

By the Committee on Criminal Justice

591-04027-08

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1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; reenacting s. 119.071(2)(h), F.S.,
4 relating to a public-records exemption provided for any
5 photograph, videotape, or image of the victim of a sexual
6 offense; saving the exemption from repeal under the Open
7 Government Sunset Review Act; repealing s. 2, ch. 2003-
8 157, Laws of Florida; deleting provisions providing for
9 repeal of the exemption; providing an effective date.

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

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13 Section 1. Paragraph (h) of subsection (2) of section
14 119.071, Florida Statutes, is reenacted to read:

15 119.071 General exemptions from inspection or copying of
16 public records.--

17 (2) AGENCY INVESTIGATIONS.--

18 (h)1. Any criminal intelligence information or criminal
19 investigative information including the photograph, name,
20 address, or other fact or information which reveals the identity
21 of the victim of the crime of sexual battery as defined in
22 chapter 794; the identity of the victim of a lewd or lascivious
23 offense committed upon or in the presence of a person less than
24 16 years of age, as defined in chapter 800; or the identity of
25 the victim of the crime of child abuse as defined by chapter 827
26 and any criminal intelligence information or criminal
27 investigative information or other criminal record, including
28 those portions of court records and court proceedings, which may
29 reveal the identity of a person who is a victim of any sexual

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30 offense, including a sexual offense proscribed in chapter 794,
31 chapter 800, or chapter 827, is exempt from s. 119.07(1) and s.
32 24(a), Art. I of the State Constitution.

33 2. In addition to subparagraph 1., any criminal
34 intelligence information or criminal investigative information
35 that is a photograph, videotape, or image of any part of the body
36 of the victim of a sexual offense prohibited under chapter 794,
37 chapter 800, or chapter 827, regardless of whether the
38 photograph, videotape, or image identifies the victim, is
39 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of
40 the State Constitution. This exemption applies to photographs,
41 videotapes, or images held as criminal intelligence information
42 or criminal investigative information before, on, or after the
43 effective date of the exemption.

44 Section 2. Section 2 of chapter 2003-157, Laws of Florida,
45 is repealed.

46 Section 3. This act shall take effect October 1, 2008.