

HB 1225

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A bill to be entitled  
An act relating to grand jury testimony and materials; amending s. 905.27, F.S.; providing definitions; authorizing a court to disclose certain grand jury testimony and materials in certain circumstances to further justice; creating s. 905.275, F.S.; requiring the clerk of court to take possession of and preserve certain grand jury materials; prohibiting a person from disposing of or destroying such materials; specifying the materials required to be preserved; requiring the clerk of court to maintain a chain of custody list for such materials during a grand jury proceeding; specifying the manner in which the clerk of court shall store and provide access to stored materials; prohibiting certain persons from accessing such materials; requiring documentation of an authorized person's access to such materials; requiring the state attorney and his or her employees to preserve certain grand jury materials; requiring preserved materials to be retained for a certain period of time; requiring the Office of the State Courts Administrator to adopt certain rules; authorizing the Office of the State Courts Administrator to perform inspections for certain purposes; requiring disclosure and provision of access

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26 to materials upon a court order; prohibiting the  
27 intentional destruction or alteration of grand jury  
28 materials; providing a penalty; requiring the  
29 Department of Law Enforcement to investigate alleged  
30 violations of preservation requirements; providing an  
31 effective date.

32

33 WHEREAS, this state has a precedent for unsealing historic  
34 grand jury records in cases of injustice, including through the  
35 procedures described in chapter 2024-7, Laws of Florida, and

36 WHEREAS, survivors of sexual abuse exploitation, capital  
37 crimes, and other victimization are entitled to transparency,  
38 accountability, and protection, and

39 WHEREAS, the review of grand jury proceedings in cases  
40 pertaining to sexual abuse and capital crimes for potential  
41 investigative or prosecutorial failures or other injustices may  
42 improve the public's trust in the courts of this state, NOW,  
43 THEREFORE,

44

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

46

47 **Section 1. Section 905.27, Florida Statutes, is amended to  
48 read:**

49 905.27 Testimony and materials not to be disclosed;  
50 exceptions.—

51        (1) As used in this section, the term:

52        (a) "Immediate family member" has the same meaning as in  
53 s. 252.515(3) .

54        (b) "Sexual abuse" means an act of a sexual nature or  
55 sexual act that may be prosecuted under any law of this state.

56        (c) "Survivor" means a victim of an alleged crime of  
57 sexual abuse or a capital crime who provided testimony,  
58 evidence, or statements in connection with a grand jury  
59 proceeding relating to such alleged crime. The term includes a  
60 victim of an alleged crime of sexual abuse or a capital crime  
61 who was interviewed by an investigator or prosecutor in  
62 preparation for a grand jury proceeding even if the victim was  
63 not called to testify in the proceeding.

64        (2)(1) Persons present or appearing during a grand jury  
65 proceeding, including a grand juror, a state attorney, an  
66 assistant state attorney, a reporter, a stenographer, or an  
67 interpreter, as well as the custodian of a grand jury record,  
68 may not disclose the testimony of a witness examined before the  
69 grand jury, ~~or~~ other evidence received by it, or materials  
70 preserved pursuant to s. 905.275 except when required by a court  
71 to disclose the testimony or materials for the purpose of:

72        (a) Ascertaining whether testimony ~~it~~ is consistent with  
73 the testimony given by the witness before the court;

74        (b) Determining whether the witness is guilty of perjury;  
75 or

76       (c) Furthering justice, which can encompass furthering a  
77 public interest when the disclosure is requested pursuant to  
78 paragraph (3)(c) or (d) ~~(2)(e)~~.

79       (3)(2) It is unlawful for any person knowingly to publish,  
80 broadcast, disclose, divulge, or communicate to any other  
81 person, or knowingly to cause or permit to be published,  
82 broadcast, disclosed, divulged, or communicated to any other  
83 person, in any manner whatsoever, any testimony of a witness  
84 examined before the grand jury or any materials preserved  
85 pursuant to s. 905.275, or the content, gist, or import thereof,  
86 except when such testimony or materials are or have is or has  
87 been disclosed in any of the following circumstances:

88       (a) When a court orders the disclosure of such testimony  
89 pursuant to subsection (2)(1) for use in a criminal case, it  
90 may be disclosed to the prosecuting attorney of the court in  
91 which such criminal case is pending, and by the prosecuting  
92 attorney to his or her assistants, legal associates, and  
93 employees, and to the defendant and the defendant's attorney,  
94 and by the latter to his or her legal associates and employees.  
95 However, the grand jury testimony afforded such persons by the  
96 court can only be used in the defense or prosecution of the  
97 criminal case and for no other purpose.

98       (b) When a court orders the disclosure of such testimony  
99 pursuant to subsection (2)(1) for use in a civil case, it may  
100 be disclosed to all parties to the case and to their attorneys

101 and by the latter to their legal associates and employees.  
102 However, the grand jury testimony afforded such persons by the  
103 court can only be used in the defense or prosecution of the  
104 civil case and for no other purpose.

