

By Senator Campbell

33-1005-02

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.07, F.S.; providing an exemption from the  
4           public-records law for a photograph, videotape,  
5           digital image, electronic image, recorded  
6           image, or other visual image of any part of the  
7           body of a victim of a sexual offense; providing  
8           for future legislative review and repeal;  
9           providing a statement of public necessity;  
10          providing an effective date.

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

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14           Section 1. Paragraph (ee) is added to subsection (3)  
15 of section 119.07, Florida Statutes, as amended by section 1  
16 of chapter 2001-364, Laws of Florida, to read:

17           119.07 Inspection, examination, and duplication of  
18 records; exemptions.--

19           (3)

20           (ee) Any photograph, videotape, digital image,  
21 electronic image, recorded image, or other visual image of any  
22 part of the body of a victim of a sexual offense prohibited  
23 under chapter 794, chapter 800, or chapter 827 is confidential  
24 and exempt from subsection (1) and s. 24(a), Art. I of the  
25 State Constitution, regardless of whether the photograph,  
26 videotape, or image constitutes criminal intelligence  
27 information, criminal investigative information, or any other  
28 record or evidence in the custody or possession of a law  
29 enforcement agency, state attorney, emergency medical service  
30 agency, or medical facility. This paragraph is subject to the  
31 Open Government Sunset Review Act of 1995, in accordance with

1 s. 119.15, and shall stand repealed on October 2, 2007, unless  
2 reviewed and saved from repeal through reenactment by the  
3 Legislature.

4 Section 2. The Legislature finds that it is a public  
5 necessity that photographs, videotapes, and other digital or  
6 recorded images of any part of the body of a victim of a  
7 sexual offense be made confidential and exempt from the  
8 requirements of section 119.07(1), Florida Statutes, and  
9 Section 24(a) of Article I of the State Constitution. The  
10 Legislature finds that such photographs or images often depict  
11 the victim in a graphic and disturbing fashion, and that such  
12 photographs or images, if viewed, copied, or publicized, could  
13 result in trauma, humiliation, or emotional injury to the  
14 victim and the family of the victim. Accordingly, the  
15 Legislature finds that the harm to the public which would  
16 result from the release of such photographs, videotapes, or  
17 other digital or recorded images substantially outweighs any  
18 minimal public benefit derived therefrom.

19 Section 3. This act shall take effect upon becoming a  
20 law.

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23 SENATE SUMMARY

24 Exempts from the public-records law any photograph,  
25 videotape, digital image, electronic image, recorded  
26 image, or other visual image of any part of the body of a  
27 victim of a sexual offense. Provides for future  
28 legislative review and repeal under the Open Government  
29 Sunset Review Act of 1995.  
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