

**By** the Committees on Rules; and Criminal Justice; and Senator Gruters

595-03669-25

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing definitions; expanding a public records exemption for crime victims to include the name and personal identification number of the victim and any other information or records that could be used to locate, intimidate, harass, or abuse a victim or the victim's family; providing that such exemption includes records generated by any agency that regularly generates information from or concerning the victims of crime; providing that certain records identifying law enforcement officers who are involved in a use of force incident are confidential and exempt for a specified timeframe; providing requirements for extending such timeframe; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

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

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

(2) AGENCY INVESTIGATIONS.—

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

(I) "Employing agency head" means an elected or appointed head official of an employing agency as defined in s. 943.10(4)

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who is certified under s. 943.13.

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

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

(IV) "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 person would be in actual or potential conflict with the interests of the victim. The term does not include the accused.

b.(I) Any public record ~~document~~ 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 victim, or any other information or records that could be used to locate, intimidate, harass, or abuse the victim or the victim's family ~~of a crime and identifies that person as the victim of a crime,~~ which public record is generated or ~~document is~~ received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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59       (II) 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  
64 of this sub-subparagraph shall revert to that in existence on  
65 June 30, 2025, except that any amendments to this sub-  
66 paragraph enacted other than by this act shall be preserved  
67 and continue to operate to the extent that such amendments are  
68 not dependent upon the amendments to the sub-subparagraph made  
69 by this act.

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

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

85       e.(I) Any public record that reveals the identity,  
86 including the name or personal identification number, home or  
87 cellular telephone number, home address, personal assets, or any

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88 other information that could be used to locate, intimidate,  
89 harass, or abuse any officer who is involved in a use of force  
90 incident is confidential and exempt from s. 119.07(1) and s.  
91 24(a), Art. I of the State Constitution for a period of 72 hours  
92 immediately following the use of force incident. Upon the  
93 expiration of the 72-hour period, the officer's identity shall  
94 be subject to s. 119.07(1) unless the employing agency head  
95 determines it is necessary to extend the confidentiality of any  
96 public record that reveals the officer's identity and  
97 identifying information.

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

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

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117       (IV) This sub-subparagraph is subject to the Open  
118 Government Sunset Review Act in accordance with s. 119.15 and  
119 shall stand repealed on October 2, 2030, unless reviewed and  
120 saved from repeal through reenactment by the Legislature.

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

138       b. A public employee or officer who has access to a  
139 videotaped statement of a minor who is alleged to be or who is a  
140 victim of sexual battery, lewd acts, or other sexual misconduct  
141 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.  
142 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145  
143 may not willfully and knowingly disclose videotaped information  
144 that reveals the minor's identity to a person who is not  
145 assisting in the investigation or prosecution of the alleged

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146 offense or to any person other than the defendant, the  
147 defendant's attorney, or a person specified in an order entered  
148 by the court having jurisdiction of the alleged offense. A  
149 person who violates this provision commits a misdemeanor of the  
150 first degree, punishable as provided in s. 775.082 or s.  
151 775.083.

152       Section 2. The Legislature finds that s. 16(b), Article I  
153 of the State Constitution mandates that crime victims have a  
154 right to be free from intimidation, harassment, and abuse and  
155 that it is a public necessity that information or records that  
156 may be used to locate, intimidate, harass, or abuse crime  
157 victims be made exempt under s. 119.07(1), Florida Statutes, and  
158 s. 24(a), Article I of the State Constitution. The Legislature  
159 finds that the release of such information or records may deter  
160 crime victims or the families of crime victims from cooperating  
161 with law enforcement and reporting criminal acts. Additionally,  
162 the Legislature finds it is a public necessity that information  
163 or records that may be used to locate, intimidate, harass, or  
164 abuse officers involved in use of force incidents be made  
165 confidential and exempt for up to 72 hours, unless an extension  
166 is found necessary, under s. 119.07(1), Florida Statutes, and s.  
167 24(a), Article I of the State Constitution. The Legislature  
168 finds that officers involved in use of force incidents may be  
169 victimized as a result of such incident, and that the immediate  
170 release of such information or records may place such officers  
171 at risk. The Legislature further finds that the harm that may  
172 result from the release of such information or records outweighs  
173 any public benefit that may be derived from the disclosure of  
174 the information.

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