

By the Committee on Governmental Oversight and Accountability; and Senator Grall

585-02209A-26

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; defining terms; expanding a public records 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 the victim; providing that such exemption includes the portions of records generated by any agency that regularly generates or receives information from or concerning victims of crime; providing for a public records exemption for the identity of a victim's family member, lawful representative, or next of kin and any other information that could be used to locate, intimidate, harass, or abuse these individuals; providing that such exemption includes the portions of records generated by any agency that regularly generates or receives information from or concerning victims of crime and that the record identifies the person as a family member, lawful representative, or next of kin of a person identified as a victim of crime in the record; providing that the name of a law enforcement officer in a public record which identifies him or her as a victim of crime in specified circumstances is confidential and exempt for 72 hours and providing that such information is exempt for 60 days thereafter; providing that such exemption includes the portions of records generated by any agency that regularly generates or receives

585-02209A-26

2026350c1

30 information from or concerning victims of crime;
31 providing applicability; providing for future
32 legislative review and repeal of the exemptions;
33 providing a statement of public necessity; providing
34 an effective date.

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

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38 Section 1. Paragraph (j) of subsection (2) of section
39 119.071, Florida Statutes, is amended to read:

40 119.071 General exemptions from inspection or copying of
41 public records.—

42 (2) AGENCY INVESTIGATIONS.—

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

44 (I) “Family member” means a spouse, child, parent or legal
45 guardian, or sibling. This term does not include the accused.

46 (II) “Officer” means any full-time, part-time, or auxiliary
47 law enforcement officer, correctional officer, or correctional
48 probation officer certified under s. 943.13.

49 (III) “Victim” means a person who suffers direct or
50 threatened physical, psychological, or financial harm as a
51 result of the commission or attempted commission of a crime or
52 delinquent act or against whom the crime or delinquent act is
53 committed. The term does not include the accused.

54 b. (I) Any portion of a public record document that reveals
55 the identity, including the name or personal identification
56 number, home or employment telephone number, home or employment
57 address, or personal assets of a the victim, or any other
58 information that could be used to locate, intimidate, harass, or

585-02209A-26

2026350c1

59 abuse the victim, which of a crime and identifies that person as
60 the victim of a crime, and which is a public record that is
61 generated or document is received by any agency that regularly
62 generates or receives information from or concerning the victims
63 of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of
64 the State Constitution.

65 (II) Any portion of a public record that reveals the
66 identity, including name or personal identification number, home
67 or employment telephone number, home or employment address, or
68 personal assets of the lawful representative, family member, or
69 next of kin of the person identified as a victim by the public
70 record, or any other information that could be used to locate,
71 intimidate, harass, or abuse such persons, and which is a public
72 record that is generated or received by any agency that
73 regularly generates or receives information from or concerning
74 the victims of crime, is exempt from s. 119.07(1) and s. 24(a),
75 Art. I of the State Constitution. This exemption does not apply
76 to the accused, or to a lawful representative, family member, or
77 next of kin of a victim upon a showing that the interest of such
78 person would be in actual or potential conflict with the
79 interests of the victim.

80 (III) (A) Notwithstanding sub-sub-subparagraph
81 (2) (j)1.b.(I), the portion of a public record exempted under
82 sub-sub-subparagraph (2) (j)1.b.(I) which contains the name of an
83 officer who became a victim in the course and scope of the
84 officer's employment or official duties is confidential and
85 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
86 Constitution for the first 72 hours after the incident in which
87 the officer became a victim. These portions of a public record

585-02209A-26

2026350c1

88 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
89 Constitution for an additional 60 days after the expiration of
90 the 72-hour period. After the expiration of the 60-day period,
91 the portion of a public record which contains the name of an
92 officer who became a victim in the course and scope of his or
93 her employment or official duties and which identifies the
94 officer as a victim is no longer exempt.

95 (B) Sub-sub-sub-subparagraph (2)(j)1.b.(III)(A) does not
96 supersede the exemption provided for victims of sexual battery
97 in sub-subparagraph (2)(h)1.b.

98 (IV) This sub-subparagraph is subject to the Open
99 Government Sunset Review Act in accordance with s. 119.15 and
100 shall stand repealed on October 2, 2031, unless reviewed and
101 saved from repeal through reenactment by the Legislature. If,
102 after review, this sub-subparagraph is not reenacted, the text
103 of this sub-subparagraph shall revert to that in existence on
104 June 30, 2026, except that any amendments to this sub-
105 subparagraph enacted other than by this act shall be preserved
106 and continue to operate to the extent that such amendments are
107 not dependent upon the amendments to the sub-subparagraph made
108 by this act.

