

By Senator Gruters

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; revising a public records exemption for
4 documents that reveal certain information about the
5 victim of a crime to include only public records that
6 reveal such information; providing an exemption from
7 public records requirements for any other personal
8 identifying or location information that could be used
9 to locate or harass a victim or the victim's family;
10 deleting an exemption for information that reveals
11 certain information about a victim of sexual battery,
12 aggravated child abuse, aggravated stalking,
13 harassment, aggravated battery, or domestic violence
14 upon written request of the victim; requiring that
15 confidential information be released as needed in
16 furtherance of any judicial proceeding; prohibiting
17 such access from being denied to criminal defendants;
18 prohibiting certain persons from revealing such
19 confidential information to any outside party except
20 under certain circumstances; providing criminal
21 penalties; providing construction; providing for
22 future legislative review and repeal of the exemption;
23 providing a statement of public necessity; providing
24 an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Paragraph (j) of subsection (2) of section
29 119.071, Florida Statutes, is amended to read:

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30 119.071 General exemptions from inspection or copying of
31 public records.—

32 (2) AGENCY INVESTIGATIONS.—

33 (j)1. Any public record document that reveals the identity,
34 name, personal identification number, home or employment
35 telephone number, home or employment address, or personal assets
36 of the victim, or any other personal identifying or location
37 information that could be used to locate or harass the victim or
38 the victim's family, of a crime and identifies that person as
39 the victim of a crime, which public record is generated or
40 document is received by any agency that regularly generates or
41 receives information from or concerning the victims of crime, is
42 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
43 of the State Constitution. The confidential and exempt
44 information must be released as needed in furtherance of any
45 judicial proceeding, access may not be denied to a criminal
46 defendant, and the protections provided in this subparagraph may
47 not interfere with the constitutional rights of any defendant.
48 Those entitled to access the confidential and exempt information
49 as part of any judicial proceeding may not reveal to any outside
50 party any confidential and exempt information obtained under
51 this paragraph except as reasonably necessary to prepare a
52 defense and to pursue legal remedies. A person who violates this
53 subparagraph commits a misdemeanor of the first degree,
54 punishable as provided in s. 775.082 or s. 775.083. This
55 subparagraph does not restrict the contempt powers of any court
56 or the court's inherent authority to regulate the conduct of the
57 parties in any judicial proceeding ~~Any information not otherwise~~
58 ~~held confidential or exempt from s. 119.07(1) which reveals the~~

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59 ~~home or employment telephone number, home or employment address,~~
60 ~~or personal assets of a person who has been the victim of sexual~~
61 ~~battery, aggravated child abuse, aggravated stalking,~~
62 ~~harassment, aggravated battery, or domestic violence is exempt~~
63 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
64 ~~Constitution, upon written request by the victim, which must~~
65 ~~include official verification that an applicable crime has~~
66 ~~occurred. Such information shall cease to be exempt 5 years~~
67 ~~after the receipt of the written request. Any state or federal~~
68 ~~agency that is authorized to have access to such documents by~~
69 ~~any provision of law shall be granted such access in the~~
70 ~~furtherance of such agency's statutory duties, notwithstanding~~
71 ~~this section. This subparagraph is subject to the Open~~
72 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
73 ~~shall stand repealed on October 2, 2030, unless reviewed and~~
74 ~~saved from repeal through reenactment by the Legislature.~~

75 2.a. Any information in a videotaped statement of a minor
76 who is alleged to be or who is a victim of sexual battery, lewd
77 acts, or other sexual misconduct proscribed in chapter 800 or in
78 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
79 847.0133, or s. 847.0145, which reveals that minor's identity,
80 including, but not limited to, the minor's face; the minor's
81 home, school, church, or employment telephone number; the
82 minor's home, school, church, or employment address; the name of
83 the minor's school, church, or place of employment; or the
84 personal assets of the minor; and which identifies that minor as
85 the victim of a crime described in this subparagraph, held by a
86 law enforcement agency, is confidential and exempt from s.
87 119.07(1) and s. 24(a), Art. I of the State Constitution. Any

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88 governmental agency that is authorized to have access to such
89 statements by any provision of law shall be granted such access
90 in the furtherance of the agency's statutory duties,
91 notwithstanding the provisions of this section.

92 b. A public employee or officer who has access to a
93 videotaped statement of a minor who is alleged to be or who is a
94 victim of sexual battery, lewd acts, or other sexual misconduct
95 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
96 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
97 may not willfully and knowingly disclose videotaped information
98 that reveals the minor's identity to a person who is not
99 assisting in the investigation or prosecution of the alleged
100 offense or to any person other than the defendant, the
101 defendant's attorney, or a person specified in an order entered
102 by the court having jurisdiction of the alleged offense. A
103 person who violates this provision commits a misdemeanor of the
104 first degree, punishable as provided in s. 775.082 or s.
105 775.083.

106 Section 2. The Legislature finds that it is a public
107 necessity that certain information that could be used to locate
108 or harass a victim of a crime or the victim's family and certain
109 public records generated by any agency that regularly generates
110 information from or concerning the victims of crime be made
111 confidential and exempt from s. 119.07(1), Florida Statutes, and
112 s. 24(a), Article I of the State Constitution. The Legislature
113 finds that the disclosure of such personal identifying and
114 location information would constitute an unwarranted risk to,
115 and jeopardize the safety of, victims and their family members.
116 The Legislature further finds that it is important to strengthen

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117 the protections afforded victims in order to ensure their
118 privacy, protect them from further harassment, and prevent their
119 revictimization by making such information confidential and
120 exempt.

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