

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 1508

INTRODUCER: Senator Book

SUBJECT: Public Records

DATE: March 22, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Jones	CJ	<b>Pre-meeting</b>
2.			JU	
3.			AP	

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**I. Summary:**

SB 1508, which names the act “Serena’s Law,” specifies that a public records exemption for certain active criminal intelligence information and active criminal investigative information involving certain victims does not apply to the identity of a person, other than a minor, who is charged with or found guilty of any offense specified in the exemption (most of which are sexual offenses).

The bill also requires each county recorder or clerk of the court, as applicable, to post on its public website all notices of entry of an injunction for the protection of a minor which includes the identity of each adult defendant or respondent against whom the injunction is entered. If this information is not on the website by a specified date, it must be made available to the general public on the website if the minor or minor’s representative identifies the information and requests it be made publicly available. The bill provides a process for this request and for noticing the minor’s right to make this request.

Finally, the bill provides that the minor or minor’s representative may petition the circuit court for an order directing compliance with the previously-described requirements.

The Florida Court Clerks and Comptrollers states that clerks of the court anticipate an increase in labor costs on the court side to track the status of petitions for protective injunctions to post notices of injunctions on their publicly available websites. Further, the association states that requirements relating to notice publication in newspapers may have an indeterminate negative fiscal impact for clerks. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2021.

## II. Present Situation:

### Injunctions for Protection

Section 741.30, F.S., authorizes a family or household member who is either the victim of domestic violence<sup>1</sup> or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence to file in the circuit court a petition for an injunction against domestic violence.

Section 784.046, F.S., provides that:

- A petition for an injunction for protection against repeat violence may be filed in the circuit court by a person who is the victim of repeat violence<sup>2</sup> or the parent or legal guardian of any minor child who is living at home.
- A petition for an injunction for protection against dating violence may be filed in the circuit court by:
  - A person who is the victim of dating violence<sup>3</sup> and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence;
  - A person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence; or
  - The parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child.
- A petition for an injunction for protection against sexual violence may be filed in the circuit court by a person who is the victim of sexual violence<sup>4</sup> or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence on his or her own behalf or on behalf of the minor child if:
  - The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
  - The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

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<sup>1</sup> "Domestic violence" is an assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Section 741.28(2), F.S.

<sup>2</sup> "Repeat violence" means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member. Section 784.046(1)(b), F.S.

<sup>3</sup> "Dating violence" is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. This relationship is determined based on specified factors. Section 784.046(1)(d), F.S.

<sup>4</sup> "Sexual violence" means any one incident of sexual battery; a lewd or lascivious act committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child; sexual performance by a child; or any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney. Section 784.046(1)(c), F.S.

Section 784.0485, F.S., authorizes a person who is the victim of stalking<sup>5</sup> or the parent or legal guardian of a minor child who is living at home who seeks an injunction for protection against stalking on behalf of the minor child to file in the circuit court a petition for an injunction for protection against stalking. For the purposes of injunctions for protection against stalking, the offense of stalking includes the offense of cyberstalking.<sup>6</sup>

### **Background Information Regarding “Serena”**

According to information provided to legislative staff telephonically and via e-mail<sup>7</sup> from an attorney for the law firm representing “Serena,” the person for whom the act is named, Serena was sexually assaulted as a child. The case was not prosecuted but a protective injunction against sexual violence was obtained against the perpetrator (i.e., the “respondent” subject to the injunction). The attorney further states that he is aware of two other injunctions against this individual for the protection of minors. One of those other injunctions was issued in Florida.

The attorney details the difficulties in obtaining information electronically on the protective injunction against the respondent in Serena’s case:

The first was a volunteer effort with a youth focused charity the offender pursued through his place of employment. The volunteer organization was notified of the injunction. The volunteer organization was unable to find ... and verify the injunction, including through the use of a background check. The second was also a volunteer effort the offender pursued through his place of employment with a different youth focused charity. This charity was also unable to find and verify the injunction. The third was also a volunteer effort the offender pursued through his place of employment with a different youth focused charity. This final charity ... was able to find the injunction because the background search tool it used had access to a law enforcement database.<sup>8</sup>

As an additional note, our firm has a Lexis Nexis public records searching tool and that tool does not show any of the injunctions discussed above, or any other ones that may be out there.<sup>9</sup>

It is unclear why the information regarding these injunctions was not electronically available on the clerk of the court’s website.

