

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                             (Y/N)  
WITHDRAWN                                    (Y/N)  
OTHER                                         

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1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Weinberger offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraph (j) of subsection (2) of section**  
8 **119.071, Florida Statutes, is amended to read:**

9 119.071 General exemptions from inspection or copying of  
10 public records.—

11 (2) AGENCY INVESTIGATIONS.—

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

13 (I) "Employing agency head" means an elected or appointed  
14 head official of an employing agency as defined in s. 943.10 who  
15 is certified under s. 943.13.

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16 (II) "Officer" means any full-time, part-time, or  
17 auxillary law enforcement officer, correctional officer, or  
18 correctional probation officer certified under s. 943.13.

19 (III) "Use of force incident" means any incident that  
20 occurs within the scope of an officer's employment or official  
21 duties and involves the officer's use of deadly force as defined  
22 in s. 776.06, or any other use of force that results in great  
23 bodily harm.

24 (IV) "Victim" means a person who suffers direct or  
25 threatened physical, psychological, or financial harm as a  
26 result of the commission or attempted commission of a crime or  
27 delinquent act or against whom the crime or delinquent act is  
28 committed. The term includes the victim's lawful representative,  
29 the parent or guardian of a minor, or the next of kin of a  
30 homicide victim, except upon a showing that the interest of such  
31 person would be in actual or potential conflict with the  
32 interests of the victim. The term does not include the accused.

33 b. Any public record ~~document~~ that reveals the identity,  
34 including the name or personal identification number, home or  
35 employment telephone number, home or employment address, or  
36 personal assets of the victim ~~of a crime and identifies that~~  
37 ~~person as the victim of a crime,~~ or any other information or  
38 records that could be used to locate, intimidate, harass, or  
39 abuse a victim or the victim's family, which public record is  
40 generated or ~~document is~~ received by any agency that regularly

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41 generates or receives information from or concerning the victims  
42 of crime, is confidential and exempt from s. 119.07(1) and s.  
43 24(a), Art. I of the State Constitution.

44 (I) A victim may waive the exemption or confidentiality of  
45 this subparagraph at any time in writing.

46 (II) The confidential information shall be released as  
47 needed in furtherance of any judicial proceeding at a court's  
48 discretion. The court may not deny a criminal defendant access  
49 to the information if the denial would interfere with the  
50 defendant's constitutional rights. Those who are entitled to  
51 access confidential information as part of any judicial  
52 proceeding may not reveal to any outside party any confidential  
53 information obtained under this subparagraph except as is  
54 reasonably necessary to prepare a defense and pursue legal  
55 remedies.

56 (III) This subparagraph does not restrict the contempt  
57 powers of any court or a court's inherent authority to regulate  
58 the conduct of the parties in any judicial proceeding.

59 (IV) This sub-subparagraph is subject to the Open  
60 Government Sunset Review Act in accordance with s. 119.15 and  
61 shall stand repealed on October 2, 2030, unless reviewed and  
62 saved from repeal through reenactment by the Legislature. If  
63 after review this sub-subparagraph is not reenacted, the text of  
64 this sub-subparagraph shall revert to that in existence on June  
65 30, 2025, except that any amendments to this sub-subparagraph

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66 enacted other than by this act shall be preserved and continue  
67 to operate to the extent that such amendments are not dependent  
68 upon the amendments to the sub-subparagraph made by this act.

69 c. Any information not otherwise held confidential or  
70 exempt from s. 119.07(1) which reveals the home or employment  
71 telephone number, home or employment address, or personal assets  
72 of a person who has been the victim of sexual battery,  
73 aggravated child abuse, aggravated stalking, harassment,  
74 aggravated battery, or domestic violence is exempt from s.  
75 119.07(1) and s. 24(a), Art. I of the State Constitution, upon  
76 written request by the victim, which must include official  
77 verification that an applicable crime has occurred. Such  
78 information shall cease to be exempt 5 years after the receipt  
79 of the written request.

