

By Senator Berman

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1 A bill to be entitled
2 An act relating to victims of crimes of sexual
3 violence or sexual exploitation; creating s. 960.31,
4 F.S.; defining terms; providing that a victim of any
5 crime of sexual violence or sexual exploitation has
6 the right to prevent any person or entity from
7 disclosing or disseminating information or records
8 that might identify him or her as a victim of such
9 crimes; prohibiting a person or an entity in
10 possession of information or records that might
11 identify an individual as a victim of a crime of
12 sexual violence or sexual exploitation from disclosing
13 or disseminating such information or records without
14 first obtaining the express written consent of the
15 victim; providing that specified rights may be waived
16 only by express action; providing construction;
17 providing applicability; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 960.31, Florida Statutes, is created to
22 read:

23 960.31 Rights of victims of crimes of sexual violence or
24 sexual exploitation.—

25 (1) As used in this section, the term:

26 (a) "Crime of sexual violence or sexual exploitation" means
27 any sexual offense prohibited by law under s. 787.06, chapter
28 794, chapter 796, chapter 800, or s. 827.071.

29 (b) "Public proceeding" includes any public proceeding and

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30 is not limited to a criminal justice proceeding.

31 (c) "School" includes any public or private K-12 school,
32 college, or university.

33 (d) "Victim" includes minors and adults, and adult
34 survivors of a crime of sexual violence or sexual exploitation
35 suffered as a minor. The term also includes a person who suffers
36 direct or threatened physical, psychological, or financial harm
37 as a result of the commission or attempted commission of a crime
38 of sexual violence or sexual exploitation. The term also
39 includes the victim's lawful representative, the parent or
40 guardian of a minor victim, and the next of kin of a homicide
41 victim, except upon a showing that the interests of such
42 individual would be in actual or potential conflict with the
43 interests of the victim. The term does not include the accused.
44 The terms "crime" and "criminal" include delinquent acts and
45 conduct.

46 (2) (a) A victim of any crime of sexual violence or sexual
47 exploitation has the right to prevent any person or entity from
48 disclosing or disseminating information or records that might
49 identify him or her as the victim of sexual violence or sexual
50 exploitation to any member of the public, including in response
51 to a public records request or in any public proceeding, in
52 accordance with s. 16, Art. I of the State Constitution.

53 (b) A person or an entity in possession of information or
54 records that might identify an individual as a victim of a crime
55 of sexual violence or sexual exploitation may not disclose or
56 disseminate such information or records without first obtaining
57 the express written consent of the victim, including in response
58 to a public records request or in any public proceeding, in

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59 accordance with s. 16, Art. I of the State Constitution.

60 (3) For purposes of this section, a crime of sexual
61 violence or sexual exploitation is deemed to have occurred from
62 the moment the crime is committed, regardless of whether the
63 accused perpetrator is identified, arrested, prosecuted, or
64 convicted, and regardless of whether a law enforcement officer
65 or law enforcement agency confirms by probable cause that a
66 crime occurred.

67 (4) This section applies to any crime of sexual violence or
68 sexual exploitation that is reported by, or on behalf of, a
69 victim. Such a crime is deemed reported if the victim, or
70 someone acting on the victim's behalf, reports the crime to any
71 of the following:

72 (a) A law enforcement officer or law enforcement agency,
73 including a law enforcement officer or law enforcement agency of
74 a school.

75 (b) A licensed medical provider or facility, including by
76 seeking a sexual assault examination or any other medical care
77 related to the crime of sexual violence or sexual exploitation.

78 (c) A mental health provider, including any crime victim
79 counselor or victim advocate, or any school counseling service.

80 (d) A school employee in a teaching or administrative
81 position.

82 (e) A school employee whose job functions include oversight
83 of on-campus housing at any school.

84 (5) The rights guaranteed under this section may be waived
85 only by express action. No action by a victim may be deemed an
86 implicit waiver of his or her rights under this act.

87 (6) This act does not apply in any case in which a law

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88 enforcement agency, after investigation, concludes that a
89 reported crime was intentionally false.

90 (7) The granting of the rights enumerated in this act to a
91 victim may not be construed to deny or impair any other rights
92 possessed by a victim.

93 Section 2. This act shall take effect July 1, 2021.