

By Senator Harrell

31-01079A-26

20261436

31-01079A-26

20261436

30 from intentionally destroying or altering grand jury  
31 materials; providing criminal penalties; requiring the  
32 Department of Law Enforcement to investigate alleged  
33 violations of specified preservation requirements;  
34 providing an effective date.

35

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

39 WHEREAS, survivors of sexual abuse exploitation, capital  
40 crimes, and other victimization are entitled to transparency,  
41 accountability, and protection, and

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

47

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

49

50 Section 1. Section 905.27, Florida Statutes, is amended to  
51 read:

52 905.27 Testimony and materials not to be disclosed;  
53 exceptions.—

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

55 (a) "Immediate family member" has the same meaning as in s.  
56 252.515(3).

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

31-01079A-26

20261436

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

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

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

77       (b) Determining whether the witness is guilty of perjury;  
78 or

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

82       (3)(2) It is unlawful for any person knowingly to publish,  
83 broadcast, disclose, divulge, or communicate to any other  
84 person, or knowingly to cause or permit to be published,  
85 broadcast, disclosed, divulged, or communicated to any other  
86 person, in any manner whatsoever, any testimony of a witness  
87 examined before the grand jury or any materials preserved

31-01079A-26

20261436

88 pursuant to s. 905.275(2), or the content, gist, or import  
89 thereof, except when such testimony or materials are or have is  
90 ~~or has~~ been disclosed in any of the following circumstances:

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

101 (b) When a court orders the disclosure of such testimony  
102 pursuant to subsection (2) (1) for use in a civil case, it may  
103 be disclosed to all parties to the case and to their attorneys  
104 and by the latter to their legal associates and employees.  
105 However, the grand jury testimony afforded such persons by the  
106 court can only be used in the defense or prosecution of the  
107 civil case and for no other purpose.

108 (c) When a court orders the disclosure of such testimony or  
109 materials pursuant to subsection (2) (1) in response to a  
110 request by the media or an interested person, regardless of  
111 whether that purpose is for use in a criminal or civil case, it  
112 may be disclosed so long as the subject of the grand jury  
113 inquiry is deceased, the grand jury inquiry related to criminal  
114 or sexual activity between the subject of the grand jury  
115 investigation and a person who was a minor at the time of the  
116 alleged criminal or sexual activity, the testimony or materials

31-01079A-26

20261436

117 were ~~was~~ previously disclosed by a court order, and the state  
118 attorney is provided notice of the request. This paragraph does  
119 not limit the court's ability to limit the disclosure of  
120 testimony or materials, including, but not limited to,  
121 redaction.

122 (d) When a court orders the disclosure of such testimony or  
123 materials pursuant to subsection (2) in response to a request by  
124 a survivor or an immediate family member of a survivor,  
125 regardless of whether that purpose is for use in a criminal or  
126 civil case, the testimony or materials may be disclosed so long  
127 as the subject of the grand jury inquiry is deceased and the  
128 state attorney is provided notice of the request. This paragraph  
129 does not limit the court's ability to limit the disclosure of  
130 testimony or materials, including, but not limited to,  
131 redaction.

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

139 (5) (4) A person who violates this section commits a  
140 misdemeanor of the first degree, punishable as provided in s.  
141 775.083, or by fine not exceeding \$5,000, or both.

142 (6) (5) A violation of this section constitutes criminal  
143 contempt of court.

144 Section 2. Section 905.275, Florida Statutes, is created to  
145 read:

31-01079A-26

20261436

146        905.275 Preservation of grand jury materials.—  
147        (1) The clerk of court shall take possession of and  
148        preserve all materials presented or created during a grand jury  
149        proceeding. A person may not dispose of or destroy such  
150        materials.

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

153        (a) Digital recordings.

154        (b) Audio and video materials.

155        (c) Paper records produced by members of the grand jury,  
156        witnesses, and the court.

157        (d) Any computer; hard drive; electronic storage device or  
158        digital recording medium, including, but not limited to,  
159        outdated media such as compact discs, DVDs, and floppy discs;  
160        and electronic devices from which evidence is recovered during  
161        an investigation that leads to a grand jury proceeding.

162        (e) Subpoenas.

163        (f) Any other materials, documents, storage devices, media,  
164        and data associated with a grand jury proceeding.

165  
166        The term "materials" does not include internal state attorney  
167        work product, legal memoranda, or investigative intelligence not  
168        presented to the grand jury or entered into the record.

169        (3) The clerk of court shall:

170        (a) Maintain a chain of custody list for grand jury  
171        materials during each grand jury proceeding and restrict access  
172        to such list. Such list must include the name of any person who  
173        accesses the materials, the materials the person accessed, and  
174        the time and date that the person accessed the materials. A

31-01079A-26

20261436

175 redacted version of the chain of custody document is a public  
176 record.

177 (b) Store all grand jury related materials that are in his  
178 or her possession in secured, sealed containers and keep such  
179 containers in a secure location in the courthouse that is free  
180 from mold, water, dust, and other storage hazards.

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

184 (d) Retain the chain of custody list outside the place in  
185 which grand jury materials are stored which documents all of the  
186 following:

187 1. The name of any person who accesses the materials.  
188 2. The materials the person accessed.  
189 3. The time and date the person accessed the materials.

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

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

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

31-01079A-26

20261436

204       court are in compliance with this section.

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

209       (8) Any person who intentionally destroys or alters any of  
210       the materials described in subsection (2) commits a felony of  
211       the third degree, as provided in s. 775.082, s. 775.083, or s.  
212       775.084. The Department of Law Enforcement shall investigate  
213       alleged violations of the preservation requirements in this  
214       section.

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