

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; creating a public records exemption for
 4 the address of a victim of an incident of mass
 5 violence; providing definitions; providing for future
 6 legislative review and repeal of the exemption;
 7 amending s. 119.011, F.S.; designating the address of
 8 a victim of an incident of mass violence as criminal
 9 intelligence information and criminal investigative
 10 information; providing a statement of public
 11 necessity; providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraph (o) is added to subsection (2) of
 16 section 119.071, Florida Statutes, to read:

17 119.071 General exemptions from inspection or copying of
 18 public records.—

19 (2) AGENCY INVESTIGATIONS.—

20 (o) The address of a victim of an incident of mass
 21 violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the
 22 State Constitution. For purposes of this paragraph, the term
 23 "incident of mass violence" means an incident in which four or
 24 more people, not including the perpetrator, are severely injured
 25 or killed by an intentional and indiscriminate act of violence

26 | of another. For purposes of this paragraph, the term "victim"
 27 | means a person killed or injured during an incident of mass
 28 | violence, not including the perpetrator. This paragraph is
 29 | subject to the Open Government Sunset Review Act in accordance
 30 | with s. 119.15 and shall stand repealed on October 2, 2023,
 31 | unless reviewed and saved from repeal through reenactment by the
 32 | Legislature.

33 | Section 2. Paragraph (c) of subsection (3) of section
 34 | 119.011, Florida Statutes, is amended to read:

35 | 119.011 Definitions.—As used in this chapter, the term:
 36 | (3)

37 | (c) "Criminal intelligence information" and "criminal
 38 | investigative information" shall not include:

39 | 1. The time, date, location, and nature of a reported
 40 | crime.

41 | 2. The name, sex, age, and address of a person arrested or
 42 | of the victim of a crime except as provided in s. 119.071(2) (h)
 43 | or (o).

44 | 3. The time, date, and location of the incident and of the
 45 | arrest.

46 | 4. The crime charged.

47 | 5. Documents given or required by law or agency rule to be
 48 | given to the person arrested, except as provided in s.

49 | 119.071(2) (h) or (m), and, except that the court in a criminal
 50 | case may order that certain information required by law or

51 agency rule to be given to the person arrested be maintained in
52 a confidential manner and exempt from the provisions of s.
53 119.07(1) until released at trial if it is found that the
54 release of such information would:

55 a. Be defamatory to the good name of a victim or witness
56 or would jeopardize the safety of such victim or witness; and

57 b. Impair the ability of a state attorney to locate or
58 prosecute a codefendant.

59 6. Informations and indictments except as provided in s.
60 905.26.

61 Section 3. The Legislature finds that it is a public
62 necessity that the address of victims of an incident of mass
63 violence be made exempt from s. 119.07(1), Florida Statutes, and
64 s. 24(a), Art. I of the State Constitution. After an incident of
65 mass violence has occurred, victims of such an incident are in a
66 vulnerable state as they assist law enforcement with the
67 investigation of the incident and try to recover from the events
68 that occurred. In some instances, the victim may have been
69 killed or injured leaving their families to deal with the
70 aftermath of the crime. The public availability of such victim's
71 address may be used to locate the victim or the victim's family.
72 The availability of such information has allowed people to take
73 advantage of the victims or their families by subjecting the
74 victims or their families to media intrusions at their homes and
75 other unwelcome intrusions into their privacy. Therefore, it is

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76 | necessary that the address of victims of incidents of mass
77 | violence be protected to ensure that persons affected by such
78 | incidents are not harassed, taken advantage of, or otherwise
79 | subjected to additional pain and suffering.

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