

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.071, F.S.; expanding the exemption from public  
 4           records requirements for criminal intelligence  
 5           information and criminal investigative information to  
 6           include information, photographs, videotapes, or  
 7           images of victims of specified offenses; providing for  
 8           future review and repeal of the exemption; providing a  
 9           statement of public necessity; reenacting s.  
 10          92.56(1) (a), F.S., relating to judicial proceedings  
 11          and court records involving sexual offenses, s.  
 12          119.0714(1) (h), F.S., relating to court files and  
 13          records, and s. 794.024(1), F.S., relating to the  
 14          unlawful disclosure of identifying information, to  
 15          incorporate the amendment made by the act to s.  
 16          119.071, F.S., in references thereto; providing a  
 17          contingent effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Paragraphs (h) and (j) of subsection (2) of  
 22           section 119.071, Florida Statutes, are amended to read:

23           119.071 General exemptions from inspection or copying of  
 24           public records.—

25           (2) AGENCY INVESTIGATIONS.—

26           (h)1. The following criminal intelligence information or

27 criminal investigative information is confidential and exempt  
28 from s. 119.07(1) and s. 24(a), Art. I of the State  
29 Constitution:

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

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

37 c. A photograph, videotape, or image of any part of the  
38 body of the victim of a sexual offense prohibited under chapter  
39 794, chapter 796, chapter 800, s. 810.145, ~~chapter 827~~, or  
40 chapter 847, regardless of whether the photograph, videotape, or  
41 image identifies the victim.

42 2. Criminal investigative information and criminal  
43 intelligence information made confidential and exempt under this  
44 paragraph may be disclosed by a law enforcement agency:

45 a. In the furtherance of its official duties and  
46 responsibilities.

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

53 person.

54 c. To another governmental agency in the furtherance of  
55 its official duties and responsibilities.

56 3. This exemption applies to such confidential and exempt  
57 criminal intelligence information or criminal investigative  
58 information held by a law enforcement agency before, on, or  
59 after the effective date of the exemption.

60 4. This paragraph is subject to the Open Government Sunset  
61 Review Act in accordance with s. 119.15~~7~~ and shall stand  
62 repealed on October 2, 2020 ~~2016~~, unless reviewed and saved from  
63 repeal through reenactment by the Legislature.

64 (j)1. Any document that reveals the identity, home or  
65 employment telephone number, home or employment address, or  
66 personal assets of the victim of a crime and identifies that  
67 person as the victim of a crime, which document is received by  
68 any agency that regularly receives information from or  
69 concerning the victims of crime, is exempt from s. 119.07(1) and  
70 s. 24(a), Art. I of the State Constitution. Any information not  
71 otherwise held confidential or exempt from s. 119.07(1) which  
72 reveals the home or employment telephone number, home or  
73 employment address, or personal assets of a person who has been  
74 the victim of sexual battery, aggravated child abuse, aggravated  
75 stalking, harassment, aggravated battery, or domestic violence  
76 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
77 Constitution, upon written request by the victim, which must  
78 include official verification that an applicable crime has

79 | occurred. Such information shall cease to be exempt 5 years  
80 | after the receipt of the written request. Any state or federal  
81 | agency that is authorized to have access to such documents by  
82 | any provision of law shall be granted such access in the  
83 | furtherance of such agency's statutory duties, notwithstanding  
84 | this section.

85 |       2.a. Any information in a videotaped statement of a minor  
86 | who is alleged to be or who is a victim of sexual battery, lewd  
87 | acts, or other sexual misconduct proscribed in chapter 800 or in  
88 | s. 794.011, s. 847.003, former s. 827.071, s. 847.012, s.  
89 | 847.0125, s. 847.013, s. 847.0133, s. 847.0137, or s. 847.0145,  
90 | which reveals that minor's identity, including, but not limited  
91 | to, the minor's face; the minor's home, school, church, or  
92 | employment telephone number; the minor's home, school, church,  
93 | or employment address; the name of the minor's school, church,  
94 | or place of employment; or the personal assets of the minor; and  
95 | which identifies that minor as the victim of a crime described  
96 | in this subparagraph, held by a law enforcement agency, is  
97 | confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
98 | of the State Constitution. Any governmental agency that is  
99 | authorized to have access to such statements by any provision of  
100 | law shall be granted such access in the furtherance of the  
101 | agency's statutory duties, notwithstanding the provisions of  
102 | this section.