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<sup>5</sup> The offense of stalking is committed by a person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person. Section 784.048(2), F.S.

<sup>6</sup> “Cyberstalk” means: (1) to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person; or (2) to access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person’s permission, causing substantial emotional distress to that person and serving no legitimate purpose. Section 784.048(1)(d), F.S.

<sup>7</sup> E-mail from Zachary W. Lombardo, Esq., attorney with Woodward, Pires & Lombardo, P.A., Naples, Florida, to staff of the Senate Committee on Criminal Justice, dated March 18, 2021 (on file with the Senate Committee on Criminal Justice).

<sup>8</sup> *Id.*

<sup>9</sup> The attorney did not indicate that the information was unobtainable pursuant to a written request or by appearing in person at the clerk’s office to request the information.

### **Public Record Exemption for Active Criminal Intelligence Information and Active Criminal Investigative Information**

Section 119.071(2)(c)1., F.S., contains a public records exemption for active criminal intelligence information and active criminal investigative information.

Criminal intelligence information is information with respect to an identifiable person or group of persons collected by a criminal justice agency<sup>10</sup> in an effort to anticipate, prevent, or monitor possible criminal activity.<sup>11</sup> Whereas, criminal investigative information is information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.<sup>12</sup>

Criminal intelligence information is considered “active” as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.<sup>13</sup> Criminal investigative information is considered “active” as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.<sup>14</sup>

In addition, criminal intelligence and criminal investigative information is considered “active” while such information is directly related to pending prosecutions or appeals.

### **Public Records Exemptions Relating to Certain Victim Information**

Section 119.071(2)(h),1. F.S., provides that the following criminal intelligence information or criminal investigative information is confidential and exempt:

- Any information that reveals the identity of the victim of the crime of child abuse as defined by ch. 827, F.S., or that reveals the identity of a person under the age of 18 who is the victim of the crime of human trafficking proscribed in s. 787.06(3)(a), F.S.
- Any information that may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in s. 787.06(3)(b), (d), (f), or (g), F.S. (commercial sex trafficking), or ch. 794, F.S. (sexual battery), ch. 796, F.S. (prostitution), ch. 800, F.S., (lewd or lascivious acts), ch. 827, F.S. (sexual performance by a child), or ch. 847 (child pornography, materials harmful to minors, etc.), F.S.

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<sup>10</sup> “Criminal justice agency” means any law enforcement agency, court, or prosecutor; any other agency charged by law with criminal law enforcement duties; any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties; or the Department of Corrections. Section 119.011(4), F.S.

<sup>11</sup> Section 119.011(3)(a), F.S.

<sup>12</sup> Section 119.011(3)(b), F.S.

<sup>13</sup> Section 119.011(3)(d)1., F.S.

<sup>14</sup> Section 119.011(3)(d)2., F.S.

- A photograph, videotape, or image of any part of the body of the victim of a sexual offense prohibited under s. 787.06(3)(b), (d), (f), or (g), F.S., or chs. 794, 796, 800, 827, or 847, F.S.<sup>15</sup>

Section 119.0714(1)(h), F.S., provides, in part, that criminal intelligence information or criminal investigative information that is confidential and exempt under s. 119.071(2)(h), F.S., is confidential and exempt if that information is in a court file.

Section 92.56(1)(a), F.S., provides that the confidential and exempt status of criminal intelligence information or criminal investigative information made confidential and exempt pursuant to s. 119.071(2)(h), F.S., must be maintained in court records pursuant to s. 119.0714(1)(h), F.S., and in court proceedings, including testimony from witnesses.

