

By the Committee on Criminal Justice

591-02257-20

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending ss. 119.071 and 943.0583,
4 F.S.; abrogating the scheduled repeals of provisions
5 relating to specified criminal intelligence
6 information or criminal investigative information;
7 providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (h) of subsection (2) of section
12 119.071, Florida Statutes, is amended to read:

13 119.071 General exemptions from inspection or copying of
14 public records.—

15 (2) AGENCY INVESTIGATIONS.—

16 (h)1. The following criminal intelligence information or
17 criminal investigative information is confidential and exempt
18 from s. 119.07(1) and s. 24(a), Art. I of the State
19 Constitution:

20 a. Any information that reveals the identity of the victim
21 of the crime of child abuse as defined by chapter 827 or that
22 reveals the identity of a person under the age of 18 who is the
23 victim of the crime of human trafficking proscribed in s.
24 787.06(3)(a).

25 b. Any information that may reveal the identity of a person
26 who is a victim of any sexual offense, including a sexual
27 offense proscribed in s. 787.06(3)(b), (d), (f), or (g), chapter
28 794, chapter 796, chapter 800, chapter 827, or chapter 847.

29 c. A photograph, videotape, or image of any part of the

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30 body of the victim of a sexual offense prohibited under s.
31 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796,
32 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless
33 of whether the photograph, videotape, or image identifies the
34 victim.

35 2. Criminal investigative information and criminal
36 intelligence information made confidential and exempt under this
37 paragraph may be disclosed by a law enforcement agency:

38 a. In the furtherance of its official duties and
39 responsibilities.

40 b. For print, publication, or broadcast if the law
41 enforcement agency determines that such release would assist in
42 locating or identifying a person that such agency believes to be
43 missing or endangered. The information provided should be
44 limited to that needed to identify or locate the victim and not
45 include the sexual nature of the offense committed against the
46 person.

47 c. To another governmental agency in the furtherance of its
48 official duties and responsibilities.

49 3. This exemption applies to such confidential and exempt
50 criminal intelligence information or criminal investigative
51 information held by a law enforcement agency before, on, or
52 after the effective date of the exemption.

53 ~~4. This paragraph is subject to the Open Government Sunset~~
54 ~~Review Act in accordance with s. 119.15, and shall stand~~
55 ~~repealed on October 2, 2020, unless reviewed and saved from~~
56 ~~repeal through reenactment by the Legislature.~~

57 Section 2. Subsection (11) of section 943.0583, Florida
58 Statutes, is amended to read:

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943.0583 Human trafficking victim expunction.—

(11) (a) The following criminal intelligence information or criminal investigative information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Any information that reveals the identity of a person who is a victim of human trafficking whose criminal history record has been expunged under this section.

2. Any information that may reveal the identity of a person who is a victim of human trafficking whose criminal history record has been ordered expunged under this section.

(b) Criminal investigative information and criminal intelligence information made confidential and exempt under this subsection may be disclosed by a law enforcement agency:

1. In the furtherance of its official duties and responsibilities.

2. For print, publication, or broadcast if the law enforcement agency determines that such release would assist in locating or identifying a person that the agency believes to be missing or endangered. The information provided should be limited to that needed to identify or locate the victim.

3. To another governmental agency in the furtherance of its official duties and responsibilities.

(c) This exemption applies to such confidential and exempt criminal intelligence information or criminal investigative information held by a law enforcement agency before, on, or after the effective date of the exemption.

~~(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand~~

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88 ~~repealed on October 2, 2020, unless reviewed and saved from~~
89 ~~repeal through reenactment by the Legislature.~~

90 Section 3. This act shall take effect October 1, 2020.