105 (c) When a court orders the disclosure of such testimony  
106 or materials pursuant to subsection (2) (1) in response to a  
107 request by the media or an interested person, regardless of  
108 whether that purpose is for use in a criminal or civil case, it  
109 may be disclosed so long as the subject of the grand jury  
110 inquiry is deceased, the grand jury inquiry related to criminal  
111 or sexual activity between the subject of the grand jury  
112 investigation and a person who was a minor at the time of the  
113 alleged criminal or sexual activity, the testimony or materials  
114 were was previously disclosed by a court order, and the state  
115 attorney is provided notice of the request. This paragraph does  
116 not limit the court's ability to limit the disclosure of  
117 testimony or materials, including, but not limited to,  
118 redaction.

119 (d) When a court orders the disclosure of such testimony  
120 or materials pursuant to subsection (2) in response to a request  
121 by a survivor or an immediate family member of a survivor,  
122 regardless of whether that purpose is for use in a criminal or  
123 civil case, the testimony or materials may be disclosed so long  
124 as the subject of the grand jury inquiry is deceased and the  
125 state attorney is provided notice of the request. This paragraph

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126 does not limit the court's ability to limit the disclosure of  
127 testimony or materials, including, but not limited to,  
128 redaction.

129 (4) (3) This section does not affect the attorney-client  
130 relationship. A client has the right to communicate to his or  
131 her attorney any testimony given by the client to the grand  
132 jury, any matters involving the client discussed in the client's  
133 presence before the grand jury, and any evidence involving the  
134 client received by or proffered to the grand jury in the  
135 client's presence.

136 (5) (4) A person who violates this section commits a  
137 misdemeanor of the first degree, punishable as provided in s.  
138 775.083, or by fine not exceeding \$5,000, or both.

139 (6) (5) A violation of this section constitutes criminal  
140 contempt of court.

141 **Section 2. Section 905.275, Florida Statutes, is created**  
142 **to read:**

143 905.275 Preservation of grand jury materials.—

144 (1) The clerk of court shall take possession of and  
145 preserve all materials presented or created during a grand jury  
146 proceeding. A person may not dispose of or destroy such  
147 materials.

148 (2) For purposes of this section, the term "materials"  
149 includes all of the following:

150 (a) Digital recordings.

151        (b) Audio and video materials.  
152        (c) Paper records produced by members of the grand jury,  
153 witnesses, and the court.  
154        (d) Any computer; hard drive; electronic storage device or  
155 digital recording medium, including, but not limited to,  
156 outdated media such as compact discs, DVDs, and floppy discs;  
157 and electronic devices from which evidence is recovered during  
158 an investigation that leads to a grand jury proceeding.  
159        (e) Subpoenas.  
160        (f) Any other materials, documents, storage devices,  
161 media, and data associated with a grand jury proceeding.  
162  
163        The term "materials" does not include internal state attorney  
164 work product, legal memoranda, or investigative intelligence not  
165 presented to the grand jury or entered into the record.  
166        (3) The clerk of court shall:  
167        (a) Maintain a chain of custody list for grand jury  
168 materials during each grand jury proceeding and restrict access  
169 to such list. Such list must include the name of any person who  
170 accesses the materials, the materials the person accessed, and  
171 the time and date that the person accessed the materials. A  
172 redacted version of the chain of custody document is a public  
173 record.  
174        (b) Store in secured, sealed containers all grand jury  
175 related materials that are in his or her possession and shall

176 keep such containers in a secure location in the courthouse that  
177 is free from mold, water, dust, and other storage hazards.

178 (c) Prohibit unauthorized persons, such as maintenance  
179 personnel, visitors, and staff who are not employees of the  
180 clerk of court, from accessing or viewing the stored materials.

181 (d) Retain a chain of custody list outside the place in  
182 which grand jury materials are stored which documents all of the  
183 following:

184 1. The name of any person who accesses the materials.

185 2. The materials the person accessed.

186 3. The time and date the person accessed the materials.

187 (4) If the state attorney or any of his or her employees  
188 possesses any of the materials described in subsection (2) which  
189 were not presented to the grand jury or were not otherwise made  
190 part of the court record, he or she shall preserve such  
191 materials.

192 (5) All materials preserved pursuant to this section must  
193 be retained for 50 years after any criminal proceedings  
194 associated with such materials have concluded unless a court  
195 orders otherwise.

196 (6) The Office of the State Courts Administrator shall  
197 adopt uniform statewide rules for retention, management, and  
198 storage of grand jury materials to ensure consistency and reduce  
199 burdens on clerks of court. The Office of the State Courts  
200 Administrator may perform inspections to confirm that clerks of

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201     court are in compliance with this section.

202         (7) A person or entity who possesses or stores any grand  
203         jury materials as described in this section shall disclose and  
204         provide access to such materials upon a court order pursuant to  
205         s. 905.27.

206         (8) Any person who intentionally destroys or alters any of  
207         the materials described in subsection (2) commits a felony of  
208         the third degree, as provided in s. 775.082, s. 775.083, or s.  
209         775.084. The Department of Law Enforcement shall investigate  
210         alleged violations of the preservation requirements in this  
211         section.

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