

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Spano offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (j) of subsection (2) of section
8 119.071, Florida Statutes, is amended to read:

9 119.071 General exemptions from inspection or copying of
10 public records.—

11 (j)1. Any document that reveals the identity, home or
12 employment telephone number, home or employment address, or
13 personal assets of the victim of a crime and identifies that
14 person as the victim of a crime, which document is received by
15 any agency that regularly receives information from or
16 concerning the victims of crime, is exempt from s. 119.07(1) and
17 s. 24(a), Art. I of the State Constitution. Any information not

Amendment No.

18 otherwise held confidential or exempt from s. 119.07(1) which
19 reveals the home or employment telephone number, home or
20 employment address, or personal assets of a person who has been
21 the victim of sexual battery, aggravated child abuse, aggravated
22 stalking, harassment, aggravated battery, or domestic violence
23 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution, upon written request by the victim, which must
25 include official verification that an applicable crime has
26 occurred. Such information shall cease to be exempt 5 years
27 after the receipt of the written request. Any state or federal
28 agency that is authorized to have access to such documents by
29 any provision of law shall be granted such access in the
30 furtherance of such agency's statutory duties, notwithstanding
31 this section.

32 2.a. Any information in a videotaped statement of a minor
33 who is alleged to be or who is a victim of sexual battery, lewd
34 acts, or other sexual misconduct proscribed in chapter 800 or in
35 s. 794.011, ~~s. 827.071~~, s. 847.003, s. 847.012, s. 847.0125, s.
36 847.013, s. 847.0133, s. 847.0137, or s. 847.0145, which reveals
37 that minor's identity, including, but not limited to, the
38 minor's face; the minor's home, school, church, or employment
39 telephone number; the minor's home, school, church, or
40 employment address; the name of the minor's school, church, or
41 place of employment; or the personal assets of the minor; and
42 which identifies that minor as the victim of a crime described
43 in this subparagraph, held by a law enforcement agency, is

Amendment No.

44 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
45 of the State Constitution. Any governmental agency that is
46 authorized to have access to such statements by any provision of
47 law shall be granted such access in the furtherance of the
48 agency's statutory duties, notwithstanding the provisions of
49 this section.

50 b. A public employee or officer who has access to a
51 videotaped statement of a minor who is alleged to be or who is a
52 victim of sexual battery, lewd acts, or other sexual misconduct
53 proscribed in chapter 800 or in s. 794.011, ~~s. 827.071~~, s.
54 847.003, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, s.
55 847.0137, or s. 847.0145 may not willfully and knowingly
56 disclose videotaped information that reveals the minor's
57 identity to a person who is not assisting in the investigation
58 or prosecution of the alleged offense or to any person other
59 than the defendant, the defendant's attorney, or a person
60 specified in an order entered by the court having jurisdiction
61 of the alleged offense. A person who violates this provision
62 commits a misdemeanor of the first degree, punishable as
63 provided in s. 775.082 or s. 775.083.

64 c. This subparagraph is subject to the Open Government
65 Sunset Review Act in accordance with s. 119.15 and shall stand
66 repealed on October 2, 2021, unless reviewed and saved from
67 repeal through reenactment by the Legislature.

68 Section 2. The Legislature finds that it is a public
69 necessity that any information in a videotaped statement of a

Amendment No.

70 minor who is alleged to be or who is a victim of sexual battery,
71 lewd acts, or other sexual misconduct as proscribed in s.
72 847.003 or s. 847.0137, Florida Statutes, be made confidential
73 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
74 Article I of the State Constitution. The Legislature finds that
75 such information is highly sensitive and shows the minor victim
76 describing in graphic detail sexual acts for which the minor is
77 alleged to be or is a victim. If such information regarding a
78 minor victim of sex crimes was viewed, copied, or publicized, it
79 could result in trauma, sorrow, humiliation, or emotional injury
80 to the minor victim and the victim's family. The Legislature
81 finds that it is important to strengthen the protections
82 afforded minor victims of sex crimes in order to ensure their
83 privacy and to prevent their revictimization. This exemption
84 serves to minimize the trauma to those minor victims because the
85 release of such information would compound the tragedy already
86 visited upon their lives. For these reasons, the Legislature
87 finds that it is a public necessity to make confidential and
88 exempt any information in a videotaped statement of a minor who
89 is alleged to be or who is a victim of sexual battery, lewd
90 acts, or other sexual misconduct as proscribed in s. 847.003 or
91 s. 847.0137, Florida Statutes.

92 Section 3. This act shall take effect on the same date
93 that HB 7055 or similar legislation takes effect, if such
94 legislation is adopted in the same legislative session or an
95 extension thereof and becomes a law.

Amendment No.

96
97
98
99
100
101
102
103
104
105
106
107

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.;
expanding the exemption from public records requirements for any
information in a videotaped statement of a minor who is alleged
to be or who is a victim of sexual battery, lewd acts, or other
sexual misconduct; providing for future review and repeal of the
exemption; providing a statement of public necessity; providing
a contingent effective date.