

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 criminal intelligence
 5 information and criminal investigative information to
 6 include information, photographs, videotapes, or
 7 images of victims of s. 847.003 and s. 847.0137;
 8 providing for future review and repeal of the
 9 exemption; providing a statement of public necessity;
 10 reenacting s. 92.56(1)(a), F.S., relating to judicial
 11 proceedings and court records involving sexual
 12 offenders, to incorporate the amendment made to s.
 13 119.071, F.S., in a reference thereto; reenacting s.
 14 119.0714(1)(h), F.S., relating to court files and
 15 records, to incorporate the amendment made to s.
 16 119.071, F.S., in a reference thereto; reenacting s.
 17 794.024(1), F.S., relating to the unlawful disclosure
 18 of identifying information, to incorporate the
 19 amendment made to s. 119.071, F.S., in a reference
 20 thereto; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraphs (h) and (j) of subsection (2) of
 25 section 119.071, Florida Statutes, are amended to read:
 26 119.071 General exemptions from inspection or copying of

27 public records.—

28 (2) AGENCY INVESTIGATIONS.—

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

33 a. Any information, including the photograph, name,
 34 address, or other fact, which reveals the identity of the victim
 35 of the crime of child abuse as defined by chapter 827.

36 b. Any information which may reveal the identity of a
 37 person who is a victim of any sexual offense, including a sexual
 38 offense proscribed in chapter 794, chapter 796, chapter 800,
 39 ~~chapter 827,~~ or chapter 847.

40 c. A photograph, videotape, or image of any part of the
 41 body of the victim of a sexual offense prohibited under chapter
 42 794, chapter 796, chapter 800, s. 810.145, ~~chapter 827,~~ or
 43 chapter 847, regardless of whether the photograph, videotape, or
 44 image identifies the victim.

45 2. Criminal investigative information and criminal
 46 intelligence information made confidential and exempt under this
 47 paragraph may be disclosed by a law enforcement agency:

48 a. In the furtherance of its official duties and
 49 responsibilities.

50 b. For print, publication, or broadcast if the law
 51 enforcement agency determines that such release would assist in
 52 locating or identifying a person that such agency believes to be

53 | missing or endangered. The information provided should be
 54 | limited to that needed to identify or locate the victim and not
 55 | include the sexual nature of the offense committed against the
 56 | person.

57 | c. To another governmental agency in the furtherance of
 58 | its official duties and responsibilities.

59 | 3. This exemption applies to such confidential and exempt
 60 | criminal intelligence information or criminal investigative
 61 | information held by a law enforcement agency before, on, or
 62 | after the effective date of the exemption.

63 | 4. This paragraph is subject to the Open Government Sunset
 64 | Review Act in accordance with s. 119.15, and shall stand
 65 | repealed on October 2, 2020 ~~2016~~, unless reviewed and saved from
 66 | repeal through reenactment by the Legislature.

67 | (j)1. Any document that reveals the identity, home or
 68 | employment telephone number, home or employment address, or
 69 | personal assets of the victim of a crime and identifies that
 70 | person as the victim of a crime, which document is received by
 71 | any agency that regularly receives information from or
 72 | concerning the victims of crime, is exempt from s. 119.07(1) and
 73 | s. 24(a), Art. I of the State Constitution. Any information not
 74 | otherwise held confidential or exempt from s. 119.07(1) which
 75 | reveals the home or employment telephone number, home or
 76 | employment address, or personal assets of a person who has been
 77 | the victim of sexual battery, aggravated child abuse, aggravated
 78 | stalking, harassment, aggravated battery, or domestic violence

79 | is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 80 | Constitution, upon written request by the victim, which must
 81 | include official verification that an applicable crime has
 82 | occurred. Such information shall cease to be exempt 5 years
 83 | after the receipt of the written request. Any state or federal
 84 | agency that is authorized to have access to such documents by
 85 | any provision of law shall be granted such access in the
 86 | furtherance of such agency's statutory duties, notwithstanding
 87 | this section.

88 | 2.a. Any information in a videotaped statement of a minor
 89 | who is alleged to be or who is a victim of sexual battery, lewd
 90 | acts, or other sexual misconduct proscribed in chapter 800 or in
 91 | s. 794.011, ~~s. 827.071~~, s. 847.003, s. 847.012, s. 847.0125, s.
 92 | 847.013, s. 847.0133, s. 847.0137, or s. 847.0145, which reveals
 93 | that minor's identity, including, but not limited to, the
 94 | minor's face; the minor's home, school, church, or employment
 95 | telephone number; the minor's home, school, church, or
 96 | employment address; the name of the minor's school, church, or
 97 | place of employment; or the personal assets of the minor; and
 98 | which identifies that minor as the victim of a crime described
 99 | in this subparagraph, held by a law enforcement agency, is
 100 | confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 101 | of the State Constitution. Any governmental agency that is
 102 | authorized to have access to such statements by any provision of
 103 | law shall be granted such access in the furtherance of the
 104 | agency's statutory duties, notwithstanding the provisions of

105 | this section.

