

By Senator Osgood

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1 A bill to be entitled
2 An act relating to public records; amending s. 877.19,
3 F.S.; requiring the Attorney General, rather than the
4 Governor, through the Department of Law Enforcement,
5 to collect and disseminate specified information;
6 expanding a public records exemption to include the
7 collection and dissemination of data on incidents of
8 criminal acts that evidence prejudice pursuant to ss.
9 775.085 and 775.0863, F.S.; providing for future
10 review and repeal of the expanded exemption; requiring
11 the Attorney General to publish an annual report,
12 rather than an annual summary; providing a statement
13 of public necessity; providing a contingent effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 877.19, Florida Statutes, is amended to
19 read:

20 877.19 Hate Crimes Reporting Act.—

21 (1) SHORT TITLE.—This section shall ~~may~~ be cited as the
22 “Hate Crimes Reporting Act.”

23 (2) ACQUISITION AND PUBLICATION OF DATA.—The Attorney
24 General ~~Governor~~, through the ~~Florida~~ Department of Law
25 Enforcement, shall collect and disseminate data on incidents of
26 criminal acts that evidence prejudice based on ss. 775.085 and
27 775.0863 ~~race, religion, ethnicity, color, ancestry, sexual~~
28 ~~orientation, or national origin~~. All law enforcement agencies
29 shall report monthly to the ~~Florida~~ Department of Law

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30 Enforcement concerning such offenses in such form and in such
31 manner as prescribed by rules adopted by the department. Such
32 information must ~~shall~~ be compiled by the department and
33 disseminated upon request to any local law enforcement agency,
34 unit of local government, or state agency.

35 (3) (a) LIMITATION ON USE AND CONTENT OF DATA. ~~All Such~~
36 information gathered pursuant to this section is confidential
37 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
38 Constitution. Data required pursuant to this section may ~~shall~~
39 be used only for research or statistical purposes and may ~~shall~~
40 not include any information that may reveal the identity of an
41 individual victim of a crime.

42 (b) This subsection is subject to the Open Government
43 Sunset Review Act in accordance with s. 119.15 and shall stand
44 repealed on October 2, 2028, unless reviewed and saved from
45 repeal through reenactment by the Legislature.

46 (4) ANNUAL REPORT SUMMARY. ~~The Attorney General shall~~
47 publish an annual report summary of the data required pursuant
48 to this section.

49 Section 2. The Legislature finds that it is a public
50 necessity to broaden the existing public records exemption for
51 information gathered pursuant to the Hate Crimes Reporting Act
52 under s. 877.19, Florida Statutes, to correspond to the expanded
53 classes covered under criminal acts evidencing prejudice in the
54 amendments made to ss. 775.085 and 775.0863, Florida Statutes,
55 and that such data be made confidential and exempt from s.
56 119.07(1), Florida Statutes, and s. 24(a), Article I of the
57 State Constitution. It is important that individuals in this
58 state who are victims of crimes evidencing prejudice be

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59 accurately identified and counted, which will ensure that law
60 enforcement agencies have a more comprehensive picture of the
61 crimes being committed in this state and can apply their
62 resources more effectively. This will also allow the public and
63 researchers access to more detailed information about such
64 crimes that occur in this state and will ensure transparency.
65 For the foregoing reasons, the Legislature finds that it is a
66 public necessity to ensure that such information gathered
67 pursuant to the Hate Crimes Reporting Act be made confidential
68 and exempt from public records requirements.

69 Section 3. This act shall take effect on the same date that
70 SB ___ or similar legislation takes effect, if such legislation
71 is adopted in the same legislative session or an extension
72 thereof and becomes a law.