

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing definitions; expanding a
4 public record exemption for crime victims to include
5 the name and personal identification number of the
6 victim and any other information or records that could
7 be used to locate, intimidate, harass, or abuse a
8 victim or the victim's family; including in such
9 exemption records generated by any agency that
10 regularly generates information from or concerning the
11 victims of crime; providing an exception to the public
12 record exemption; providing that certain records
13 identifying law enforcement officers who are involved
14 in a use of force incident are confidential and exempt
15 for a specified period of time; providing requirements
16 for an extension of time of such period; authorizing
17 waivers of the exemptions; providing for future
18 legislative review and repeal of the exemptions;
19 providing a statement of public necessity; providing
20 an effective date.

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

23
24 **Section 1. Paragraph (j) of subsection (2) of section**
25 **119.071, Florida Statutes, is amended to read:**

26 | 119.071 General exemptions from inspection or copying of
 27 | public records.—

28 | (2) AGENCY INVESTIGATIONS.—

29 | (j)1.a. For purposes of this subparagraph, the term:

30 | (I) "Employing agency head" means an elected or appointed
 31 | head official of an employing agency as defined in s. 943.10(4)
 32 | who is certified under s. 943.13.

33 | (II) "Officer" means any full-time, part-time, or
 34 | auxiliary law enforcement officer, correctional officer, or
 35 | correctional probation officer certified under s. 943.13.

36 | (III) "Use of force incident" means any incident that
 37 | occurs within the scope of an officer's employment or official
 38 | duties and involves the officer's use of deadly force as defined
 39 | in s. 776.06, or any other use of force that results in great
 40 | bodily harm.

41 | (IV) "Victim" means a person who suffers direct or
 42 | threatened physical, psychological, or financial harm as a
 43 | result of the commission or attempted commission of a crime or
 44 | delinquent act or against whom the crime or delinquent act is
 45 | committed. The term includes the victim's lawful representative,
 46 | the parent or guardian of a minor, or the next of kin of a
 47 | homicide victim, except upon a showing that the interest of such
 48 | person would be in actual or potential conflict with the
 49 | interests of the victim. The term does not include the accused.

50 | b. Any public record ~~document~~ that reveals the identity,

51 including the name or personal identification number, home or
52 employment telephone number, home or employment address, or
53 personal assets of the victim, or any other information or
54 records that could be used to locate, intimidate, harass, or
55 abuse the victim or the victim's family, ~~of a crime and~~
56 ~~identifies that person as the victim of a crime,~~ which public
57 record is generated or ~~document is~~ received by any agency that
58 regularly generates or receives information from or concerning
59 the victims of crime, is confidential and exempt from s.
60 119.07(1) and s. 24(a), Art. I of the State Constitution.

61 (I) A victim may waive the exemption or confidentiality of
62 this subparagraph at any time in writing.

63 (II) The confidential information shall be released as
64 needed in furtherance of any judicial proceeding at a court's
65 discretion. The court may not deny a criminal defendant access
66 to the information if the denial would interfere with the
67 defendant's constitutional rights. Those who are entitled to
68 access confidential information as part of any judicial
69 proceeding may not reveal to any outside party any confidential
70 information obtained under this subparagraph except as is
71 reasonably necessary to prepare a defense and pursue legal
72 remedies.

73 (III) This subparagraph does not restrict the contempt
74 powers of any court or a court's inherent authority to regulate
75 the conduct of the parties in any judicial proceeding.

76 (IV) This sub-subparagraph is subject to the Open
77 Government Sunset Review Act in accordance with s. 119.15 and
78 shall stand repealed on October 2, 2030, unless reviewed and
79 saved from repeal through reenactment by the Legislature. If
80 after review this sub-subparagraph is not reenacted, the text of
81 this sub-subparagraph shall revert to that in existence on June
82 30, 2025, except that any amendments to this sub-subparagraph
83 enacted other than by this act shall be preserved and continue
84 to operate to the extent that such amendments are not dependent
85 upon the amendments to the sub-subparagraph made by this act.

86 c. Any information not otherwise held confidential or
87 exempt from s. 119.07(1) which reveals the home or employment
88 telephone number, home or employment address, or personal assets
89 of a person who has been the victim of sexual battery,
90 aggravated child abuse, aggravated stalking, harassment,
91 aggravated battery, or domestic violence is exempt from s.
92 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
93 written request by the victim, which must include official
94 verification that an applicable crime has occurred. Such
95 information shall cease to be exempt 5 years after the receipt
96 of the written request.

