

CHAPTER 2015-147

House Bill No. 469

An act relating to public records; amending s. 409.1678, F.S.; providing an exemption from public records requirements for information about the location of safe houses, safe foster homes, and other residential facilities serving victims of sexual exploitation held by an agency; providing exceptions; providing for future legislative review and repeal of the exemption; providing applicability; amending s. 787.06, F.S.; providing an exemption from public records requirements for information held by an agency about the location of residential facilities serving adult victims of human trafficking involving commercial sexual activity; providing exceptions; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (6) is added to section 409.1678, Florida Statutes, to read:

409.1678 Specialized residential options for children who are victims of sexual exploitation.—

(6)(a) LOCATION INFORMATION.—Information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation, as defined in s. 39.01(69)(g), which is held by an agency, as defined in s. 119.011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such confidential and exempt information held by an agency before, on, or after the effective date of the exemption.

(b) Information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation, as defined in s. 39.01(69)(g), may be provided to an agency, as defined in s. 119.011, as necessary to maintain health and safety standards and to address emergency situations in the safe house, safe foster home, or other residential facility.

(c) The exemptions from s. 119.07(1) and s. 24(a), Art. I of the State Constitution provided in this subsection do not apply to facilities licensed by the Agency for Health Care Administration.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (9) is added to section 787.06, Florida Statutes, to read:

787.06 Human trafficking.—

(9)(a) Information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity, which is held by an agency, as defined in s. 119.011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such confidential and exempt information held by an agency before, on, or after the effective date of the exemption.

(b) Information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity may be provided to an agency, as defined in s. 119.011, as necessary to maintain health and safety standards and to address emergency situations in the residential facility.

(c) The exemptions from s. 119.07(1) and s. 24(a), Art. I of the State Constitution provided in this subsection do not apply to facilities licensed by the Agency for Health Care Administration.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that information about the location of safe houses, safe foster homes, and other residential facilities serving victims of sexual exploitation, as defined in s. 39.01(69)(g), Florida Statutes, or adult victims of human trafficking involving commercial sexual activity, held by an agency, as defined in s. 119.011, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that it is a public necessity that the exemptions apply to such information held by an agency before, on, or after the effective date of the exemptions. Safe houses, safe foster homes, and other residential facilities serving victims of sexual exploitation, as defined in s. 39.01(69)(g), Florida Statutes, or adult victims of human trafficking involving commercial sexual activity, are intended as refuges for sexually exploited victims from those who exploited them. If the individuals who victimized these people were able to learn the location of such facilities, they may attempt to contact their victims, exploit their vulnerabilities, and return them to the situations in which they were victimized. Even without the return of these victims to their former situations, additional contact with those who victimized them would have the effect of continuing their victimization and inhibiting their recoveries. Additionally, knowledge about the location of safe houses, safe foster homes, and other residential facilities serving victims of sexual exploitation, as defined in s. 39.01(69)(g), Florida Statutes, or adult victims of human trafficking involving commercial sexual activity, could enable other individuals to locate and attempt to victimize the residents. Therefore, it is the finding of the Legislature that such information must be made confidential and exempt from public records requirements.

Section 4. This act shall take effect on the same date that HB 465 or similar legislation relating to human trafficking takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.