

By the Committee on Criminal Justice

307-187-03

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 information in
5 a videotaped statement held by a law
6 enforcement agency which reveals the identity
7 of certain minors; providing for disclosure to
8 another governmental entity; requiring that the
9 receiving governmental entity maintain the
10 confidentiality of the identifying information;
11 abrogating the repeal of s. 119.07(3)2., F.S.,
12 scheduled under the Open Government Sunset
13 Review Act of 1995; providing an effective
14 date.

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

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18 Section 1. Notwithstanding the repeal scheduled under
19 the Open Government Sunset Review Act of 1995, paragraph (s)
20 of subsection (3) of section 119.07, Florida Statutes, is
21 reenacted and amended 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
31 of subsection (1) and s. 24(a), Art. I of the State

1 Constitution. Any information not otherwise held confidential
2 or exempt from the provisions of subsection (1) which reveals
3 the home or employment telephone number, home or employment
4 address, or personal assets of a person who has been the
5 victim of sexual battery, aggravated child abuse, aggravated
6 stalking, harassment, aggravated battery, or domestic violence
7 is exempt from the provisions of subsection (1) and s. 24(a),
8 Art. I of the State Constitution, upon written request by the
9 victim, which must include official verification that an
10 applicable crime has occurred. Such information shall cease
11 to be exempt 5 years after the receipt of the written request.
12 Any state or federal agency that is authorized to have access
13 to such documents by any provision of law shall be granted
14 such access in the furtherance of such agency's statutory
15 duties, notwithstanding the provisions of this section.

16 2.a. Any information in a videotaped statement of a
17 minor who is alleged to be or who is a victim of sexual
18 battery, lewd acts, or other sexual misconduct proscribed in
19 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
20 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
21 reveals that minor's identity, including, but not limited to,
22 the minor's face; the minor's home, school, church, or
23 employment telephone number; the minor's home, school, church,
24 or employment address; the name of the minor's school, church,
25 or place of employment; or the personal assets of the minor,
26 and which is held by a law enforcement agency; and which
27 ~~identifies that minor as the victim of a crime described in~~
28 ~~this subparagraph~~, is confidential and exempt from subsection
29 (1) and s. 24(a), Art. I of the State Constitution. Such
30 videotaped statement may be disclosed to another governmental
31 entity if disclosure is necessary for that entity to perform

1 its duties and responsibilities. The receiving governmental
2 entity must maintain the confidential and exempt status of the
3 minor's identifying information contained in the videotaped
4 statement.~~Any governmental agency that is authorized to have~~
5 ~~access to such statements by any provision of law shall be~~
6 ~~granted such access in the furtherance of the agency's~~
7 ~~statutory duties, notwithstanding the provisions of this~~
8 ~~section. This subparagraph is subject to the Open Government~~
9 ~~Sunset Review Act of 1995 in accordance with s. 119.15, and~~
10 ~~shall stand repealed on October 2, 2003.~~

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

23 ~~4.~~ A person who violates this sub-subparagraph
24 ~~subparagraph 3.~~ commits a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 Section 2. This act shall take effect October 1, 2003.
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SENATE SUMMARY

Revises an exemption from the public-records law to provide that information in a videotaped statement held by a law enforcement agency which reveals the identity of a minor who is the victim, or who is alleged to be the victim, of sexual battery or other sexual misconduct is exempt from public disclosure. Authorizes the disclosure of that information to another governmental entity if the receiving entity maintains the confidentiality of the information. Abrogates the repeal of s. 119.07(3)2., F.S., scheduled for October 2, 2003, under the Open Government Sunset Review Act of 1995.