

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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BILL #: [CS/HB 1113](#)

TITLE: Pub. Rec./Crime Victims

SPONSOR(S): Tuck

COMPANION BILL: [CS/SB 350](#) (Grall)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 106 Y's 0 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill expands a public record exemption for victims of crime to include the name and personal identification number and any other information that could be used to locate, intimidate, harass, or abuse a victim, and creates a public record exemption for specified identifying information of a lawful representative, family member, or next of kin of a person identified as a victim.

The bill creates a two-tiered public record exemption that makes the name of an officer who became a victim in the course and scope of his or her employment or official duties:

- Confidential and exempt, for the first 72 hours immediately following the incident.
- Exempt, for an additional 60 days after the expiration of the 72-hour period, after which the exemption expires.

The bill provides for the repeal of the exemptions on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

Fiscal or Economic Impact:

The bill will likely have an indeterminate, negative fiscal impact on state and local government expenditures that is expected to be absorbed within existing resources

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ANALYSIS

EFFECT OF THE BILL:

The bill expands a [public record exemption for crime victims](#) to include the name and personal identification number of a victim and any other information that could be used to locate, intimidate, harass, or abuse a victim. (Section [1](#))

The bill further expands the exemption to encompass any public record, rather than just documents, and to also include public records that are generated by any agency that regularly generates information concerning the victims of crime, rather than being limited to records received by an agency. (Section [1](#))

The bill creates a public record exemption for any portion of a public record that reveals the identity, including the name or personal identification number, home or employment telephone number, home or employment address, or personal assets of the lawful representative, family member, or next of kin of a person identified as a victim by the public record, or any other information that could be used to locate, intimidate, harass, or abuse such persons. (Section [1](#))

This new exemption does not apply to the accused, or to a lawful representative, family member, or next of kin of a victim upon a showing that the interest of such person would be in actual or potential conflict with the interests of the victim. (Section [1](#))

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The bill makes all such public records relating to crime victims and specified lawful representatives, family members, or next of kin of such victims [exempt](#) from public record requirements. (Section [1](#))

The bill creates a public record exemption to make the portion of an exempt public record which contains the name of an officer who became a victim in the course and scope of his or her employment or official duties:

- [Confidential and exempt](#), for the first 72 hours immediately following the incident.
- Exempt, for an additional 60 days after the expiration of the 72-hour period. (Section [1](#))

After the expiration of the 60-day period, the portion of a public record which contains the name of an officer who became a victim in the course and scope of his or her employment or official duties and which identifies the officer as a victim is no longer exempt, unless the officer is a victim of a specified sexual offense, as provided in [119.071\(2\)\(h\)1.b., F.S.](#) (Section [1](#))

Under the bill:

- “Family member” means a spouse, child, parent or legal guardian, or sibling. This term does not include the accused.
- “Officer” means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under [s. 943.13, F.S.](#)
- “Victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term does not include the accused. (Section [1](#))

Pursuant to the [Open Government Sunset Review Act](#), the exemptions will automatically be repealed on October 2, 2031, unless reviewed and reenacted by the Legislature. The bill further provides that should the expanded exemption not be reenacted, the exemption must revert to that in existence on June 30, 2026, except that any additional amendments to the exemption other than those provided for in the bill must be preserved and also continue to operate to the extent that such amendments are not dependent on the changes under the bill. (Section [1](#))

The bill includes the constitutionally required public necessity statement, in which the Legislature finds:

- Exempting records or documents which identify the crime victim, the victim’s lawful representative, family member, or next of kin, or any information that may be used to threaten or harass the victim or the victim’s lawful representative, family member, or next of kin is a public necessity to prevent the possibility of further trauma.
- It is a public necessity that the portion of public records which contain the name of an officer who became a victim in the course and scope of the officer’s employment or official duties be made confidential and exempt for a 72-hour period after the incident in which the officer became a victim, and exempt for an additional 60 days after the expiration of the 72-hour period.
- The release of such records or documents may deter crime victims from cooperating with law enforcement and reporting criminal acts. (Section [2](#))

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2026. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant negative fiscal impact on state agencies to the extent that agency staff will require training related to the new and expanded public record exemptions if the agency holds records that contain the:

- Name and personal identification number of the victim of a crime or any other information or records that could be used to locate, intimidate, harass, or abuse a victim or the victim’s lawful representative, family member, or next of kin.

- Identity of an officer who becomes a victim in the course and scope of his or her employment.

Additionally, state agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

LOCAL GOVERNMENT:

The bill may have an insignificant negative fiscal impact on local agencies to the extent that agency staff will require training related to the new and expanded public record exemptions if the agency holds records that contain the:

- Name and personal identification number of the victim of a crime or any other information or records that could be used to locate, intimidate, harass, or abuse a victim or the victim's lawful representative, family member, or next of kin.
- Identity of an officer who becomes a victim in the course and scope of his or her employment.

