

By the Committee on Criminal Justice; and Senators Campbell and Lynn

307-2028-03

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A bill to be entitled  
An act relating to public records; amending s.  
119.07, F.S.; providing an exemption from the  
public-records requirements for a photograph,  
videotape, or image of any part of the body of  
a victim of a sexual offense; providing for  
future legislative review and repeal; providing  
a statement of public necessity; providing an  
effective date.

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

Section 1. Paragraph (f) of subsection (3) of section  
119.07, Florida Statutes, is amended to read:

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

(3)

(f)1. Any criminal intelligence information or  
criminal investigative information including the photograph,  
name, address, or other fact or information which reveals the  
identity of the victim of the crime of sexual battery as  
defined in chapter 794; the identity of the victim of a lewd  
or lascivious offense committed upon or in the presence of a  
person less than 16 years of age, as defined in chapter 800;  
or the identity of the victim of the crime of child abuse as  
defined by chapter 827 and any criminal intelligence  
information or criminal investigative information or other  
criminal record, including those portions of court records and  
court proceedings, which may reveal the identity of a person  
who is a victim of any sexual offense, including a sexual  
offense proscribed in chapter 794, chapter 800, or chapter

1 827, is exempt from the provisions of subsection (1) and s.  
2 24(a), Art. I of the State Constitution.

3 2. In addition to subparagraph 1., any criminal  
4 intelligence information or criminal investigative information  
5 which is a photograph, videotape, or image of any part of the  
6 body of the victim of a sexual offense prohibited under  
7 chapter 794, chapter 800, or chapter 827, is confidential and  
8 exempt from subsection (1) and s. 24(a), Art. I of the State  
9 Constitution. A photograph, videotape, or image is  
10 confidential and exempt regardless of whether it identifies  
11 the victim. This exemption applies to such photographs,  
12 videotapes, or images before, on, or after the effective date  
13 of the exemption.

14 Section 2. Subparagraph 2. of paragraph (f) of  
15 subsection (3) of section 119.07, Florida Statutes, is subject  
16 to the Open Government Sunset Review Act of 1995 in accordance  
17 with s. 119.15, and shall stand repealed on October 2, 2008,  
18 unless reviewed and saved from repeal through reenactment by  
19 the Legislature.

20 Section 3. The Legislature finds that it is a public  
21 necessity that photographs, videotapes, or images of any part  
22 of the body of a victim of a sexual offense prohibited under  
23 chapter 794, chapter 800, or chapter 827, Florida Statutes, be  
24 made confidential and exempt from the requirements of section  
25 119.07(1), Florida Statutes, and Section 24(a) of Article I of  
26 the State Constitution. The Legislature finds that such  
27 photographs, videotapes, or images often depict the victim in  
28 a graphic and disturbing fashion. Such photographs,  
29 videotapes, or images may depict or describe the victim nude,  
30 bruised, or bloodied. As such, photographs, videotapes, or  
31 images of the victim are highly sensitive and, if viewed,

1 copied, or publicized, could result in trauma, sorrow,  
2 humiliation, or emotional injury to the victim and the  
3 victim's family. The Legislature further finds that the  
4 exemption provided in this act should be given retroactive  
5 application because it is remedial in nature.

6 Section 4. This act shall take effect upon becoming a  
7 law.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10 COMMITTEE SUBSTITUTE FOR  
11 Senate Bill 126

- 12 - Creates a public records exemption that makes  
13 confidential and exempt any criminal intelligence  
14 information or criminal investigative information which  
15 is a photograph, videotape, or image of any part of the  
16 body of the victim of a sexual offense prohibited under  
17 ch. 794, F.S. (sexual battery), ch. 800, F.S. (lewdness;  
18 indecent exposure), and ch. 827, F.S. (abuse of  
19 children).
- 17 - Provides that this exemption applies to such photographs,  
18 videotapes, or images before, on, or after the effective  
19 date of the exemption.
- 20 - Provides a statement of public necessity. The Legislature  
21 finds that it is a public necessity that photographs,  
22 videotapes, or images of any part of the body of a victim  
23 of a sexual offense prohibited under ch. 794, F.S., ch.  
24 800, F.S., or ch. 827, F.S., be made confidential and  
25 exempt from the requirements of s. 119.07(1), F.S., and  
26 s. 24(a), Art. I of the State Constitution. The  
27 Legislature finds these records often depict the victim  
28 in a graphic and disturbing fashion and may depict or  
29 describe the victim nude, bruised or bloodied. As such,  
30 the records are highly sensitive and if viewed, copied,  
31 or publicized could result in trauma, sorrow,  
humiliation, or emotional injury to the victim and the  
victim's family. The Legislature further finds that the  
exemption should be given retroactive effect because it  
is remedial in nature.