### **Public Records Exemption Relating to Petitions for Protective Injunctions**

Section 119.0714(1)(k), F.S., applies to protective injunctions against domestic violence, repeat violence, dating violence, sexual violence, stalking, and cyberstalking:

- A petition, and the contents thereof, for an injunction for protection that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued on or after July 1, 2017, is exempt.
- A petition, and the contents thereof, for an injunction for protection that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued before July 1, 2017, is exempt only upon request by an individual named in the petition as a respondent. The request must be in the form of a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, or electronic transmission or in person to the clerk of the court. A fee may not be charged for such request.
- Any information that can be used to identify a petitioner or respondent in a petition for an injunction, and any affidavits, notice of hearing, and temporary injunction, is confidential and exempt until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

### **Protective Injunctions and the Florida Family Law Rules of Procedure**

Rule 12.010 of the Florida Family Law Rules of Procedure states that these rules generally apply to all actions concerning family matters, including injunctions for protection against domestic, repeat, dating, and sexual violence, and stalking.<sup>16</sup> Rule 12.610 of the Florida Family Law Rules of Procedure addresses procedures for injunctions for protection against domestic, repeat, dating, and sexual violence, and stalking.

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<sup>15</sup> This information may be disclosed by a law enforcement agency in specified circumstances. See 119.071(2)(h),1. F.S.

<sup>16</sup> See Florida Family Law Rules of Procedure (Dec. 31, 2020), available at <https://www-media.floridabar.org/uploads/2020/12/Family-Law-Rules-of-Procedure-12-2020.pdf> (last visited March 18, 2021).

## Clerks of the Court

The Florida Court Clerks and Comptrollers states that a clerk of the court is “designated as the county recorder of all instruments that he or she may be required or authorized by law to record in the county where he or she is the Clerk. The Clerk is required to record all such instruments in one general series called ‘Official Records,’ which must be open to the public for the purpose of inspecting and making extracts of the instruments, under the Clerk’s supervision.”<sup>17</sup>

## Confidentiality of Certain Judicial Records

The Public Records Act does not apply to judicial records.<sup>18</sup> As a coequal branch of government, the judicial branch “is not an ‘agency’ subject to the supervision or control by another coequal branch of government.”<sup>19</sup>

However, the judicial branch is required to maintain access to public records and court proceedings pursuant to Article 1, s. 24 of the State Constitution.<sup>20</sup> To meet its constitutional obligation, the judicial branch has adopted Florida Rule of Judicial Administration 2.420 entitled “Public Access to and Protection of Judicial Branch Records.”<sup>21</sup> Rule 2.420(a) provides that this rule “shall govern public access to the records of the judicial branch of government.” Rule 2.420(a) further provides that the “public shall have access to all records of the judicial branch of government” with exceptions provided in the rule.<sup>22</sup> The “judicial branch” is defined to include the clerks of the court when acting as an arm of the court. The clerks of the court designate and maintain the confidentiality of information contained within a court record that is described in the rule.<sup>23</sup>

Pertinent to this bill analysis, the following records of the judicial branch are made confidential under Rule 2.420:

- All records made confidential under the Florida and United States Constitutions and Florida and federal law;<sup>24</sup>
- All records presently deemed to be confidential by court rule;<sup>25</sup> and
- Any court record determined to be confidential in case decision or court rule on the grounds that confidentiality is required to:
  - Prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
  - Protect trade secrets;

<sup>17</sup> *FCCC Bill Analysis* (SB 1508) (citations omitted), Florida Court Clerks & Comptrollers (on file with the Senate Committee on Criminal Justice).

<sup>18</sup> *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992).

<sup>19</sup> *Times Pub. Co. v. Ake*, 645 So. 2d 1003, 1004 (Fla. 2d DCA 1994), *approved*, 660 So. 2d 255 (Fla. 1995).

<sup>20</sup> *See Government in the Sunshine Manual* (2020), Office of the Attorney General, pp. 63-66, available at [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf) (last viewed March 18, 2021). Article V, s. 2 of the State Constitution grants rulemaking power to the Florida Supreme Court.

<sup>21</sup> *See* Fla. R. Jud. Adm. 2.420 (July 1, 2020), available at <https://www-media.floridabar.org/uploads/2021/03/Florida-Rules-of-Judicial-Administration-7-31-2020-bkmarks.pdf> (last visited March 18, 2021).

<sup>22</sup> *Id.*

<sup>23</sup> Fla. R. Jud. Adm. 2.420(d)(1).

<sup>24</sup> Fla. R. Jud. Adm. 2.420(c)(7).

