

By Representative Albright

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.07, F.S.; providing an exemption from  
 4           public records requirements for a videotaped  
 5           statement of a minor who is the victim of  
 6           specified crimes involving sexual battery, lewd  
 7           acts, or other sexual misconduct which reveals  
 8           personal identifying information about the  
 9           victim; authorizing access by certain state or  
 10          federal agencies; providing for future review  
 11          and repeal; providing a finding of public  
 12          necessity; providing an effective date.

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

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 16           Section 1. Paragraph (s) of subsection (3) of section  
 17          119.07, Florida Statutes, 1996 Supplement, is amended to read:

18           119.07 Inspection, examination, and duplication of  
 19 records; exemptions.--

20           (3)

21           (s)1. Any document which reveals the identity, home or  
 22 employment telephone number, home or employment address, or  
 23 personal assets of the victim of a crime and identifies that  
 24 person as the victim of a crime, which document is received by  
 25 any agency that regularly receives information from or  
 26 concerning the victims of crime, is exempt from the provisions  
 27 of subsection (1) and s. 24(a), Art. I of the State  
 28 Constitution. Any information not otherwise held confidential  
 29 or exempt from the provisions of subsection (1) which reveals  
 30 the home or employment telephone number, home or employment  
 31 address, or personal assets of a person who has been the

1 victim of sexual battery, aggravated child abuse, aggravated  
2 stalking, harassment, aggravated battery, or domestic violence  
3 is exempt from the provisions of subsection (1) and s. 24(a),  
4 Art. I of the State Constitution, upon written request by the  
5 victim, which must include official verification that an  
6 applicable crime has occurred. Such information shall cease  
7 to be exempt 5 years after the receipt of the written request.  
8 Any state or federal agency which is authorized to have access  
9 to such documents by any provision of law shall be granted  
10 such access in the furtherance of such agency's statutory  
11 duties, notwithstanding the provisions of this section.

12 2. Any videotaped statement of a minor who is a victim  
13 of sexual battery, lewd acts, or other sexual misconduct  
14 proscribed in chapter 800 or s. 794.011, s. 827.071, s.  
15 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145  
16 which reveals the identity, home or employment telephone  
17 number, home or employment address, or personal assets of the  
18 victim and identifies that person as the victim of a crime,  
19 which statement is received by any agency that regularly  
20 receives information from or concerning the victims of crime,  
21 is exempt from the provisions of subsection (1) and s. 24(a),  
22 Art. I of the State Constitution. Any state or federal agency  
23 which is authorized to have access to such statements by any  
24 provision of law shall be granted such access in the  
25 furtherance of such agency's statutory duties, notwithstanding  
26 the provisions of this section. This subparagraph is subject  
27 to the Open Government Sunset Review Act of 1995 in accordance  
28 with s. 119.15, and shall stand repealed on October 2, 2002,  
29 unless reviewed and saved from repeal through reenactment by  
30 the Legislature.

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1           Section 2. The Legislature finds that it is a public  
2 purpose and necessity to protect children from having exposed  
3 to the public videotaped statements which contain the  
4 children's statements regarding sexual abuse or misconduct  
5 perpetrated against them. This protection is necessary to  
6 allow the state to effectively and efficiently prosecute  
7 persons who commit such crimes by minimizing the trauma to the  
8 children and the inhibitions that will result if the children,  
9 or their guardians, are fearful that such videotapes can be  
10 released for public consumption during or after any court  
11 proceedings. If such videotapes were subject to release, the  
12 state's ability to prosecute sexual crimes and abuse involving  
13 child victims would be significantly impaired. The identity  
14 of children who are victims of sexual abuse or crimes is  
15 information of a sensitive personal nature. The release of  
16 such information by the release of videotaped statements given  
17 by these children would compound the tragedy already visited  
18 upon their lives and would be defamatory to or cause  
19 unwarranted damage to the good name or reputations of the  
20 children. Accordingly, such information requires the  
21 protection of this exemption.

22           Section 3. This act shall take effect upon becoming a  
23 law.

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26                               HOUSE SUMMARY

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28           Provides an exemption from public records requirements  
29           of specified crimes involving sexual battery, lewd acts,  
30           or other sexual misconduct which reveals personal  
31           identifying information about the victim. Authorizes  
          access by certain state or federal agencies. Provides  
          for future review and repeal.