



HB 1019, Engrossed 1

2003

1 A bill to be entitled

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

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

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16 Section 1. Notwithstanding the October 2, 2003, repeal of
17 subparagraph 2. of paragraph (s) of subsection (3) of section
18 119.07, Florida Statutes, scheduled pursuant to the Open
19 Government Sunset Review Act of 1995, paragraph (s) of
20 subsection (3) of section 119.07, Florida Statutes, is amended
21 to read:

22 119.07 Inspection, examination, and duplication of
23 records; exemptions.--

24 (3)

25 (s)1. Any document that reveals the identity, home or
26 employment telephone number, home or employment address, or
27 personal assets of the victim of a crime and identifies that
28 person as the victim of a crime, which document is received by
29 any agency that regularly receives information from or
30 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 Any governmental agency that is authorized to have access to



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61 such statements by any provision of law shall be granted such
 62 access in the furtherance of the agency's statutory duties,
 63 notwithstanding the provisions of this section. ~~This~~
 64 ~~subparagraph is subject to the Open Government Sunset Review Act~~
 65 ~~of 1995 in accordance with s. 119.15, and shall stand repealed~~
 66 ~~on October 2, 2003.~~

67 b.3. A public employee or officer who has access to a ~~the~~
 68 videotaped statement of a minor who is alleged to be or who is a
 69 victim of sexual battery, lewd acts, or other sexual misconduct
 70 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
 71 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145,
 72 may not willfully and knowingly disclose videotaped information
 73 that reveals the ~~that~~ minor's identity to a person who is not
 74 assisting in the investigation or prosecution of the alleged
 75 offense or to any person other than the defendant, the
 76 defendant's attorney, or a person specified in an order entered
 77 by the court having jurisdiction of the alleged offense.

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

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