



HB 1019

2003

A bill to be entitled

An act relating to a public records exemption for identifying information contained in a videotaped statement of a minor; amending s. 119.07, F.S., relating to the public records exemption for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct which reveals the minor's identity; making editorial changes; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Section 1. Notwithstanding the October 2, 2003, repeal of subparagraph 2. of paragraph (s) of subsection (3) of section 119.07, Florida Statutes, scheduled pursuant to the Open Government Sunset Review Act of 1995, paragraph (s) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

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

(3)

(s)1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from the provisions



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31 of subsection (1) and s. 24(a), Art. I of the State
32 Constitution. Any information not otherwise held confidential or
33 exempt from the provisions of subsection (1) which reveals the
34 home or employment telephone number, home or employment address,
35 or personal assets of a person who has been the victim of sexual
36 battery, aggravated child abuse, aggravated stalking,
37 harassment, aggravated battery, or domestic violence is exempt
38 from the provisions of subsection (1) and s. 24(a), Art. I of
39 the State Constitution, upon written request by the victim,
40 which must include official verification that an applicable
41 crime has occurred. Such information shall cease to be exempt 5
42 years after the receipt of the written request. Any state or
43 federal agency that is authorized to have access to such
44 documents by any provision of law shall be granted such access
45 in the furtherance of such agency's statutory duties,
46 notwithstanding the provisions of this section.

47 2.a. Any information in a videotaped statement of a minor
48 who is alleged to be or who is a victim of sexual battery, lewd
49 acts, or other sexual misconduct proscribed in chapter 800 or in
50 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
51 847.0133, or s. 847.0145, which reveals that minor's identity,
52 including, but not limited to, the minor's face; the minor's
53 home, school, church, or employment telephone number; the
54 minor's home, school, church, or employment address; the name of
55 the minor's school, church, or place of employment; or the
56 personal assets of the minor; ~~and which identifies that minor as~~
57 ~~the victim of a crime described in this subparagraph,~~ held by a
58 law enforcement agency, is confidential and exempt from
59 subsection (1) and s. 24(a), Art. I of the State Constitution.
60 Such videotaped statement may be disclosed to another



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61 governmental entity if disclosure is necessary for that entity
62 to perform its duties and responsibilities. The receiving
63 governmental entity must maintain the confidential and exempt
64 status of the minor's identifying information contained in the
65 videotaped statement. Any governmental agency that is
66 authorized to have access to such statements by any provision of
67 law shall be granted such access in the furtherance of the
68 agency's statutory duties, notwithstanding the provisions of
69 this section. This subparagraph is subject to the Open
70 Government Sunset Review Act of 1995 in accordance with s.
71 119.15, and shall stand repealed on October 2, 2003.

72 b.3. A public employee or officer who has access to a the
73 videotaped statement of a minor who is alleged to be or who is a
74 victim of sexual battery, lewd acts, or other sexual misconduct
75 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
76 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145,
77 may not willfully and knowingly disclose videotaped information
78 that reveals the ~~that~~ minor's identity to a person who is not
79 assisting in the investigation or prosecution of the alleged
80 offense or to any person other than the defendant, the
81 defendant's attorney, or a person specified in an order entered
82 by the court having jurisdiction of the alleged offense.

83 4. A person who violates this provision ~~subparagraph 3.~~
84 commits a misdemeanor of the first degree, punishable as
85 provided in s. 775.082 or s. 775.083.

86 Section 2. This act shall take effect October 1, 2003.