



PCS for HB 873

ORIGINAL

YEAR

26 attorney fees and court costs; requiring recovered  
 27 civil penalties to be deposited into the Crimes  
 28 Compensation Trust Fund; providing an effective date.

29  
 30 Be It Enacted by the Legislature of the State of Florida:

31 Section 1. Section 960.31, Florida Statutes, is created to  
 32 read:

33 960.31 Publication or dissemination of protected  
 34 information relating to a sexual offense victim. -

35 (1) For purposes of this section:

36 (a) "Legal representative" means a sexual offense victim's  
 37 lawful representative, the parent or guardian of a minor sexual  
 38 offense victim, and the next of kin of a deceased sexual offense  
 39 victim, except upon a showing that the interests of such  
 40 individual would be in actual or potential conflict with the  
 41 interests of the sexual offense victim.

42 (b) "Protected information" means any information made  
 43 confidential and exempt pursuant to s. 119.071(2)(h)1.b., or  
 44 otherwise protected pursuant to s. 16(b), art. I, of the State  
 45 Constitution.

46 (c) "Sexual offense victim" means any minor or adult who  
 47 is a victim of a sexual offense prohibited under s.  
 48 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796,  
 49 chapter 800, chapter 827, or chapter 847.

50 (2) A sexual offense victim whose protected information is

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51 published or otherwise disseminated, or his or her legal  
 52 representative, may make a request, in writing, for the removal  
 53 of such information to the person or registered agent of the  
 54 person or entity who published or otherwise disseminated the  
 55 protected information. The written request for removal of the  
 56 protected information must be sent by registered mail and  
 57 include sufficient proof of identification of the sexual offense  
 58 victim whose protected information was published or otherwise  
 59 disseminated and specific information identifying the protected  
 60 information that the written request is seeking to remove.

61 (3) Within 5 calendar days after receipt of the written  
 62 request for removal of the protected information, the person or  
 63 entity who published or otherwise disseminated the information  
 64 must remove the information without charge and may not republish  
 65 or otherwise redisseminate such information.

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

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

89 Section 2. This act shall take effect July 1, 2023.