97 d. Any state or federal agency that is authorized to have
98 access to such documents by any provision of law shall be
99 granted such access in the furtherance of such agency's
100 statutory duties, notwithstanding this section.

101 e.(I) Any public record that reveals the identity,
102 including the name or personal identification number, home or
103 cellular telephone number, home address, personal assets, or any
104 other information that could be used to locate, intimidate,
105 harass, or abuse any officer who is involved in a use of force
106 incident is confidential and exempt from s. 119.07(1) and s.
107 24(a), Art. I of the State Constitution for a period of 72 hours
108 immediately following the use of force incident. Upon the
109 expiration of the 72-hour period, the officer's identity shall
110 be subject to s. 119.07(1) unless the employing agency head
111 determines it is necessary to extend the confidentiality of any
112 public record that reveals the officer's identity and
113 identifying information.

114 (II) The employing agency head may extend the
115 confidentiality of any public record that reveals the officer's
116 identity beyond the 72-hour period if he or she determines it is
117 necessary. An employing agency head may make written findings to
118 disseminate to the public explaining the necessity of the
119 extension.

120 (III) The exemption or confidentiality may be extended
121 until the employing agency head determines that there is no
122 further necessity for the confidentiality of any public record
123 that reveals the officer's identity to remain. The employing
124 agency head must consider the applicable officer's circumstances
125 and, upon the officer's request, consult with the officer, to

126 determine if an extension is necessary. If an extension was
127 granted after the original 72-hour period, and the employing
128 agency head subsequently determines that the officer is no
129 longer entitled to the protection of his or her identity, the
130 employing agency head must give notice to the officer 5 days
131 before the release of any public record that reveals the
132 officer's identity.

133 (IV) An officer may waive the exemption or confidentiality
134 of this sub-subparagraph at any time in writing.

135 (V) This sub-subparagraph is subject to the Open
136 Government Sunset Review Act in accordance with s. 119.15 and
137 shall stand repealed on October 2, 2030, unless reviewed and
138 saved from repeal through reenactment by the Legislature. If
139 after review this sub-subparagraph is not reenacted, the text of
140 this sub-subparagraph shall revert to that in existence on June
141 30, 2025, except that any amendments to this sub-subparagraph
142 enacted other than by this act shall be preserved and continue
143 to operate to the extent that such amendments are not dependent
144 upon the amendments to the sub-subparagraph made by this act.

145 2.a. Any information in a videotaped statement of a minor
146 who is alleged to be or who is a victim of sexual battery, lewd
147 acts, or other sexual misconduct proscribed in chapter 800 or in
148 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
149 847.0133, or s. 847.0145, which reveals that minor's identity,
150 including, but not limited to, the minor's face; the minor's

151 home, school, church, or employment telephone number; the
152 minor's home, school, church, or employment address; the name of
153 the minor's school, church, or place of employment; or the
154 personal assets of the minor; and which identifies that minor as
155 the victim of a crime described in this subparagraph, held by a
156 law enforcement agency, is confidential and exempt from s.
157 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
158 governmental agency that is authorized to have access to such
159 statements by any provision of law shall be granted such access
160 in the furtherance of the agency's statutory duties,
161 notwithstanding the provisions of this section.

162 b. A public employee or officer who has access to a
163 videotaped statement of a minor who is alleged to be or who is a
164 victim of sexual battery, lewd acts, or other sexual misconduct
165 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
166 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
167 may not willfully and knowingly disclose videotaped information
168 that reveals the minor's identity to a person who is not
169 assisting in the investigation or prosecution of the alleged
170 offense or to any person other than the defendant, the
171 defendant's attorney, or a person specified in an order entered
172 by the court having jurisdiction of the alleged offense. A
173 person who violates this provision commits a misdemeanor of the
174 first degree, punishable as provided in s. 775.082 or s.
175 775.083.

176 **Section 2.** The Legislature finds that s. 16(b), Article I
177 of the State Constitution mandates that crime victims have a
178 right to be free from intimidation, harassment, and abuse and
179 that it is a public necessity that information or records that
180 may be used to locate, intimidate, harass, or abuse crime
181 victims be made confidential and exempt under s. 119.071,
182 Florida Statutes, and s. 24(a), Article I of the State
183 Constitution. The Legislature also finds that the release of
184 such records or documents may deter crime victims or the
185 families of crime victims from cooperating with law enforcement
186 and reporting criminal acts. The Legislature further finds that
187 the harm that may result from the release of such personal
188 identifying and location information outweighs any public
189 benefit that may be derived from the disclosure of the
190 information.

191 **Section 3.** This act shall take effect July 1, 2025.