

By the Committee on Criminal Justice; and Senator Braynon

591-02196-13

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1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.071, F.S.; creating an exemption from public  
4           records requirements for certain criminal intelligence  
5           information and criminal investigative information  
6           that might reveal the identity of a person who is a  
7           victim of human trafficking or a photograph,  
8           videotape, or image of any part of the body of the  
9           victim of human trafficking; amending s. 794.024,  
10          F.S.; prohibiting a public employee or officer who has  
11          access to identifying information of a person who is  
12          alleged to be the victim of human trafficking from  
13          willfully and knowingly disclosing the information to  
14          a person who is not assisting in the investigation or  
15          prosecution of the alleged offense; reenacting s.  
16          92.56(1) (a), F.S., relating to judicial proceedings  
17          and court records involving sexual offenses, to  
18          incorporate the amendment made to s. 119.071, F.S., in  
19          a reference thereto; providing for review and repeal;  
20          providing a statement of public necessity; providing  
21          an effective date.

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

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25           Section 1. Paragraph (h) of subsection (2) of section  
26   119.071, Florida Statutes, is amended to read:

27           119.071 General exemptions from inspection or copying of  
28   public records.—

29           (2) AGENCY INVESTIGATIONS.—

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

34 a. Any information, including the photograph, name,  
35 address, or other fact, which reveals the identity of the victim  
36 of the crime of child abuse as defined by chapter 827 or the  
37 victim of a violation of s. 787.06(3)(a), if the victim was  
38 under 18 years of age.

39 b. Any information that ~~which~~ may reveal the identity of a  
40 person who is a victim of any sexual offense, including a sexual  
41 offense proscribed in s. 787.06(3)(d), (f), (g), or (h), chapter  
42 794, chapter 796, chapter 800, chapter 827, or chapter 847.

43 c. A photograph, videotape, or image of any part of the  
44 body of the victim of a violation of s. 787.06(3)(a), if the  
45 victim was under 18 years of age, or the victim of a sexual  
46 offense prohibited under s. 787.06(3)(d), (f), (g), or (h),  
47 chapter 794, chapter 796, chapter 800, s. 810.145, chapter 827,  
48 or chapter 847, regardless of whether the photograph, videotape,  
49 or image identifies the victim.

50 2. Criminal investigative information and criminal  
51 intelligence information made confidential and exempt under this  
52 paragraph may be disclosed by a law enforcement agency:

53 a. In the furtherance of its official duties and  
54 responsibilities.

55 b. For print, publication, or broadcast if the law  
56 enforcement agency determines that such release would assist in  
57 locating or identifying a person that such agency believes to be  
58 missing or endangered. The information provided should be

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59 limited to that needed to identify or locate the victim and not  
60 include the sexual nature of the offense committed against the  
61 person.

62 c. To another governmental agency in the furtherance of its  
63 official duties and responsibilities.

64 3. This exemption applies to such confidential and exempt  
65 criminal intelligence information or criminal investigative  
66 information held by a law enforcement agency before, on, or  
67 after the effective date of the exemption.

68 4. This paragraph is subject to the Open Government Sunset  
69 Review Act in accordance with s. 119.15, and shall stand  
70 repealed on October 2, 2018 ~~2016~~, unless reviewed and saved from  
71 repeal through reenactment by the Legislature.

72 Section 2. Section 794.024, Florida Statutes, is amended to  
73 read:

74 794.024 Unlawful to disclose identifying information.—

75 (1) (a) A public employee or officer who has access to the  
76 photograph, name, or address of a person who is alleged to be  
77 the victim of an offense described in this chapter, s.  
78 787.06(3)(a), if the victim was under 18 years of age, s.  
79 787.06(3)(d), (f), (g), or (h), chapter 800, s. 827.03, s.  
80 827.04, or s. 827.071 may not willfully and knowingly disclose  
81 it to a person who is not assisting in the investigation or  
82 prosecution of the alleged offense or to any person other than  
83 the defendant, the defendant's attorney, a person specified in  
84 an order entered by the court having jurisdiction of the alleged  
85 offense, or organizations authorized to receive such information  
86 made exempt by s. 119.071(2)(h), or to a rape crisis center or  
87 sexual assault counselor, as defined in s. 90.5035(1)(b), who

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88 will be offering services to the victim.

89 (b) Paragraph (a) is subject to the Open Government Sunset  
90 Review Act in accordance with s. 119.15 and shall stand repealed  
91 on October 2, 2018, unless reviewed and saved from repeal  
92 through reenactment by the Legislature.

93 (2) A violation of subsection (1) constitutes a misdemeanor  
94 of the second degree, punishable as provided in s. 775.082 or s.  
95 775.083.

96 Section 3. For the purpose of incorporating the amendment  
97 made by this act to section 119.071, Florida Statutes, in a  
98 reference thereto, paragraph (a) of subsection (1) of section  
99 92.56, Florida Statutes, is reenacted to read:

100 92.56 Judicial proceedings and court records involving  
101 sexual offenses.—

102 (1) (a) The confidential and exempt status of criminal  
103 intelligence information or criminal investigative information  
104 made confidential and exempt pursuant to s. 119.071(2) (h) must  
105 be maintained in court records pursuant to s. 119.0714(1) (h) and  
106 in court proceedings, including testimony from witnesses.

107 Section 4. The Legislature finds that it is a public  
108 necessity that personal identifying information relating to an  
109 individual who is an alleged victim of human trafficking be made  
110 confidential and exempt from public records requirements.  
111 Present Florida law provides that the identities and any  
112 photographs of victims of sexual offenses are confidential.  
113 However, victims of human trafficking are not included in this  
114 protection. The Legislature finds that instituting  
115 confidentiality protections sought here for victims of human  
116 trafficking would be identical to those confidentiality

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117 provisions presently in law protecting the identity of victims  
118 of other sexual offenses. These amendments recognize that  
119 victims of human trafficking deserve the same protection as  
120 victims of sexual abuse.

121 Section 5. This act shall take effect July 1, 2013.