109 c. Any information not otherwise held confidential or
110 exempt from s. 119.07(1) which reveals the home or employment
111 telephone number, home or employment address, or personal assets
112 of a person who has been the victim of sexual battery,
113 aggravated child abuse, aggravated stalking, harassment,
114 aggravated battery, or domestic violence is exempt from s.
115 119.07(1) and s. 24(a), Art. I of the State Constitution, upon
116 written request by the victim, which must include official

585-02209A-26

2026350c1

117 verification that an applicable crime has occurred. Such
118 information shall cease to be exempt 5 years after the receipt
119 of the written request.

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

124 2.a. Any information in a videotaped statement of a minor
125 who is alleged to be or who is a victim of sexual battery, lewd
126 acts, or other sexual misconduct proscribed in chapter 800 or in
127 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
128 847.0133, or s. 847.0145, which reveals that minor's identity,
129 including, but not limited to, the minor's face; the minor's
130 home, school, church, or employment telephone number; the
131 minor's home, school, church, or employment address; the name of
132 the minor's school, church, or place of employment; or the
133 personal assets of the minor; and which identifies that minor as
134 the victim of a crime described in this subparagraph, held by a
135 law enforcement agency, is confidential and exempt from s.
136 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
137 governmental agency that is authorized to have access to such
138 statements by any provision of law shall be granted such access
139 in the furtherance of the agency's statutory duties,
140 notwithstanding the provisions of this section.

141 b. A public employee or officer who has access to a
142 videotaped statement of a minor who is alleged to be or who is a
143 victim of sexual battery, lewd acts, or other sexual misconduct
144 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
145 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145

585-02209A-26

2026350c1

146 may not willfully and knowingly disclose videotaped information
147 that reveals the minor's identity to a person who is not
148 assisting in the investigation or prosecution of the alleged
149 offense or to any person other than the defendant, the
150 defendant's attorney, or a person specified in an order entered
151 by the court having jurisdiction of the alleged offense. A
152 person who violates this provision commits a misdemeanor of the
153 first degree, punishable as provided in s. 775.082 or s.
154 775.083.

155 Section 2. (1) The Legislature finds that it is a public
156 necessity that the following information held by an agency that
157 regularly generates or receives information from or concerning
158 victims of crime be made exempt from s. 119.07(1), Florida
159 Statutes, and s. 24(a), Article I of the State Constitution:

160 (a) The portions of public records that identify a person
161 as a victim of a crime, or any other information that could be
162 used to locate, intimidate, harass, or abuse a victim.

163 (b) The portions of public records that reveal the identity
164 of the lawful representative, family member, or next of kin of a
165 person identified as a victim by the public record, or any other
166 information that could be used to locate, intimidate, harass, or
167 abuse such persons.

168 (2) The Legislature finds that it is a public necessity
169 that the portion of public records that is held by an agency
170 that regularly generates or receives information from or
171 concerning victims of crime which contains the name of an
172 officer who became a victim in the course and scope of the
173 officer's employment or official duties be made confidential and
174 exempt from s. 119.07(1), Florida Statutes and s. 24(a), Art. I

585-02209A-26

2026350c1

175 of the State Constitution for a 72-hour period after the
176 incident in which the officer became a victim. The Legislature
177 further finds it is a public necessity that these portions of a
178 public record be exempt from s. 119.07(1), Florida Statutes, and
179 s. 24(a), Art. I of the State Constitution for an additional 60
180 days after the expiration of the 72-hour period.

181 (3) Victims, their lawful representative, family member,
182 and next of kin, have a right to be free from intimidation,
183 harassment, and abuse. Community attention is often piqued when
184 a person becomes a victim, which may lead to the undue intrusion
185 into the person's privacy, as well as his or her lawful
186 representative, family members, or next of kin. The identifying
187 information of such persons could be used to further traumatize
188 them. The risk of additional harm or harassment outweighs any
189 public benefit that may be derived from the public disclosure of
190 such information. The Legislature also finds that the release of
191 such portions of records may deter crime victims from
192 cooperating with law enforcement and reporting criminal acts
193 based on a victim's fear of additional retaliation or attention.
194 This exemption is narrowly tailored to balance the public's
195 right to access public records by allowing the release of the
196 name of a law enforcement officer who becomes a victim within
197 the course and scope of his or her employment or duties 63 days
198 after the incident. The risk of additional harm or harassment
199 outweighs any public benefit that may be derived from the public
200 disclosure of such information.

201 Section 3. This act shall take effect July 1, 2026.