

CHAPTER 98-9

Senate Bill No. 348

An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct regarding such offenses; authorizing access by certain governmental agencies; providing for future review and repeal; prohibiting a public employee or officer from disclosing videotaped information; providing a penalty; providing a finding of public necessity; providing an effective date.

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

Section 1. Paragraph (s) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(s)1. Any document ~~that~~ ~~which~~ reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from the provisions of subsection (1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency ~~that~~ ~~which~~ is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section.

2. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, is

confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003.

3. A public employee or officer who has access to the videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, may not willfully and knowingly disclose videotaped information that reveals that minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense.

4. A person who violates subparagraph 3. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. The Legislature finds that there is a public necessity to protect minors who are victims of sexual crimes from having exposed to the public videotaped statements that contain the minor's statements regarding sexual abuse or misconduct perpetrated against them. This protection is necessary to enable the state to prosecute effectively and efficiently persons who commit such crimes and at the same time to minimize the trauma to the minor victims and the inhibitions that will result if the minors, or their guardians, are fearful that such videotapes can be released for public consumption during or after any court proceedings. If such videotapes were subject to release, the state's ability to prosecute sexual crimes and abuse involving minor victims would be significantly impaired. The identity of minors who are victims of sexual abuse or sexual crimes is information of a sensitive personal nature. The release of such information by the release of videotaped statements given by these minors would compound the tragedy already visited upon their lives and would be defamatory to or cause unwarranted damage to the good name or reputations of the minors. Accordingly, such information requires the protection of this exemption.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval April 11, 1998.

Filed in Office Secretary of State April 10, 1998.