

HB 409

2011

1 A bill to be entitled
2 An act relating to public records; amending s. 119.071,
3 F.S.; expanding the exemption from public records
4 requirements for criminal intelligence information and
5 criminal investigative information to include photographs,
6 videotapes, or images of any part of the body of a victim
7 of the sexual offense of video voyeurism; providing for
8 future review and repeal of the exemption; providing a
9 statement of public necessity; providing an effective
10 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 (h) of subsection (2) of section
15 119.071, Florida Statutes, is amended to read:

16 119.071 General exemptions from inspection or copying of
17 public records.—

18 (2) AGENCY INVESTIGATIONS.—

19 (h)1. The following criminal intelligence information or
20 criminal investigative information is confidential and exempt
21 from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution:

23 a. Any information, including the photograph, name,
24 address, or other fact, which reveals the identity of the victim
25 of the crime of child abuse as defined by chapter 827.

26 b. Any information which may reveal the identity of a
27 person who is a victim of any sexual offense, including a sexual
28 offense proscribed in chapter 794, chapter 796, chapter 800,

29 chapter 827, or chapter 847.

30 c. A photograph, videotape, or image of any part of the
 31 body of the victim of a sexual offense prohibited under chapter
 32 794, chapter 796, chapter 800, s. 810.145, chapter 827, or
 33 chapter 847, regardless of whether the photograph, videotape, or
 34 image identifies the victim.

35 2. Criminal investigative information and criminal
 36 intelligence information made confidential and exempt under this
 37 paragraph may be disclosed by a law enforcement agency:

38 a. In the furtherance of its official duties and
 39 responsibilities.

40 b. For print, publication, or broadcast if the law
 41 enforcement agency determines that such release would assist in
 42 locating or identifying a person that such agency believes to be
 43 missing or endangered. The information provided should be
 44 limited to that needed to identify or locate the victim and not
 45 include the sexual nature of the offense committed against the
 46 person.

47 c. To another governmental agency in the furtherance of
 48 its official duties and responsibilities.

49 3. This exemption applies to such confidential and exempt
 50 criminal intelligence information or criminal investigative
 51 information held by a law enforcement agency before, on, or
 52 after the effective date of the exemption.

53 4. This paragraph is subject to the Open Government Sunset
 54 Review Act in accordance with s. 119.15, and shall stand
 55 repealed on October 2, 2016 ~~2013~~, unless reviewed and saved from
 56 repeal through reenactment by the Legislature.

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57 Section 2. The Legislature finds that it is a public
58 necessity that criminal intelligence information or criminal
59 investigative information that is a photograph, videotape, or
60 image of any part of the body of a victim of the sexual offense
61 of video voyeurism prohibited under s. 810.145, Florida
62 Statutes, be made confidential and exempt from public records
63 requirements. The Legislature finds that such photographs,
64 videotapes, or images often depict the victim in graphic
65 fashion, frequently nude. Such highly sensitive photographs,
66 videotapes, or images of a victim of the sexual offense of video
67 voyeurism, if viewed, copied, or publicized, could result in
68 trauma, sorrow, humiliation, or emotional injury to the victim
69 and the victim's family.

70 Section 3. This act shall take effect July 1, 2011.