Additionally, local agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Public Records](#)

[Article I, section 24\(a\)](#) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person the right to inspect or copy any public record¹ of the legislative, executive, and judicial branches of government.² The Legislature, however, may provide by general law for exemption³ from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.⁴

The Florida Statutes also address the public policy regarding access to government records. Section [119.07\(1\), F.S.](#) guarantees every person the right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁵ Furthermore, the [Open Government Sunset Review Act](#)⁶ provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.⁷ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protects trade or business secrets.⁸

¹ "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. [S. 119.011\(12\), F.S.](#)

² [Art. I, s. 24\(a\), Fla. Const.](#)

³ A public record exemption means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), or [s. 24, art. I](#) of the Florida Constitution. See [s. 119.011\(8\), F.S.](#)

⁴ [Art. I, s. 24\(c\), Fla. Const.](#)

⁵ See [s. 119.01, F.S.](#)

⁶ [S. 119.15, F.S.](#)

⁷ [S. 119.15\(6\)\(b\), F.S.](#)

⁸ *Id.*

Pursuant to the Open Government Sunset Review Act, a new public record exemption or substantial amendment of an existing public record exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁹

Furthermore, there is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as [exempt](#) from public disclosure may be disclosed under certain circumstances. However, if the Legislature designates a record as [confidential and exempt](#) from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute.¹⁰

Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.¹¹

Any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains exempt or confidential.¹² Any person who violates these prohibitions commits a third degree felony.¹³

Marsy's Law

On November 6, 2018, a constitutional revision to Art. I of the State Constitution was approved by voters; such revision is colloquially known as "Marsy's Law."¹⁴ Marsy's Law provides crime victims specific rights, including the right:

- To be free from intimidation, harassment, and abuse.
- Within the judicial process, to be reasonably protected from the accused and any person acting on behalf of the accused.
- To prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.¹⁵

Under Marsy's Law, a "victim" means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term does not include the accused.¹⁶

Pursuant to [Art. I, s. 16\(c\) of the Florida Constitution](#), the victim can assert and seek enforcement of such rights in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority must act promptly on such a request, affording a remedy by due course of law for the violation of any right.¹⁷

⁹ [S. 119.15\(3\), F.S.](#)

¹⁰ See *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied* 892 So. 2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991); See Attorney General Opinion 85-62 (August 1, 1985).

¹¹ [S. 119.10\(2\)\(a\), F.S.](#) A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

¹² [S. 119.105, F.S.](#)

¹³ [S. 119.10\(2\)\(b\), F.S.](#) A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083,](#) or [775.084, F.S.](#)

¹⁴ [Art. I, s. 16\(b\)-\(e\), Fla. Const.](#)

¹⁵ [Art. I, s. 16\(b\), Fla. Const.](#)

¹⁶ [Art. I, s. 16\(e\), Fla. Const.](#)

¹⁷ [Art. I, s. 16\(c\), Fla. Const.](#)

City of Tallahassee v. Florida Police Benevolent Association, Inc.

In 2023, the Florida Supreme Court reviewed a case stemming from two incidents in which police officers, asserting self-defense, used deadly force¹⁸ to detain suspects. Following the incidents, the City of Tallahassee proposed releasing the names of the officers involved and, in response, the officers brought an action to prevent such disclosure. Both officers sought to invoke the protections of Marsy’s Law, arguing that they were victims of the assaults from which they had defended themselves, and as Marsy’s Law victims, they were entitled to prevent the release of their personal identifying information, including their names.¹⁹ Without resolving the question of whether a police officer acting in an official capacity is a “victim” as contemplated by Marsy’s Law, the Court found that Marsy’s Law did not preclude the release of such officers’ names, holding that Marsy’s Law does not guarantee to a victim—police officer or otherwise—the categorical right to withhold his or her name from disclosure.²⁰ The Court held that “Marsy’s Law speaks only to the right of victims to ‘prevent the disclosure of information or records that could be used to locate or harass’ them or their families” and that “one’s name, standing alone, is not that kind of information or record; it communicates nothing about where the individual can be found and bothered.”²¹ Additionally, the Court noted that by reading Marsy’s Law to only shield information that can be used to locate or harass, rather than identify, it can give effect to Marsy’s Law while also protecting a defendant’s right to confront adverse witnesses at trial.²²

Public Record Exemption for the Victim of a Crime

Section [119.071\(2\)\(j\), F.S.](#), provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.²³

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.²⁴

Public Record Exemption for Law Enforcement and other Specified Personnel

Section [119.071\(4\)\(d\)2.a., F.S.](#), provides a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement. Additionally, the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from public records requirements.

¹⁸ As applied to a law enforcement officer or correctional officer acting in the performance of his or her official duties, the term “deadly force” means force that is likely to cause death or great bodily harm and includes, but is not limited to: the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and the firing of a firearm at a vehicle in which the person to be arrested is riding. [S. 776.06\(1\), F.S.](#)

¹⁹ *City of Tallahassee v. Fla. Police Benv. Assn., Inc.*, 375 So. 3d 178, 181-182 (2023).

²⁰ *Id.* at 181-183.

²¹ *Id.* at 184 (internal citations omitted).

²² *Id.* at 188.

²³ [S. 119.071\(2\)\(j\)1., F.S.](#)

²⁴ *Id.* Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency’s statutory duties.

