of certain victims held by the  
6       Division of Emergency Management for a specified  
7       timeframe; providing for future legislative review and  
8       repeal of the exemption; providing a statement of  
9       public necessity; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. Section 252.3591, Florida Statutes, is created  
14 to read:

15       252.3591 Public records exemption; emergency identification  
16 and notification information.—

17       (1) As used in this section, the term "victim" means a  
18 critically injured person whose death appears to be imminent or  
19 a person killed during a disaster or emergency in which a state  
20 of emergency is declared by the Governor pursuant to this  
21 chapter.

22       (2) The name, address, date of birth, and home and cellular  
23 telephone numbers of a victim which are held by the division are  
24 exempt from s. 119.07(1) and s. 24, Art. I of the State  
25 Constitution for 30 days after the date the state of emergency  
26 is declared.

27       (3) This section is subject to the Open Government Sunset  
28 Review Act in accordance with s. 119.15 and shall stand repealed  
29 on October 2, 2028, unless reviewed and saved from repeal

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30 through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public  
32 necessity that the names, addresses, dates of birth, and home  
33 and cellular telephone numbers of victims of an emergency or  
34 disaster in which the Governor has declared a state of emergency  
35 be made exempt from s. 119.07(1), Florida Statutes, and s.  
36 24(a), Article I of the State Constitution for 30 days after the  
37 date the state of emergency is declared. During and subsequent  
38 to an emergency or a disaster, a victim and his or her family  
39 are in a vulnerable state as they attempt to recover from the  
40 emergency situation. The public availability of the victim's  
41 name, address, date of birth, and home and cellular telephone  
42 numbers may leave the victim or the victim's family vulnerable  
43 to exploitation from those seeking to take advantage of the  
44 victim's misfortune. The availability of such personal  
45 identifying information may also leave the victim's property  
46 subject to theft or damage. Additionally, the public  
47 availability of the victim's name, address, date of birth, and  
48 home and cellular telephone numbers may also leave the victim or  
49 the victim's family vulnerable to media intrusion before an  
50 emergency official, a law enforcement officer, or other official  
51 notifies the victim's emergency contact of the victim's status.  
52 Therefore, it is necessary that the name, address, date of  
53 birth, and home and cellular telephone numbers of a victim of a  
54 declared emergency or disaster be protected to ensure that  
55 victims of such incidents, or their families, are not taken  
56 advantage of or otherwise subjected to additional pain and  
57 suffering.

58 Section 3. This act shall take effect upon becoming a law.