

By Senator Braynon

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; creating an exemption from public
4 records requirements for certain criminal intelligence
5 information and criminal investigative information
6 that might reveal the identity of a person who is a
7 victim of human trafficking or a photograph,
8 videotape, or image of any part of the body of the
9 victim of human trafficking; amending s. 794.024,
10 F.S.; prohibiting a public employee or officer who has
11 access to identifying information of a person who is
12 alleged to be the victim of human trafficking from
13 willfully and knowingly disclosing the information to
14 a person who is not assisting in the investigation or
15 prosecution of the alleged offense; reenacting s.
16 92.56(1)(a), F.S., relating to judicial proceedings
17 and court records involving sexual offenses, to
18 incorporate the amendment made to s. 119.071, F.S., in
19 a reference thereto; providing for review and repeal;
20 providing a statement of public necessity; providing
21 an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Paragraph (h) of subsection (2) of section
26 119.071, Florida Statutes, is amended to read:

27 119.071 General exemptions from inspection or copying of
28 public records.—

29 (2) AGENCY INVESTIGATIONS.—

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30 (h)1. The following criminal intelligence information or
31 criminal investigative information is confidential and exempt
32 from s. 119.07(1) and s. 24(a), Art. I of the State
33 Constitution:

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

37 b. Any information that ~~which~~ may reveal the identity of a
38 person who is a victim of any sexual offense, including a sexual
39 offense proscribed in s. 787.06(3)(g), s. 787.06(3)(h), chapter
40 794, chapter 796, chapter 800, chapter 827, or chapter 847.

41 c. A photograph, videotape, or image of any part of the
42 body of the victim of a sexual offense prohibited under s.
43 787.06(3)(g), s. 787.06(3)(h), chapter 794, chapter 796, chapter
44 800, s. 810.145, chapter 827, or chapter 847, regardless of
45 whether the photograph, videotape, or image identifies the
46 victim.

47 2. Criminal investigative information and criminal
48 intelligence information made confidential and exempt under this
49 paragraph may be disclosed by a law enforcement agency:

50 a. In the furtherance of its official duties and
51 responsibilities.

52 b. For print, publication, or broadcast if the law
53 enforcement agency determines that such release would assist in
54 locating or identifying a person that such agency believes to be
55 missing or endangered. The information provided should be
56 limited to that needed to identify or locate the victim and not
57 include the sexual nature of the offense committed against the
58 person.

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59 c. To another governmental agency in the furtherance of its
60 official duties and responsibilities.

61 3. This exemption applies to such confidential and exempt
62 criminal intelligence information or criminal investigative
63 information held by a law enforcement agency before, on, or
64 after the effective date of the exemption.

65 4. This paragraph is subject to the Open Government Sunset
66 Review Act in accordance with s. 119.15, and shall stand
67 repealed on October 2, 2018 ~~2016~~, unless reviewed and saved from
68 repeal through reenactment by the Legislature.

69 Section 2. Section 794.024, Florida Statutes, is amended to
70 read:

71 794.024 Unlawful to disclose identifying information.—

72 (1) (a) A public employee or officer who has access to the
73 photograph, name, or address of a person who is alleged to be
74 the victim of an offense described in this chapter, s.
75 787.06(3)(g), s. 787.06(3)(h), chapter 800, s. 827.03, s.
76 827.04, or s. 827.071 may not willfully and knowingly disclose
77 it to a person who is not assisting in the investigation or
78 prosecution of the alleged offense or to any person other than
79 the defendant, the defendant's attorney, a person specified in
80 an order entered by the court having jurisdiction of the alleged
81 offense, or organizations authorized to receive such information
82 made exempt by s. 119.071(2)(h), or to a rape crisis center or
83 sexual assault counselor, as defined in s. 90.5035(1)(b), who
84 will be offering services to the victim.

85 (b) Paragraph (a) is subject to the Open Government Sunset
86 Review Act in accordance with s. 119.15 and shall stand repealed
87 on October 2, 2018, unless reviewed and saved from repeal

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88 through reenactment by the Legislature.

89 (2) A violation of subsection (1) constitutes a misdemeanor
90 of the second degree, punishable as provided in s. 775.082 or s.
91 775.083.

92 Section 3. For the purpose of incorporating the amendment
93 made by this act to section 119.071, Florida Statutes, in a
94 reference thereto, paragraph (a) of subsection (1) of section
95 92.56, Florida Statutes, is reenacted to read:

96 92.56 Judicial proceedings and court records involving
97 sexual offenses.—

98 (1)(a) The confidential and exempt status of criminal
99 intelligence information or criminal investigative information
100 made confidential and exempt pursuant to s. 119.071(2)(h) must
101 be maintained in court records pursuant to s. 119.0714(1)(h) and
102 in court proceedings, including testimony from witnesses.

103 Section 4. The Legislature finds that it is a public
104 necessity that personal identifying information relating to an
105 individual who is an alleged victim of human trafficking be made
106 confidential and exempt from public records requirements.

107 Present Florida law provides that the identities and any
108 photographs of victims of sexual offenses are confidential.
109 However, victims of human trafficking are not included in this
110 protection. The Legislature finds that instituting
111 confidentiality protections sought here for victims of human
112 trafficking would be identical to those confidentiality
113 provisions presently in law protecting the identity of victims
114 of other sexual offenses. These amendments recognize that
115 victims of human trafficking deserve the same protection as
116 victims of sexual abuse.

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Section 5. This act shall take effect July 1, 2013.