

1 A bill to be entitled

2 An act relating to protected information of sexual
3 offense victims; creating s. 960.31, F.S.; providing
4 definitions; authorizing a sexual offense victim, or
5 his or her legal representative, to make a written
6 request to remove protected information which has been
7 published or disseminated; providing requirements for
8 such a request; requiring a person or entity to remove
9 protected information within a specified timeframe;
10 prohibiting the person or entity from further
11 publishing or disseminating the protected information;
12 authorizing a sexual offense victim, or his or her
13 legal representative, to bring a civil action to
14 enjoin the continued publication or dissemination or
15 republication or redissemination of protected
16 information under certain circumstances; authorizing a
17 court to impose specified civil penalties; requiring a
18 court to award reasonable attorney fees and court
19 costs; requiring recovered civil penalties to be
20 deposited into the Crimes Compensation Trust Fund;
21 providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 960.31, Florida Statutes, is created to

26 read:

27 960.31 Publication or dissemination of protected
28 information relating to a sexual offense victim.—

29 (1) For purposes of this section, the term:

30 (a) "Legal representative" means a sexual offense victim's
31 lawful representative, the parent or guardian of a minor sexual
32 offense victim, and the next of kin of a deceased sexual offense
33 victim, except upon a showing that the interests of such
34 individual would be in actual or potential conflict with the
35 interests of the sexual offense victim.

36 (b) "Protected information" means any information made
37 confidential and exempt pursuant to s. 119.071(2)(h)1.b., or
38 otherwise protected pursuant to s. 16(b), Art. I of the State
39 Constitution.

40 (c) "Sexual offense victim" means any minor or adult who
41 is a victim of a sexual offense prohibited under s.
42 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796,
43 chapter 800, chapter 827, or chapter 847.

44 (2) A sexual offense victim whose protected information is
45 published or otherwise disseminated, or his or her legal
46 representative, may make a request, in writing, for the removal
47 of such information to the person or registered agent of the
48 person or entity who published or otherwise disseminated the
49 protected information. The written request for removal of the
50 protected information must be sent by registered mail and

51 include sufficient proof of identification of the sexual offense
52 victim whose protected information was published or otherwise
53 disseminated and specific information identifying the protected
54 information that the written request is seeking to remove.

55 (3) Within 5 calendar days after receipt of the written
56 request for removal of the protected information, the person or
57 entity who published or otherwise disseminated the information
58 must remove the information without charge and may not republish
59 or otherwise redisseminate such information.

60 (4) (a) A sexual offense victim whose protected information
61 was published or otherwise disseminated, or his or her legal
62 representative, may bring a civil action to enjoin the continued
63 publication or dissemination of such information if the
64 information is not removed within 5 calendar days after receipt
65 of the written request for removal. The court may impose a civil
66 penalty of \$1,000 per day for noncompliance with an injunction
67 and shall award reasonable attorney fees and court costs related
68 to the issuance and enforcement of the injunction. Moneys
69 recovered for civil penalties under this paragraph shall be
70 deposited into the Crimes Compensation Trust Fund.

71 (b) If a person or an entity was required to remove
72 protected information under this section and later republishes
73 or otherwise redisseminates such information, the sexual offense
74 victim whose protected information is republished or
75 redisseminated, or his or her legal representative, may bring a

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76 | civil action to enjoin the continued publication or
77 | dissemination of the protected information. The court may impose
78 | a civil penalty of \$5,000 per day for noncompliance with an
79 | injunction and shall award reasonable attorney fees and court
80 | costs related to the issuance and enforcement of the injunction.
81 | Moneys recovered for civil penalties under this paragraph shall
82 | be deposited into the Crimes Compensation Trust Fund.

83 | Section 2. This act shall take effect July 1, 2023.