

HB 721

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1 A bill to be entitled

2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for investigative information
5 that may reveal the address or place of employment of
6 a person who is a victim of a domestic violence
7 offense; providing for future legislative review and
8 repeal; creating s. 741.2903, F.S.; providing for
9 notice to the court of an intent to maintain the
10 confidentiality of investigative information that may
11 reveal the address or place of employment of a person
12 who is a victim of a domestic violence offense;
13 providing an exemption from public records
14 requirements for investigative information that may
15 reveal the address or place of employment of a person
16 who is a victim of a domestic violence offense;
17 providing for defense motions for disclosure of the
18 victim's address or place of employment providing a
19 statement of public necessity; providing an effective
20 date.

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

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

26 119.071 General exemptions from inspection or copying of

27 public records.—

28 (2) AGENCY INVESTIGATIONS.—

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

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

36 b. Any information that ~~which~~ may reveal the identity of a
 37 person who is a victim of any sexual offense, including a sexual
 38 offense proscribed in chapter 794, chapter 796, chapter 800,
 39 chapter 827, or chapter 847.

40 c. A photograph, videotape, or image of any part of the
 41 body of the victim of a sexual offense prohibited under chapter
 42 794, chapter 796, chapter 800, s. 810.145, chapter 827, or
 43 chapter 847, regardless of whether the photograph, videotape, or
 44 image identifies the victim.

45 d. Any information that may reveal the address or place of
 46 employment of a person who is a victim of a domestic violence
 47 offense as defined by chapter 741. This sub-subparagraph is
 48 subject to the Open Government Sunset Review Act in accordance
 49 with s. 119.15 and shall stand repealed on October 2, 2019,
 50 unless reviewed and saved from repeal through reenactment by the
 51 Legislature.

52 2. Criminal investigative information and criminal

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53 intelligence information made confidential and exempt under this
54 paragraph may be disclosed by a law enforcement agency:

55 a. In the furtherance of its official duties and
56 responsibilities.

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

64 c. To another governmental agency in the furtherance of
65 its official duties and responsibilities.

66 3. This exemption applies to such confidential and exempt
67 criminal intelligence information or criminal investigative
68 information held by a law enforcement agency before, on, or
69 after the effective date of the exemption.

70 4. This paragraph is subject to the Open Government Sunset
71 Review Act in accordance with s. 119.15, and shall stand
72 repealed on October 2, 2016, unless reviewed and saved from
73 repeal through reenactment by the Legislature.

74 Section 2. Section 741.2903, Florida Statutes, is created
75 to read:

76 741.2903 Domestic violence offenses; confidentiality of
77 information; public records exemption.-

78 (1) In a crime designated by law enforcement or charged by

79 information or indictment as domestic violence, the office of
80 the state attorney may file a notice with the court with the
81 intent to keep the present address or place of employment of a
82 victim confidential.

83 (2) Cases involving domestic violence inherently imply a
84 claim of danger and supply a factual basis of a threat to the
85 personal safety of the victim. Upon filing of the notice, the
86 court shall enter an order restricting disclosure of the
87 information.

88 (3) The confidential and exempt status of criminal
89 intelligence information and criminal investigative information
90 made confidential and exempt pursuant to s. 119.071(2)(h) must
91 be maintained in court records pursuant to s. 119.0714(1)(h) and
92 in court proceedings, including testimony from witnesses.

93 (4) The defendant may file a motion with the court for
94 disclosure of the victim's address or place of employment. The
95 defendant shall be given an opportunity to be heard and must
96 show a particular need for the information or demonstrate in
97 what manner the present place of residence or place of
98 employment would be used to attack the credibility of the
99 victim.

100 Section 3. The Legislature finds that it is a public
101 necessity that investigative information that may reveal the
102 address or place of employment of a person who is a victim of a
103 domestic violence offense as defined by chapter 741, Florida
104 Statutes, be made confidential and exempt from s. 119.07(1),

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105 Florida Statutes, and s. 24(a), Article I of the State
106 Constitution. The Legislature recognizes that greater protection
107 is needed for victims of domestic violence who are attempting to
108 escape from domestic violence by relocating and to prevent harm
109 from assailants or probable assailants that are attempting to
110 find them. The Legislature's intent is that these victims
111 receive that protection by making the investigative information
112 referenced in this act confidential and exempt.

113 Section 4. This act shall take effect July 1, 2014.