

By Senator Berman

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1 A bill to be entitled
2 An act relating to protected information of sexual
3 offense victims; creating s. 960.31, F.S.; defining
4 terms; authorizing a sexual offense victim, or his or
5 her legal representative, to make a written request to
6 remove protected information that has been published
7 or disseminated; providing requirements for such a
8 request; requiring a person or an entity after
9 receiving notice to remove protected information
10 within a specified timeframe; prohibiting the person
11 or entity from further publishing or disseminating the
12 protected information; authorizing a sexual offense
13 victim, or his or her legal representative, to bring a
14 civil action to enjoin the continued publication or
15 dissemination or republication or redissemination of
16 protected information under certain circumstances;
17 authorizing a court to impose specified civil
18 penalties; requiring a court to award reasonable
19 attorney fees and court costs; requiring recovered
20 civil penalties to be deposited into the Crimes
21 Compensation Trust Fund; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 960.31, Florida Statutes, is created to
26 read:

27 960.31 Publication or dissemination of protected
28 information relating to a sexual offense victim.-

29 (1) For purposes of this section, the term:

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30 (a) "Legal representative" means a sexual offense victim's
31 lawful representative, the parent or guardian of a minor who is
32 a sexual offense victim, and the next of kin of a deceased
33 sexual offense victim, except upon a showing that the interests
34 of such individual would be in actual or potential conflict with
35 the interests of the sexual offense victim.

36 (b) "Protected information" means any information made
37 confidential and exempt pursuant to s. 119.071(2)(h)1.b. or
38 otherwise protected pursuant to s. 16(b), Art. I of the State
39 Constitution.

40 (c) "Sexual offense victim" means any minor or adult who is
41 a victim of a sexual offense prohibited under s. 787.06(3)(b),
42 (d), (f), or (g); chapter 794; chapter 796; chapter 800; chapter
43 827; or chapter 847.

44 (2) A sexual offense victim whose protected information is
45 published or otherwise disseminated, or his or her legal
46 representative, may make a request, in writing, for the removal
47 of such information to the person or registered agent of the
48 person or entity who published or otherwise disseminated the
49 protected information. The written request for removal of the
50 protected information must be sent by registered mail and
51 include sufficient proof of identification of the sexual offense
52 victim whose protected information was published or otherwise
53 disseminated and specific information identifying the protected
54 information that the written request is seeking to remove.

55 (3) Within 5 calendar days after receipt of the written
56 request for removal of the protected information, the person or
57 entity who published or otherwise disseminated the information
58 must remove the information without charge and may not republish

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59 or otherwise redisseminate such information.

60 (4) (a) A sexual offense victim whose protected information
61 was published or otherwise disseminated, or his or her legal
62 representative, may bring a civil action to enjoin the continued
63 publication or dissemination of such information if the
64 information is not removed within 5 calendar days after receipt
65 of the written request for removal. The court may impose a civil
66 penalty of \$1,000 per day for noncompliance with an injunction
67 and shall award reasonable attorney fees and court costs related
68 to the issuance and enforcement of the injunction. Moneys
69 recovered for civil penalties under this paragraph must be
70 deposited into the Crimes Compensation Trust Fund.

71 (b) If a person or an entity was required to remove
72 protected information under this section and later republishes
73 or otherwise redisseminates such information, the sexual offense
74 victim whose protected information is republished or
75 redisseminated, or his or her legal representative, may bring a
76 civil action to enjoin the continued publication or
77 dissemination of the protected information. The court may impose
78 a civil penalty of \$5,000 per day for noncompliance with an
79 injunction and shall award reasonable attorney fees and court
80 costs related to the issuance and enforcement of the injunction.
81 Moneys recovered for civil penalties under this paragraph must
82 be deposited into the Crimes Compensation Trust Fund.

83 Section 2. This act shall take effect July 1, 2024.