

HB 7053

2017

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, 2022, 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

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101 | that HB 7049 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.