



HB 0453

2003
CS

CHAMBER ACTION

The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled
 An act relating to public records; amending s. 119.07,
 F.S.; providing an exemption from public records
 requirements for criminal intelligence information or
 criminal investigative information which is a photograph,
 videotape, or image of any part of the body of a victim of
 a sexual offense; providing for retroactive effect of the
 exemption; 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)



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29 (f)1. Any criminal intelligence information or criminal
30 investigative information including the photograph, name,
31 address, or other fact or information which reveals the identity
32 of the victim of the crime of sexual battery as defined in
33 chapter 794; the identity of the victim of a lewd or lascivious
34 offense committed upon or in the presence of a person less than
35 16 years of age, as defined in chapter 800; or the identity of
36 the victim of the crime of child abuse as defined by chapter 827
37 and any criminal intelligence information or criminal
38 investigative information or other criminal record, including
39 those portions of court records and court proceedings, which may
40 reveal the identity of a person who is a victim of any sexual
41 offense, including a sexual offense proscribed in chapter 794,
42 chapter 800, or chapter 827, is exempt from the provisions of
43 subsection (1) and s. 24(a), Art. I of the State Constitution.

44 2. In addition to subparagraph 1., any criminal
45 intelligence information or criminal investigative information
46 which is a photograph, videotape, or image of any part of the
47 body of the victim of a sexual offense prohibited under chapter
48 794, chapter 800, or chapter 827, regardless of whether the
49 photograph, videotape, or image identifies the victim, is
50 confidential and exempt from subsection (1) and s. 24(a), Art. I
51 of the State Constitution. This exemption applies to
52 photographs, videotapes, or images held as criminal intelligence
53 information or criminal investigative information before, on, or
54 after the effective date of the exemption.

55 Section 2. Subparagraph 2. of paragraph (f) of subsection
56 (3) of section 119.07, Florida Statutes, is subject to the Open



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57 | Government Sunset Review Act of 1995 in accordance with s.
58 | 119.15, Florida Statutes, and shall stand repealed on October 2,
59 | 2008, unless reviewed and saved from repeal through reenactment
60 | by the Legislature.

61 | Section 3. The Legislature finds that it is a public
62 | necessity that criminal intelligence information or criminal
63 | investigative information which is a photograph, videotape, or
64 | image of any part of the body of a victim of a sexual offense
65 | prohibited under chapter 794, chapter 800, or chapter 827,
66 | Florida Statutes, be made confidential and exempt from the
67 | requirements of s. 119.07(1), Florida Statutes, and s. 24(a),
68 | Art. I of the State Constitution. The Legislature finds that
69 | such photographs, videotapes, or images often depict the victim
70 | in a graphic and disturbing fashion, frequently nude, bruised,
71 | or bloodied. Such highly sensitive photographs, videotapes, or
72 | images of a victim of a sexual offense, if viewed, copied, or
73 | publicized, could result in trauma, sorrow, humiliation, or
74 | emotional injury to the victim and the victim's family. The
75 | Legislature further finds that the exemption provided in this
76 | act should be given retroactive application because it is
77 | remedial in nature.

78 | Section 4. This act shall take effect upon becoming a law.