

CS/HB 7057

2016

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 any information in a
5 videotaped statement of a minor who is alleged to be
6 or who is a victim of sexual battery, lewd acts, or
7 other sexual misconduct; providing for future review
8 and repeal of the exemption; providing a statement of
9 public necessity; providing a contingent 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 (j) 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 (j)1. Any document that reveals the identity, home or
20 employment telephone number, home or employment address, or
21 personal assets of the victim of a crime and identifies that
22 person as the victim of a crime, which document is received by
23 any agency that regularly receives information from or
24 concerning the victims of crime, is exempt from s. 119.07(1) and
25 s. 24(a), Art. I of the State Constitution. Any information not
26 otherwise held confidential or exempt from s. 119.07(1) which

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

40 | 2.a. Any information in a videotaped statement of a minor
41 | who is alleged to be or who is a victim of sexual battery, lewd
42 | acts, or other sexual misconduct proscribed in chapter 800 or in
43 | s. 794.011, s. 847.003, ~~s. 827.071~~, s. 847.012, s. 847.0125, s.
44 | 847.013, s. 847.0133, s. 847.0137, or s. 847.0145, which reveals
45 | that minor's identity, including, but not limited to, the
46 | minor's face; the minor's home, school, church, or employment
47 | telephone number; the minor's home, school, church, or
48 | employment address; the name of the minor's school, church, or
49 | place of employment; or the personal assets of the minor; and
50 | which identifies that minor as the victim of a crime described
51 | in this subparagraph, held by a law enforcement agency, is
52 | confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

53 of the State Constitution. Any governmental agency that is
 54 authorized to have access to such statements by any provision of
 55 law shall be granted such access in the furtherance of the
 56 agency's statutory duties, notwithstanding the provisions of
 57 this section.

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

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

76 Section 2. The Legislature finds that it is a public
 77 necessity that any information in a videotaped statement of a
 78 minor who is alleged to be or who is a victim of sexual battery,

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

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