103 |       b. A public employee or officer who has access to a  
104 | videotaped statement of a minor who is alleged to be or who is a

105 victim of sexual battery, lewd acts, or other sexual misconduct  
 106 proscribed in chapter 800 or in s. 794.011, s. 847.003, former  
 107 s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, s.  
 108 847.0137, or s. 847.0145 may not willfully and knowingly  
 109 disclose videotaped information that reveals the minor's  
 110 identity to a person who is not assisting in the investigation  
 111 or prosecution of the alleged offense or to any person other  
 112 than the defendant, the defendant's attorney, or a person  
 113 specified in an order entered by the court having jurisdiction  
 114 of the alleged offense. A person who violates this provision  
 115 commits a misdemeanor of the first degree, punishable as  
 116 provided in s. 775.082 or s. 775.083.

117 c. This subparagraph is subject to the Open Government  
 118 Sunset Review Act in accordance with s. 119.15 and shall stand  
 119 repealed on October 2, 2020, unless reviewed and saved from  
 120 repeal through reenactment by the Legislature.

121 Section 2. The Legislature finds that it is a public  
 122 necessity that criminal intelligence information or criminal  
 123 investigative information that may reveal the identity of a  
 124 person who is a victim of former s. 827.071, s. 847.003, or s.  
 125 847.0137, Florida Statutes, which is a photograph, videotape, or  
 126 image of any part of the body of the victim of those provisions  
 127 or which is information in a videotaped statement of a minor who  
 128 is alleged to be or who is a victim of those provisions, be made  
 129 confidential and exempt from s. 119.07(1), Florida Statutes, and  
 130 s. 24(a), Article I of the State Constitution. The Legislature

131 finds that such information, photographs, videotapes, or images  
 132 often depict the victim in graphic fashion, frequently nude.  
 133 Such highly sensitive photographs, videotapes, or images of a  
 134 victim of these sexual offenses, if viewed, copied, or  
 135 publicized, could result in trauma, sorrow, humiliation, or  
 136 emotional injury to the victim and the victim's family.

137 Section 3. For the purpose of incorporating the amendment  
 138 made by this act to section 119.071, Florida Statutes, in a  
 139 reference thereto, paragraph (a) of subsection (1) of section  
 140 92.56, Florida Statutes, is reenacted to read:

141 92.56 Judicial proceedings and court records involving  
 142 sexual offenses and human trafficking.—

143 (1) (a) The confidential and exempt status of criminal  
 144 intelligence information or criminal investigative information  
 145 made confidential and exempt pursuant to s. 119.071(2) (h) must  
 146 be maintained in court records pursuant to s. 119.0714(1) (h) and  
 147 in court proceedings, including testimony from witnesses.

148 Section 4. For the purpose of incorporating the amendment  
 149 made by this act to section 119.071, Florida Statutes, in a  
 150 reference thereto, paragraph (h) of subsection (1) of section  
 151 119.0714, Florida Statutes, is reenacted to read:

152 119.0714 Court files; court records; official records.—

153 (1) COURT FILES.—Nothing in this chapter shall be  
 154 construed to exempt from s. 119.07(1) a public record that was  
 155 made a part of a court file and that is not specifically closed  
 156 by order of court, except:

157 (h) Criminal intelligence information or criminal  
158 investigative information that is confidential and exempt as  
159 provided in s. 119.071(2)(h).

160 Section 5. For the purpose of incorporating the amendment  
161 made by this act to section 119.071, Florida Statutes, in a  
162 reference thereto, subsection (1) of section 794.024, Florida  
163 Statutes, is reenacted to read:

164 794.024 Unlawful to disclose identifying information.—

165 (1) A public employee or officer who has access to the  
166 photograph, name, or address of a person who is alleged to be  
167 the victim of an offense described in this chapter, chapter 800,  
168 s. 827.03, s. 827.04, or s. 827.071 may not willfully and  
169 knowingly disclose it to a person who is not assisting in the  
170 investigation or prosecution of the alleged offense or to any  
171 person other than the defendant, the defendant's attorney, a  
172 person specified in an order entered by the court having  
173 jurisdiction of the alleged offense, or organizations authorized  
174 to receive such information made exempt by s. 119.071(2)(h), or  
175 to a rape crisis center or sexual assault counselor, as defined  
176 in s. 90.5035(1)(b), who will be offering services to the  
177 victim.

178 Section 6. This act shall take effect on the same date  
179 that HB 7063 or similar legislation takes effect, if such  
180 legislation is adopted in the same legislative session or an  
181 extension thereof and becomes a law.