

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.)

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

BILL: SB 210

INTRODUCER: Senator Sharief

SUBJECT: Public Records/Petitions for Injunctions for Protection Against Serious Violence by a Known Person

DATE: November 17, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			FP	

I. Summary:

SB 210 amends s. 119.0714, F.S., to create a public records exemption for petitions, and the contents thereof, for injunctions for protection against serious violence by a known person.

This exemption applies to a petition that is dismissed without a hearing, dismissed at an exparte 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. Additionally, the exemption applies to any information that can be used to identify a petitioner or respondent in a petition for an injunction against serious violence by a known person until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

The bill provides a statement of public necessity as required by the State Constitution, and because it creates a new public records exemption it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect on the same day as SB 32 or any similar legislation. As filed, SB 32 takes effect on July 1, 2026.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies

¹ FLA. CONST. art. I, s. 24(a).

to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Separation of Powers and the Judicial Branch

However, under the doctrine of separation of powers found in Article II, section 3 of the State Constitution, the Florida Supreme Court has the authority to regulate the public's access to judicial records and bears the responsibility to protect records of the judicial branch.⁵ To implement this "inherent authority," the Court adopted what is now referred to as Rule of General Practice and Judicial Administration 2.420.⁶ The rule governs public access to judicial branch records and provides which records are exempt from the public.

In its report, the workgroup noted that under existing law, "even the most inflammatory and palpably false allegations struck by the court remain in the public record." The workgroup further noted that its authority to seal records has its limitations and concluded that the "only tool available to prevent the ongoing publication" of the defamatory remarks was a public records exemption.⁷ Accordingly, the substance of that conclusion is contained in this bill.

Open Government Sunset Review Act – Exceptions for the Judicial Branch

The "Open Government Sunset Review Act" contained in s. 119.15, F.S., provides for the review and repeal or reenactment of an exemption in the 5th year after the enactment of a new exemption or substantial amendment of an existing exemption. However, these requirements do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System. As such, public records exemptions enacted by the Legislature which apply solely to the State Court System are not subject to the 5 year review.

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ See *supra* note 9 which cites *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988) and *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ See *supra* note 9. The rule is found here: <https://www.flcourts.gov/content/download/219096/file/RULE-2-420-Jan2014.pdf>.

⁷ *Workgroup on Vexatious Litigants, Final Report and Recommendations*, The Florida Supreme Court, 42-43 (Sept. 6, 2024), <https://www.flcourts.gov/content/download/2446359/file/Workgroup%20on%20Vexatious%20Litigants%20Final%20Report%209-6-24.pdf>.

Injunctions for Protection

Though there are several causes of action for injunctions under different sections of Florida statutes, for example, an injunction for protection against stalking or cyberstalking⁸ and an injunction for protection against exploitation of a vulnerable adult,⁹ there does not appear to be a protective injunction for all acts of violence.

Under s. 784.046, F.S., there are three protective injunctions a person may petition for: an injunction for protection in cases of repeat violence,¹⁰ an injunction for protection in cases of dating violence,¹¹ and an injunction for protection in cases of sexual violence.^{12,13} However, this section is limited dependent on the nature of the relationship or the act of repeated or sexual violence.

“Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 119.0714, F.S., to create a public records exemption for petitions, and the contents thereof, for injunctions for protection against serious violence by a known person.

This exemption applies to a petition 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. Additionally, the exemption applies to any information that can be used to identify a petitioner or respondent in a petition for an injunction against serious violence by a known person until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

The bill provides a statement of public necessity as required by the State Constitution, and because it creates a new public records exemption it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect the same day SB 32 or any similar legislation does, if it is adopted in the same legislative session or an extension thereof. As filed, SB 32 takes effect July 1, 2026.

⁸ Section 784.0485, F.S.

⁹ Section 825.1035, F.S.

¹⁰ “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.

¹¹ “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of certain factors. Section 784.046(1)(d), F.S.

¹² “Sexual violence” means any one incident of: sexual battery, 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. Section 784.046(1)(c), F.S.

¹³ Section 784.046(2), F.S.

¹⁴ Section 784.046(1)(a), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require the 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:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for records pertaining to an injunction for protection against serious violence by a known person; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of serious violence by a known person, and the bill exempts only records pertaining to a petition, and the contents thereof, from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

There is currently no injunction for protection against serious violence by a known person; however, SB 32 expands the injunction for protection against repeat violence to include serious violence.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0714 of the Florida Statutes.

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.