

By the Committee on Governmental Operations and
Representatives Albright and Heyman

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 regarding such
8 offenses; authorizing access by certain
9 governmental agencies; providing for future
10 review and repeal; providing a finding of
11 public necessity; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (s) of subsection (3) of section
16 119.07, Florida Statutes, 1996 Supplement, is amended to read:
17 119.07 Inspection, examination, and duplication of
18 records; exemptions.--

19 (3)

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

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

11 2. Any videotaped statement of a minor who is a victim
12 of sexual battery, lewd acts, or other sexual misconduct
13 proscribed in chapter 800 or s. 794.011, s. 827.071, s.
14 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
15 regarding such offenses, which statement is held by any
16 agency, is confidential and exempt from the provisions of
17 subsection (1) and s. 24(a), Art. I of the State Constitution.
18 Any governmental agency which is authorized to have access to
19 such statements by any provision of law shall be granted such
20 access in the furtherance of such agency's statutory duties,
21 notwithstanding the provisions of this section. This
22 subparagraph is subject to the Open Government Sunset Review
23 Act of 1995 in accordance with s. 119.15, and shall stand
24 repealed on October 2, 2002, unless reviewed and saved from
25 repeal through reenactment by the Legislature.

26 Section 2. The Legislature finds that it is a public
27 purpose and necessity to protect children from having exposed
28 to the public videotaped statements which contain the
29 children's statements regarding sexual abuse or misconduct
30 perpetrated against them. This protection is necessary to
31 allow the state to effectively and efficiently prosecute

1 persons who commit such crimes by minimizing the trauma to the
2 children and the inhibitions that will result if the children,
3 or their guardians, are fearful that such videotapes can be
4 released for public consumption during or after any court
5 proceedings. If such videotapes were subject to release, the
6 state's ability to prosecute sexual crimes and abuse involving
7 child victims would be significantly impaired. The identity
8 of children who are victims of sexual abuse or crimes is
9 information of a sensitive personal nature. The release of
10 such information by the release of videotaped statements given
11 by these children would compound the tragedy already visited
12 upon their lives and would be defamatory to or cause
13 unwarranted damage to the good name or reputations of the
14 children. Accordingly, such information requires the
15 protection of this exemption.

16 Section 3. This act shall take effect upon becoming a
17 law.

18
19
20
21
22
23
24
25
26
27
28
29
30
31