

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; prohibiting a public
11 employee or officer from disclosing videotaped
12 information; providing a penalty; providing a
13 finding of public necessity; providing an
14 effective date.

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

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18 Section 1. Paragraph (s) of subsection (3) of section
19 119.07, Florida Statutes, is amended to read:

20 119.07 Inspection, examination, and duplication of
21 records; exemptions.--

22 (3)

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

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

15 2. Any information in a videotaped statement of a
16 minor who is alleged to be or who is a victim of sexual
17 battery, lewd acts, or other sexual misconduct proscribed in
18 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
19 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
20 reveals that minor's identity, including, but not limited to,
21 the minor's face; the minor's home, school, church, or
22 employment telephone number; the minor's home, school, church,
23 or employment address; the name of the minor's school, church,
24 or place of employment; or the personal assets of the minor;
25 and which identifies that minor as the victim of a crime
26 described in this subparagraph, is confidential and exempt
27 from subsection (1) and s. 24(a), Art. I of the State
28 Constitution. Any governmental agency that is authorized to
29 have access to such statements by any provision of law shall
30 be granted such access in the furtherance of the agency's
31 statutory duties, notwithstanding the provisions of this

1 section. This subparagraph is subject to the Open Government
2 Sunset Review Act of 1995 in accordance with s. 119.15, and
3 shall stand repealed on October 2, 2003.

4 3. A public employee or officer who has access to the
5 videotaped statement of a minor who is alleged to be or who is
6 a victim of sexual battery, lewd acts, or other sexual
7 misconduct proscribed in chapter 800 or in s. 794.011, s.
8 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or
9 s. 847.0145, may not willfully and knowingly disclose
10 videotaped information that reveals that minor's identity to a
11 person who is not assisting in the investigation or
12 prosecution of the alleged offense or to any person other than
13 the defendant, the defendant's attorney, or a person specified
14 in an order entered by the court having jurisdiction of the
15 alleged offense.

16 4. A person who violates subparagraph 3. commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 Section 2. The Legislature finds that there is a
20 public necessity to protect minors who are victims of sexual
21 crimes from having exposed to the public videotaped statements
22 that contain the minor's statements regarding sexual abuse or
23 misconduct perpetrated against them. This protection is
24 necessary to enable the state to prosecute effectively and
25 efficiently persons who commit such crimes and at the same
26 time to minimize the trauma to the minor victims and the
27 inhibitions that will result if the minors, or their
28 guardians, are fearful that such videotapes can be released
29 for public consumption during or after any court proceedings.
30 If such videotapes were subject to release, the state's
31 ability to prosecute sexual crimes and abuse involving minor

1 victims would be significantly impaired. The identity of
2 minors who are victims of sexual abuse or sexual crimes is
3 information of a sensitive personal nature. The release of
4 such information by the release of videotaped statements given
5 by these minors would compound the tragedy already visited
6 upon their lives and would be defamatory to or cause
7 unwarranted damage to the good name or reputations of the
8 minors. Accordingly, such information requires the protection
9 of this exemption.

10 Section 3. This act shall take effect upon becoming a
11 law.

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