<sup>25</sup> Fla. R. Jud. Adm. 2.420(c)(8).

- Protect a compelling governmental interest;
- Obtain evidence to determine legal issues in a case;
- Avoid substantial injury to innocent third parties;
- Avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed; or
- Comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law.<sup>26</sup>

Rule 2.420(d)(1) requires the clerk of the court to designate and maintain the confidentiality of certain information contained within a court record, including but not limited to, the previously described confidential information and:

- The victim’s address in a domestic violence action on petitioner’s request (s. 741.30(3)(b), F.S.);<sup>27</sup>
- Protected information regarding victims of child abuse or sexual offenses (ss. 119.071(2)(h) and 119.0714(1)(h), F.S.);<sup>28</sup> and
- Information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction (s. 119.0714(1)(k)3., F.S.).<sup>29</sup>

### **Florida Supreme Court Administrative Order on Access to Electronic Court Records**

Through administrative rule, the Florida Supreme Court adopted standards for access to electronic court records and an access security matrix.<sup>30</sup> There are different levels of permissible access depending on “the user’s role and applicable statutes, court rules, and applicable administrative policy. Access may be restricted to certain user roles based on case type, document type, or information contained within court records.”<sup>31</sup>

Permitted access for the general public (without registration agreement) includes:

- All records except those that are expunged or sealed, automatically confidential under Rule 2.420(d)(1), Fla. R. Jud. Admin., or made confidential by court order.
- No remote access to images of records in cases governed by the Florida Family Law Rules of Procedure, Florida Rules of Juvenile Procedure, or Florida Probate Rules, pursuant to s. 28.2221(5)(a), F.S.<sup>32</sup>

<sup>26</sup> Fla. R. Jud. Adm. 2.420(c)(9)(A). Rule 2.40(c)(9)(B) and (C) provide that the degree, duration, and manner of confidentiality ordered by the court shall be no broader than necessary to protect the interests set forth in subdivision (c)(9)(A) and no less restrictive measures are available to protect the interests set forth in Rule 2.40(c)(9)(A).

<sup>27</sup> Fla. R. Jud. Adm. 2.420(d)(1)(B)(xii).

<sup>28</sup> Fla. R. Jud. Adm. 2.420(d)(1)(B)(xiii).

<sup>29</sup> Fla. R. Jud. Adm. 2.420(d)(1)(B)(xxiii).

<sup>30</sup> *In Re: Access to Electronic Court Records* (Administrative Order), No. 20-108 (Nov. 20, 2020) and *Standards for Access to Electronic Court Records* (Nov. 2020), Florida Supreme Court, available at <https://www.floridasupremecourt.org/content/download/693366/7743882> (last visited March 18, 2021).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

There are no user security requirements. Anonymous web-based access is permitted.<sup>33</sup>

### III. **Effect of Proposed Changes:**

#### **“Serena’s Law”**

The bill provides that the act shall be known as “Serena’s Law.”

#### **Exception to Public Records Exemption on Certain Active Criminal Intelligence Information or Active Criminal Investigative Information Regarding Certain Victims**

The bill amends s. 119.071(2)(h), F.S., which provides a public records exemption for certain active criminal intelligence information and criminal investigative information involving certain victims, to specify that the exemption does not apply to the identity of a person, other than a minor, who is charged with or found guilty of any offense specified in the exemption (most of which are sexual offenses). (See “Public Records/Open Meetings Issues” and “Technical Deficiencies” sections of this bill analysis.)

#### **Requirement that County Recorders or Clerks of the Court Provide Certain Information on Protective Injunctions**

The bill amends s. 28.2221, F.S., relating to electronic access to official records to require that each county recorder or clerk of the court, as applicable, post on its publicly available website all notices of entry of an injunction for the protection of a minor which includes the identity of each adult defendant or respondent against whom the injunction is entered.

If the information previously described is not available on a publicly available website by December 31, 2021, the recorder or clerk, as applicable, must make it available to the general public on the website if the minor, or his or her representative, identifies the information and requests that it be made publicly available. This request must be made in writing and identify the case number assigned to the protective injunction and be personally delivered or delivered by mail, facsimile, or electronic transmission to the county recorder or clerk of the court. A fee may not be charged for the addition of information pursuant to this request.