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

84 e.(I) Any public record that reveals the identity,  
85 including the name or personal identification number, home or  
86 cellular telephone number, home address, personal assets, or any  
87 other information that could be used to locate, intimidate,  
88 harass, or abuse any officer who is involved in a use of force  
89 incident is confidential and exempt from s. 119.07(1) and s.  
90 24(a), Art. I of the State Constitution for a period of 72 hours

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91 immediately following the use of force incident. Upon the  
92 expiration of the 72-hour period, the officer's identity shall  
93 be subject to s. 119.07(1) unless the employing agency head  
94 determines it is necessary to extend the confidentiality of any  
95 public record that reveals the officer's identity and  
96 identifying information.

97 (II) The employing agency head may extend the  
98 confidentiality of any public record that reveals the officer's  
99 identity beyond the 72-hour period if he or she determines it is  
100 necessary. An employing agency head may make written findings to  
101 disseminate to the public explaining the necessity of the  
102 extension.

103 (III) The exemption or confidentiality may be extended  
104 until the employing agency head determines that there is no  
105 further necessity for the confidentiality of any public record  
106 that reveals the officer's identity to remain. The employing  
107 agency head must consider the applicable officer's circumstances  
108 and, upon the officer's request, consult with the officer, to  
109 determine if an extension is necessary. If an extension was  
110 granted after the original 72-hour period, and the employing  
111 agency head subsequently determines that the officer is no  
112 longer entitled to the protection of his or her identity, the  
113 employing agency head must give notice to the officer 5 days  
114 prior to the release of any public record that reveals the  
115 officer's identity.

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116 (IV) An officer may waive the exemption or confidentiality  
117 of this subparagraph at any time in writing.

118 (V) This sub-subparagraph is subject to the Open  
119 Government Sunset Review Act in accordance with s. 119.15 and  
120 shall stand repealed on October 2, 2030, unless reviewed and  
121 saved from repeal through reenactment by the Legislature. If  
122 after review this sub-subparagraph is not reenacted, the text of  
123 this sub-subparagraph shall revert to that in existence on June  
124 30, 2025, except that any amendments to this sub-subparagraph  
125 enacted other than by this act shall be preserved and continue  
126 to operate to the extent that such amendments are not dependent  
127 upon the amendments to the sub-subparagraph made by this act.

128 **Section 2.** The Legislature finds that s. 16(b), Article I  
129 of the State Constitution mandates that crime victims have a  
130 right to be free from intimidation, harassment, and abuse and  
131 that it is a public necessity that information or records that  
132 may be used to locate, intimidate, harass, or abuse crime  
133 victims be made confidential and exempt under s. 119.071,  
134 Florida Statutes, and s. 24(a), Article I of the State  
135 Constitution. The Legislature also finds that the release of  
136 such records or documents may deter crime victims or the  
137 families of crime victims from cooperating with law enforcement  
138 and reporting criminal acts. The Legislature further finds that  
139 the harm that may result from the release of such personal  
140 identifying and location information outweighs any public

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141 benefit that may be derived from the disclosure of the  
142 information.

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

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146 **T I T L E A M E N D M E N T**

147 Remove everything before the enacting clause and insert:

148 An act relating to public records; amending s.  
149 119.071, F.S.; providing definitions; expanding a  
150 public record exemption for crime victims to include  
151 the name and personal identification number of the  
152 victim and any other information or records that could  
153 be used to locate, intimidate, harass, or abuse a  
154 victim or the victim's family; including records  
155 generated by any agency that regularly generates  
156 information from or concerning the victims of crime;  
157 providing an exception to the public record exemption;  
158 providing that certain records identifying law  
159 enforcement officers who become crime victims are  
160 confidential and exempt for a specified period of  
161 time; providing an extension of time if certain  
162 procedures are followed; authorizing waiver of the  
163 exemptions; providing for future legislative review  
164 and repeal of the exemptions; providing a statement of  
165 public necessity; providing an effective date.