

By Senator Osgood

32-00134-24

202490\_\_

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:

17  
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

32-00134-24

202490

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, 2029, 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

32-00134-24

202490\_\_

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.