

By Senator Book

32-00433B-21

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1 A bill to be entitled
2 An act relating to public records; providing a short
3 title; amending s. 119.071, F.S.; specifying that a
4 public records exemption for criminal intelligence
5 information and criminal investigative information
6 does not apply to the identity of certain persons
7 charged with, or found guilty of, specified crimes;
8 amending s. 28.2221, F.S.; requiring county recorders
9 and clerks of court to post identifying information
10 for offenders in cases where protective injunctions
11 were entered for the protection of minors; providing
12 for certain persons to request that such information
13 be made available on the public website; requiring
14 county recorders or clerks of court to post such
15 notices on the website; authorizing certain persons to
16 petition for compliance in the circuit court;
17 providing an effective date.

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

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21 Section 1. This act shall be known as "Serena's Law."

22 Section 2. Paragraph (h) of subsection (2) of section
23 119.071, Florida Statutes, is amended to read:

24 119.071 General exemptions from inspection or copying of
25 public records.—

26 (2) AGENCY INVESTIGATIONS.—

27 (h)1. The following criminal intelligence information or
28 criminal investigative information is confidential and exempt
29 from s. 119.07(1) and s. 24(a), Art. I of the State

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30 Constitution:

31 a. Any information that reveals the identity of the victim
32 of the crime of child abuse as defined by chapter 827 or that
33 reveals the identity of a person under the age of 18 who is the
34 victim of the crime of human trafficking proscribed in s.
35 787.06(3) (a).

36 b. Any information that may reveal the identity of a person
37 who is a victim of any sexual offense, including a sexual
38 offense proscribed in s. 787.06(3) (b), (d), (f), or (g), chapter
39 794, chapter 796, chapter 800, chapter 827, or chapter 847.

40 c. A photograph, videotape, or image of any part of the
41 body of the victim of a sexual offense prohibited under s.
42 787.06(3) (b), (d), (f), or (g), chapter 794, chapter 796,
43 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless
44 of whether the photograph, videotape, or image identifies the
45 victim.

46 2. Criminal investigative information and criminal
47 intelligence information made confidential and exempt under this
48 paragraph may be disclosed by a law enforcement agency:

49 a. In the furtherance of its official duties and
50 responsibilities.

51 b. For print, publication, or broadcast if the law
52 enforcement agency determines that such release would assist in
53 locating or identifying a person that such agency believes to be
54 missing or endangered. The information provided should be
55 limited to that needed to identify or locate the victim and not
56 include the sexual nature of the offense committed against the
57 person.

58 c. To another governmental agency in the furtherance of its

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59 official duties and responsibilities.

60 3. This exemption applies to such confidential and exempt
61 criminal intelligence information or criminal investigative
62 information held by a law enforcement agency before, on, or
63 after the effective date of the exemption.

64 4. This exemption does not apply to the identity of a
65 person, other than a minor, who is charged with or found guilty
66 of any of the offenses identified in subparagraph 1.

67 Section 3. Subsection (6) is added to section 28.2221,
68 Florida Statutes, to read:

69 28.2221 Electronic access to official records.—

70 (6) (a) Each county recorder or clerk of the court, as
71 applicable, shall post on its publicly available website all
72 notices of entry of an injunction for the protection of a minor
73 which includes the identity of each adult defendant or
74 respondent against whom the injunction is entered.

75 (b) Information specified in this subsection that is not
76 available on a publicly available website by December 31, 2021,
77 must be made available to the general public on the website if
78 the minor, or his or her representative, identifies the
79 information and requests that it be made publicly available.
80 Such request must be made in writing and must identify the case
81 number assigned to the protective injunction and be personally
82 delivered or delivered by mail, facsimile, or electronic
83 transmission to the county recorder or clerk of the court. A fee
84 may not be charged for the addition of information pursuant to
85 such request.

86 (c) No later than December 31, 2021, notice of the right of
87 the minor, or his or her representative, to request the addition

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88 of such information to the publicly available website must be
89 conspicuously and clearly displayed by the county recorder or
90 the clerk of the court, as applicable, on its publicly available
91 website and in the office of each county recorder or clerk of
92 the court. In addition, no later than December 31, 2021, the
93 county recorder or the clerk of the court must have twice
94 published, on separate dates, a notice of such right in a
95 newspaper of general circulation in the county where the county
96 recorder's or clerk of court's offices are located as provided
97 in chapter 50. Such notice must include instructions for making
98 the request. The notice must state that the minor or his or her
99 representative has a right to request that a county recorder or
100 clerk of court add such information to a publicly available
101 website as provided in paragraph (b). A fee will not be charged
102 for the addition of a document pursuant to such request.

103 (d) Any minor or his or her representative may petition the
104 circuit court for an order directing compliance with this
105 subsection.

106 Section 4. This act shall take effect July 1, 2021.