

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; expanding a public records exemption
 4 for the names of crime victims and specified documents
 5 or records that could be used to locate or harass the
 6 victim or the victim's family; providing that certain
 7 records identifying law enforcement officers who
 8 become crime victims are confidential for a specified
 9 period of time; providing an extension of time if
 10 certain procedures are followed; providing for future
 11 legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing
 13 an effective date.

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

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 17 **Section 1. Paragraph (j) of subsection (2) of section**
 18 **119.071, Florida Statutes, is amended to read:**

19 119.071 General exemptions from inspection or copying of
 20 public records.—

21 (2) AGENCY INVESTIGATIONS.—

22 (j)1.a. Any document that reveals the identity, including
 23 the name, home or employment telephone number, home or
 24 employment address, or personal assets of any individual, ~~the~~
 25 ~~victim of a crime~~ and identifies that person as the victim of a

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26 | crime, as defined in s. 16(e), Art. I of the State Constitution,
27 | or any document or record that could be used to locate or harass
28 | the victim or the victim's family, which document is received by
29 | any agency that regularly receives information from or
30 | concerning the victim of a ~~victims~~ of crime, under s. 16(b)(5),
31 | Art. I of the State Constitution is exempt from s. 119.07(1) and
32 | s. 24(a), Art. I of the State Constitution. Any information not
33 | otherwise held confidential or exempt from s. 119.07(1) which
34 | reveals the home or employment telephone number, home or
35 | employment address, or personal assets of a person who has been
36 | the victim of sexual battery, aggravated child abuse, aggravated
37 | stalking, harassment, aggravated battery, or domestic violence
38 | is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
39 | Constitution, upon written request by the victim, which must
40 | include official verification that an applicable crime has
41 | occurred. Such information shall cease to be exempt 5 years
42 | after the receipt of the written request. Any state or federal
43 | agency that is authorized to have access to such documents by
44 | any provision of law shall be granted such access in the
45 | furtherance of such agency's statutory duties, notwithstanding
46 | this section.

47 | b.(I) The identity of any officer, as defined in s.
48 | 943.10(14), who uses deadly force as defined in s. 776.06, or
49 | any force that results in serious bodily injury and who becomes
50 | the victim of a crime in the course and scope of the officer's

51 employment or official duties in the same or a related incident,
52 is exempt from the public records law as set forth in sub-sub-
53 subparagraphs (II) and (III).

54 (II) During the 48 hours immediately following an incident
55 in which an officer becomes the victim of a crime, the identity
56 of the officer shall be confidential. At the expiration of the
57 48-hour period, the officer's identity shall be subject to
58 public record laws unless the elected or appointed head of the
59 officer's employing agency, as that term is defined in s.
60 943.10(4), provides written findings setting forth the necessity
61 for an extension of the confidentiality of the officer's
62 identity.

63 (III) The written findings by the elected or appointed
64 head of the officer's employing agency shall state the necessity
65 of extending the confidentiality of the officer's identity
66 beyond the 48-hour period and the written findings must be made
67 public before the 48-hour period expires. An extension may not
68 exceed 15 days and must contain findings documenting the
69 continued necessity for the additional extension. Subsequent
70 exemptions may not exceed 15 days for a total of 30 days.

71 (IV) The exemptions created under this sub-subparagraph
72 are subject to the Open Government Sunset Review Act in
73 accordance with s. 119.15 and shall stand repealed on October 2,
74 2030, unless reviewed and saved from repeal through reenactment
75 by the Legislature.

76 2.a. Any information in a videotaped statement of a minor
77 who is alleged to be or who is a victim of sexual battery, lewd
78 acts, or other sexual misconduct proscribed in chapter 800 or in
79 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
80 847.0133, or s. 847.0145, which reveals that minor's identity,
81 including, but not limited to, the minor's face; the minor's
82 home, school, church, or employment telephone number; the
83 minor's home, school, church, or employment address; the name of
84 the minor's school, church, or place of employment; or the
85 personal assets of the minor; and which identifies that minor as
86 the victim of a crime described in this subparagraph, held by a
87 law enforcement agency, is confidential and exempt from s.
88 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
89 governmental agency that is authorized to have access to such
90 statements by any provision of law shall be granted such access
91 in the furtherance of the agency's statutory duties,
92 notwithstanding the provisions of this section.

93 b. A public employee or officer who has access to a
94 videotaped statement of a minor who is alleged to be or who is a
95 victim of sexual battery, lewd acts, or other sexual misconduct
96 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
97 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
98 may not willfully and knowingly disclose videotaped information
99 that reveals the minor's identity to a person who is not
100 assisting in the investigation or prosecution of the alleged

101 offense or to any person other than the defendant, the
102 defendant's attorney, or a person specified in an order entered
103 by the court having jurisdiction of the alleged offense. A
104 person who violates this provision commits a misdemeanor of the
105 first degree, punishable as provided in s. 775.082 or s.
106 775.083.

107 **Section 2.** The Legislature finds that s. 16(b), Article I
108 of the State Constitution mandates that records and documents
109 that may be used to locate and harass crime victims, including
110 records or documents that identify the crime victim, including
111 the crime victim's name, be made exempt from s. 119.07(1),
112 Florida Statutes, and s. 24(a), Article I of the State
113 Constitution. The Legislature further finds that exempting
114 records or documents that identify the crime victim, the
115 victim's family, or any information that may be used to threaten
116 or harass the victim or the victim's family from s. 119.07(1),
117 Florida Statutes, and s. 24(a), Article I of the State
118 Constitution is a public necessity to prevent the possibility of
119 further trauma. The Legislature also finds that the release of
120 such records or documents may deter crime victims from
121 cooperating with law enforcement and reporting criminal acts.

122 **Section 3.** This act shall take effect upon becoming a law.