

By Senators Cowin, Rossin, Brown-Waite, Clary, Lee, Diaz-Balart, Campbell, Silver, Forman, Jenne, Latvala, Grant, Kirkpatrick, Scott, Holzendorf, Hargrett, Dyer and Bronson

11-224-98

See HB

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.

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

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15 Section 1. Paragraph (s) of subsection (3) of section

16 119.07, Florida Statutes, is amended to read:

17 119.07 Inspection, examination, and duplication of

18 records; exemptions.--

19 (3)

20 (s)1. Any document ~~that~~ ~~which~~ reveals the identity,

21 home or employment telephone number, home or employment

22 address, or personal assets of the victim of a crime and

23 identifies that person as the victim of a crime, which

24 document is received by any agency that regularly receives

25 information from or concerning the victims of crime, is exempt

26 from the provisions of subsection (1) and s. 24(a), Art. I of

27 the State Constitution. Any information not otherwise held

28 confidential or exempt from the provisions of subsection (1)

29 which reveals the home or employment telephone number, home or

30 employment address, or personal assets of a person who has

31 been the victim of sexual battery, aggravated child abuse,

1 aggravated stalking, harassment, aggravated battery, or
2 domestic violence is exempt from the provisions of subsection
3 (1) and s. 24(a), Art. I of the State Constitution, upon
4 written request by the victim, which must include official
5 verification that an applicable crime has occurred. Such
6 information shall cease to be exempt 5 years after the receipt
7 of the written request. Any state or federal agency ~~that~~ which
8 is authorized to have access to such documents by any
9 provision of law shall be granted such access in the
10 furtherance of such agency's statutory duties, notwithstanding
11 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 in ss. 794.011, s. 827.071, s.
15 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
16 regarding such offenses, which statement is held by any
17 agency, is confidential and exempt from the provisions of
18 subsection (1) and s. 24(a), Art. I of the State Constitution.
19 Any governmental agency that is authorized to have access to
20 such statements by any provision of law shall be granted such
21 access in the furtherance of the agency's statutory duties,
22 notwithstanding the provisions of this section. This
23 subparagraph is subject to the Open Government Sunset Review
24 Act of 1995 in accordance with s. 119.15, and shall stand
25 repealed on October 2, 2003.

26 Section 2. The Legislature finds that there is a
27 public necessity to protect minors who are victims of sexual
28 crimes from having exposed to the public videotaped statements
29 that contain the minor's statements regarding sexual abuse or
30 misconduct perpetrated against them. This protection is
31 necessary to enable the state to prosecute effectively and

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

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

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21 SENATE SUMMARY

22 Provides an exemption from public records requirements
23 for a videotaped statement of a minor who is the victim
24 of specified crimes involving sexual battery, lewd acts,
25 or other sexual misconduct regarding such offenses.
26 Authorizes access by certain governmental agencies.
27 Provides for future review and repeals.
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