

FOR CONSIDERATION By the Committee on Rules

595-03524-18

20187024pb

1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       119.071, F.S.; providing an exemption from public  
4       records requirements for the address of a victim of a  
5       crime of mass violence that has occurred on the  
6       grounds of a K-12 school or a postsecondary education  
7       institution or the address of an immediate family  
8       member of a victim which is contained in a report of a  
9       law enforcement agency and held by an agency;  
10      providing for retroactive application; providing for  
11      future legislative review and repeal; providing a  
12      statement of public necessity; providing a directive  
13      to the Division of Law Revision and Information;  
14      providing an effective date.

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

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18       Section 1. Paragraph (o) is added to subsection (2) of  
19      section 119.071, Florida Statutes, to read:

20       119.071 General exemptions from inspection or copying of  
21      public records.—

22       (2) AGENCY INVESTIGATIONS.—

23       (o) The address of a victim of a crime of mass violence  
24      that has occurred on the grounds of a public or private K-12  
25      school or a public or private postsecondary education  
26      institution or the address of an immediate family member of a  
27      victim which is contained in a report of a law enforcement  
28      agency and held by an agency is confidential and exempt from s.  
29      119.07(1) and s. 24(a), Art. I of the State Constitution. This

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30 exemption applies to such records held before, on, or after the  
31 effective date of this act. This paragraph is subject to the  
32 Open Government Sunset Review Act in accordance with s. 119.15  
33 and shall stand repealed on October 2, 2023, unless reviewed and  
34 saved from repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public  
36 necessity that the address of a victim of a crime of mass  
37 violence that has occurred on the grounds of a public or private  
38 K-12 school or a public or private postsecondary education  
39 institution or the address of an immediate family member of a  
40 victim which is contained in a report by a law enforcement  
41 agency and held by an agency be made confidential and exempt  
42 from public records requirements. Without this exemption, the  
43 victim, or an immediate family member of a victim, could be  
44 subject to further emotional trauma and threats to personal  
45 safety. Furthermore, the disclosure of such an address could  
46 place a victim or an immediate family member of a victim at risk  
47 of harassment or less likely to cooperate with law enforcement  
48 agencies in any subsequent investigation. The harm that may  
49 result from the release of the victim's or immediate family  
50 member's address outweighs any public benefit that may be  
51 derived from the disclosure of the address. The public records  
52 exemption preserves public oversight as the exemption is  
53 narrowly drawn to only apply to the victim's or immediate family  
54 member's address contained in the report of a law enforcement  
55 agency. The Legislature further finds that the exemption should  
56 be given retroactive application because it is remedial in  
57 nature.

58 Section 3. The Division of Law Revision and Information is

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59 directed to replace the phrase "the effective date of this act"  
60 wherever it occurs in this act with the date this act becomes a  
61 law.

62 Section 4. This act shall take effect upon becoming a law.