

## House Bill No. 453

An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for criminal intelligence information or criminal investigative information which is a photograph, videotape, or image of any part of the body of a victim of a sexual offense; providing for retroactive effect of the exemption; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

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

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

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

(3)

(f)1. Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in chapter 794; the identity of the victim of a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age, as defined in chapter 800; or the identity of the victim of the crime of child abuse as defined by chapter 827 and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records and court proceedings, which may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chapter 794, chapter 800, or chapter 827, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

2. In addition to subparagraph 1., any criminal intelligence information or criminal investigative information which is a photograph, videotape, or image of any part of the body of the victim of a sexual offense prohibited under chapter 794, chapter 800, or chapter 827, regardless of whether the photograph, videotape, or image identifies the victim, is confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This exemption applies to photographs, videotapes, or images held as criminal intelligence information or criminal investigative information before, on, or after the effective date of the exemption.

Section 2. Subparagraph 2. of paragraph (f) of subsection (3) of section 119.07, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that criminal intelligence information or criminal investigative information which is a photograph, videotape, or image of any part of the body of a victim of a sexual offense prohibited under chapter 794, chapter 800, or chapter 827, Florida Statutes, be made confidential and exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. The Legislature finds that such photographs, videotapes, or images often depict the victim in a graphic and disturbing fashion, frequently nude, bruised, or bloodied. Such highly sensitive photographs, videotapes, or images of a victim of a sexual offense, if viewed, copied, or publicized, could result in trauma, sorrow, humiliation, or emotional injury to the victim and the victim's family. The Legislature further finds that the exemption provided in this act should be given retroactive application because it is remedial in nature.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2003.

Filed in Office Secretary of State June 17, 2003.