106 | b. A public employee or officer who has access to a
 107 | videotaped statement of a minor who is alleged to be or who is a
 108 | victim of sexual battery, lewd acts, or other sexual misconduct
 109 | proscribed in chapter 800 or in s. 794.011, ~~s. 827.071~~, s.
 110 | 847.003, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, s.
 111 | 847.0137, or s. 847.0145 may not willfully and knowingly
 112 | disclose videotaped information that reveals the minor's
 113 | identity to a person who is not assisting in the investigation
 114 | or prosecution of the alleged offense or to any person other
 115 | than the defendant, the defendant's attorney, or a person
 116 | specified in an order entered by the court having jurisdiction
 117 | of the alleged offense. A person who violates this provision
 118 | commits a misdemeanor of the first degree, punishable as
 119 | provided in s. 775.082 or s. 775.083.

120 | c. This subparagraph is subject to the Open Government
 121 | Sunset Review Act in accordance with s. 119.15, and shall stand
 122 | repealed on October 2, 2020, unless reviewed and saved from
 123 | repeal through reenactment by the Legislature.

124 | Section 2. The Legislature finds that it is a public
 125 | necessity that criminal intelligence information or criminal
 126 | investigative information which may reveal the identity of a
 127 | person who is a victim of s. 847.003 or s. 847.0137; which is a
 128 | photograph, videotape, or image of any part of the body of the
 129 | victim of s. 847.003 or s. 847.0137; or which is information in
 130 | a videotaped statement of a minor who is alleged to be or who is

131 a victim of a s. 847.003, or s. 847.0137, be made confidential
 132 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 133 Article I of the State Constitution. The Legislature finds that
 134 such information, photographs, videotapes, or images often
 135 depict the victim in graphic fashion, frequently nude. Such
 136 highly sensitive photographs, videotapes, or images of a victim
 137 of these sexual offenses, if viewed, copied, or publicized,
 138 could result in trauma, sorrow, humiliation, or emotional injury
 139 to the victim and the victim's family.

140 Section 3. For the purpose of incorporating the amendment
 141 made by this act to section 119.071, Florida Statutes, in a
 142 reference thereto, paragraph (a) of subsection (1) of section
 143 92.56, Florida Statutes, is reenacted to read:

144 92.56 Judicial proceedings and court records involving
 145 sexual offenses and human trafficking.—

146 (1)(a) The confidential and exempt status of criminal
 147 intelligence information or criminal investigative information
 148 made confidential and exempt pursuant to s. 119.071(2)(h) must
 149 be maintained in court records pursuant to s. 119.0714(1)(h) and
 150 in court proceedings, including testimony from witnesses.

151 Section 4. For the purpose of incorporating the amendment
 152 made by this act to section 119.071, Florida Statutes, in a
 153 reference thereto, paragraph (h) of subsection (1) of section
 154 119.0714, Florida Statutes, is reenacted to read:

155 119.0714 Court files; court records; official records.—

156 (1) COURT FILES.—Nothing in this chapter shall be

157 construed to exempt from s. 119.07(1) a public record that was
 158 made a part of a court file and that is not specifically closed
 159 by order of court, except:

160 (h) Criminal intelligence information or criminal
 161 investigative information that is confidential and exempt as
 162 provided in s. 119.071(2)(h).

163 Section 5. For the purpose of incorporating the amendment
 164 made by this act to section 119.071, Florida Statutes, in a
 165 reference thereto, Subsection (1) of section 794.024, Florida
 166 Statutes, is reenacted to read:

167 794.024 Unlawful to disclose identifying information.—

168 (1) A public employee or officer who has access to the
 169 photograph, name, or address of a person who is alleged to be
 170 the victim of an offense described in this chapter, chapter 800,
 171 s. 827.03, s. 827.04, or s. 827.071 may not willfully and
 172 knowingly disclose it to a person who is not assisting in the
 173 investigation or prosecution of the alleged offense or to any
 174 person other than the defendant, the defendant's attorney, a
 175 person specified in an order entered by the court having
 176 jurisdiction of the alleged offense, or organizations authorized
 177 to receive such information made exempt by s. 119.071(2)(h), or
 178 to a rape crisis center or sexual assault counselor, as defined
 179 in s. 90.5035(1)(b), who will be offering services to the
 180 victim.

181 Section 6. This act shall take effect on the same date
 182 that PCB CRJS 15-02 or similar legislation relating to child

PCB CRJS 15-03

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183 | pornography takes effect, if such legislation is adopted in the
184 | same legislative session or an extension thereof and becomes a
185 | law.