No later than December 31, 2021, the recorder or clerk, as applicable, must conspicuously and clearly display on its publicly available website and its office notice of the right of the minor, or his or her representative, to request the addition of such information to the publicly available website.

Further, no later than December 31, 2021, the recorder or clerk, as applicable, must have twice published, on separate dates, a notice of such right in a newspaper of general circulation in the county where the recorder’s or clerk’s offices are located as provided in ch. 50, F.S. This notice must include instructions for making the request, and also state that the minor or his or her representative has a right to request that the county recorder or clerk of court add such information to a publicly available website as previously described. A fee will not be charged for the addition of a document pursuant to this request.

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<sup>33</sup> *Id.*



Finally, the bill provides that a minor or his or her representative may petition the circuit court for an order directing compliance with this subsection.

The bill takes effect July 1, 2021.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

##### B. Public Records/Open Meetings Issues:

Section 2 of the bill amends s. 119.071(2)(h), F.S., which provides a public records exemption for certain active criminal intelligence information and criminal investigative information involving certain victims, to specify that the exemption does not apply to the identity of a person, *other than a minor*, who is charged with or found guilty of any offense specified in the exemption (most of which are sexual offenses). (Emphasis provided by legislative staff.)

The Florida Department of Law Enforcement (FDLE) notes: “Regarding a juvenile charged with specified offenses, a juvenile’s name, address or photo who is charged with a felony is currently not confidential or exempt (s. 985.04(2)(a)1., F.S.). As a result, this amendment to [c]h. 119, F.S., would directly conflict with this provision of statute where if it was a juvenile charged with sexual battery (a felony), the child’s name would/could be released.”<sup>34</sup>

Section 985.04(2)(a)1., F.S., states that the name, photograph, address, and crime or arrest report of a child are not considered confidential and exempt from s. 119.07(1), F.S., solely because of the child’s age if the child is:

- Taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
- Charged with a violation of law which, if committed by an adult, would be a felony;
- Found to have committed an offense which, if committed by an adult, would be a felony; or
- Transferred to adult court pursuant to part X of ch. 985, F.S.

Legislative staff concurs with the FDLE that Section 2 of the bill is in direct conflict with s. 985.04(2)(a)1., F.S. Further, Section 2 of the bill effectively creates a new public records exemption without meeting the requirements for creating a public records exemption under ch. 119, F.S., and Article 1, s. 24(a) of the State Constitution (e.g.,

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<sup>34</sup> 2021 FDLE Legislative Bill Analysis (SB 1508) (March 10, 2021) (on file with the Senate Committee on Criminal Justice).

public necessity statement and sunset provisions). (See “Technical Deficiencies” section of this bill analysis.)

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Clerk of Court Association provided the following information regarding the impact of the bill on clerks of the court:

Clerks do anticipate an increase in labor costs on the court side, as it would be necessary to track the status of petition filings to post notices of injunctions on the Clerks’ publicly available websites.

The bill requires Clerks to publish twice, on separate dates, a notice of the right of the minor in a newspaper of general circulation in the county where the county recorder’s or Clerk’s offices are located, as provided in Ch. 50, F.S., which may have an indeterminate negative fiscal impact for Clerks of Court.<sup>35</sup>

**VI. Technical Deficiencies:**

**Public Records Issue**

It appears that Section 2 is in direct conflict with s. 985.04(2)(a)1., F.S., and effectively creates a new public records exemption without meeting legal requirements for creating a public record (see “Public Records/Open Meetings Issues” section of this bill analysis). Additionally, the

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<sup>35</sup> *FCCC Bill Analysis* (SB 1508) (citations omitted), Florida Court Clerks & Comptrollers (on file with the Senate Committee on Criminal Justice).

FDLE notes that Section 2 of the bill appears to be unnecessary because if a person is charged with a crime, the charge is a public record.<sup>36</sup> Based on this information, legislative staff recommends that the bill sponsor consider removing Section 2 from the bill.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 28.2221 and 119.071.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>36</sup> 2021 FDLE Legislative Bill Analysis (SB 1508) (March 10, 2021) (on file with the Senate Committee on Criminal Justice).