

By the Committee on Criminal Justice; and Senator Gruters

591-03132-25

20251266c1

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 records 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; providing that such
9 exemption includes records generated by any agency
10 that regularly generates information from or
11 concerning the victims of crime; providing an
12 exception to the public records exemption; providing
13 that certain records identifying law enforcement
14 officers who are involved in a use of force incident
15 are confidential and exempt for a specified timeframe;
16 providing requirements for extending such timeframe;
17 authorizing waivers of the exemptions; providing for
18 future legislative review and repeal of the
19 exemptions; providing a statement of public necessity;
20 providing 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:

591-03132-25

20251266c1

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 auxiliary
34 law enforcement officer, correctional officer, or correctional
35 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

591-03132-25

20251266c1

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
81 of this sub-subparagraph shall revert to that in existence on
82 June 30, 2025, except that any amendments to this sub-
83 subparagraph enacted other than by this act shall be preserved
84 and continue to operate to the extent that such amendments are
85 not dependent upon the amendments to the sub-subparagraph made
86 by this act.

87 c. Any information not otherwise held confidential or

591-03132-25

20251266c1

88 exempt from s. 119.07(1) which reveals the home or employment
89 telephone number, home or employment address, or personal assets
90 of a person who has been the victim of sexual battery,
91 aggravated child abuse, aggravated stalking, harassment,
92 aggravated battery, or domestic violence is exempt from s.
93 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
94 written request by the victim, which must include official
95 verification that an applicable crime has occurred. Such
96 information shall cease to be exempt 5 years after the receipt
97 of the written request.

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

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

115 (II) The employing agency head may extend the
116 confidentiality of any public record that reveals the officer's

591-03132-25

20251266c1

117 identity beyond the 72-hour period if he or she determines it is
118 necessary. An employing agency head may make written findings to
119 disseminate to the public explaining the necessity of the
120 extension.

121 (III) The exemption or confidentiality may be extended
122 until the employing agency head determines that there is no
123 further necessity for the confidentiality of any public record
124 that reveals the officer's identity to remain. The employing
125 agency head must consider the applicable officer's circumstances
126 and, upon the officer's request, consult with the officer, to
127 determine if an extension is necessary. If an extension was
128 granted after the original 72-hour period, and the employing
129 agency head subsequently determines that the officer is no
130 longer entitled to the protection of his or her identity, the
131 employing agency head must give notice to the officer 5 days
132 before the release of any public record that reveals the
133 officer's identity.

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

136 (V) This sub-subparagraph is subject to the Open Government
137 Sunset Review Act in accordance with s. 119.15 and shall stand
138 repealed on October 2, 2030, unless reviewed and saved from
139 repeal through reenactment by the Legislature.

140 2.a. Any information in a videotaped statement of a minor
141 who is alleged to be or who is a victim of sexual battery, lewd
142 acts, or other sexual misconduct proscribed in chapter 800 or in
143 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
144 847.0133, or s. 847.0145, which reveals that minor's identity,
145 including, but not limited to, the minor's face; the minor's

591-03132-25

20251266c1

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

157 b. A public employee or officer who has access to a
158 videotaped statement of a minor who is alleged to be or who is a
159 victim of sexual battery, lewd acts, or other sexual misconduct
160 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
161 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
162 may not willfully and knowingly disclose videotaped information
163 that reveals the minor's identity to a person who is not
164 assisting in the investigation or prosecution of the alleged
165 offense or to any person other than the defendant, the
166 defendant's attorney, or a person specified in an order entered
167 by the court having jurisdiction of the alleged offense. A
168 person who violates this provision commits a misdemeanor of the
169 first degree, punishable as provided in s. 775.082 or s.
170 775.083.

171 Section 2. The Legislature finds that s. 16(b), Article I
172 of the State Constitution mandates that crime victims have a
173 right to be free from intimidation, harassment, and abuse and
174 that it is a public necessity that information or records that

591-03132-25

20251266c1

175 may be used to locate, intimidate, harass, or abuse crime
176 victims be made confidential and exempt under s. 119.07(1),
177 Florida Statutes, and s. 24(a), Article I of the State
178 Constitution. The Legislature finds that the release of such
179 information or records may deter crime victims or the families
180 of crime victims from cooperating with law enforcement and
181 reporting criminal acts. Additionally, the Legislature finds it
182 is a public necessity that information or records that may be
183 used to locate, intimidate, harass, or abuse officers involved
184 in use of force incidents be made confidential and exempt for up
185 to 72 hours, unless an extension is found necessary, under s.
186 119.07(1), Florida Statutes, and s. 24(a), Article I of the
187 State Constitution. The Legislature finds that officers involved
188 in use of force incidents may be victimized as a result of such
189 incident, and that the immediate release of such information or
190 records may place such officers at risk. The Legislature further
191 finds that the harm that may result from the release of such
192 information or records outweighs any public benefit that may be
193 derived from the disclosure of the information.

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