

By Senator Book

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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

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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

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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, 2023, 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, Florida Statutes, or s. 847.0137, Florida Statutes, be
81 made confidential and exempt from s. 119.07(1), Florida
82 Statutes, and s. 24(a), Article I of the State Constitution. The
83 Legislature finds that such information is highly sensitive and
84 shows the minor victim describing in graphic detail sexual acts
85 for which he or she is alleged to be or is a victim. If such
86 information regarding a minor victim of sex crimes were viewed,
87 copied, or publicized, it could result in trauma, sorrow,

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88 humiliation, or emotional injury to the minor victim and his or
89 her family. The Legislature finds that it is important to
90 strengthen the protections afforded minor victims of sex crimes
91 in order to ensure their privacy and to prevent their
92 revictimization. This exemption serves to minimize the trauma to
93 those minor victims because the release of such information
94 would compound the tragedy already visited upon their lives. For
95 these reasons, the Legislature finds that it is a public
96 necessity to make confidential and exempt any information in a
97 videotaped statement of a minor who is alleged to be or who is a
98 victim of sexual battery, lewd acts, or other sexual misconduct
99 as proscribed by s. 847.003, Florida Statutes, or s. 847.0137,
100 Florida Statutes.

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