

By Senator Campbell

32-59-03

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.07, F.S.; providing an exemption from 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 (gg) is added to subsection (3)
 15 of section 119.07, Florida Statutes, to read:

16 119.07 Inspection, examination, and duplication of
 17 records; exemptions.--

18 (3)

19 (gg) Any photograph, videotape, digital image,
 20 electronic image, recorded image, or other visual image of any
 21 part of the body of a victim of a sexual offense prohibited
 22 under chapter 794, chapter 800, or chapter 827 is confidential
 23 and exempt from subsection (1) and s. 24(a), Art. I of the
 24 State Constitution, regardless of whether the photograph,
 25 videotape, or image constitutes criminal intelligence
 26 information, criminal investigative information, or any other
 27 record or evidence in the custody or possession of a law
 28 enforcement agency, state attorney, emergency medical service
 29 agency, or medical facility. This paragraph is subject to the
 30 Open Government Sunset Review Act of 1995, in accordance with
 31 s. 119.15, and shall stand repealed on October 2, 2008, unless

1 reviewed and saved from repeal through reenactment by the
2 Legislature.

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

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

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22 SENATE SUMMARY

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