

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 298

INTRODUCER: Senator Berman

SUBJECT: Public Records and Public Meetings/HAVEN Coordinating Council

DATE: December 8, 2025

REVISED: _____

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

I. Summary:

SB 298 amends s. 741.317, F.S., as created by SB 296, to keep victim information obtained by the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council or a county-level HAVEN council confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The bill makes confidential and exempt any information contained in a record created by the coordinating council or county-level council which reveals the identity of a victim of domestic violence or dating violence.

The bill requires portions of meetings which relate to the physical injury or death of a victim of domestic violence or dating violence, or the prevention of such physical injury or death, during which exempt or confidential and exempt information, information protected under this chapter, the identity of the victim, or the identity of persons responsible for the welfare of the victim is discussed are exempt from s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution.

The exemption is repealed on October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of necessity as required by the State Constitution, and because it expands the 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 296 or any similar legislation. As filed, SB 296 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 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.

Violation of Public Record Law

Any person who willfully and knowingly violates any public record law commits a first degree misdemeanor.^{5,6}

Pursuant to s. 119.105, F.S., any person who comes into possession of exempt or confidential information contained in police reports is prohibited from using that information for any commercial solicitation of the victims or the relatives of the victims of the reported crimes or accidents, and is further prohibited from knowingly disclosing such information to any third party for the purpose of such solicitation during the period of time that the information remains exempt or confidential. Any person who violates such prohibitions commits a third degree felony.^{7,8}

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act⁹ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁰ public

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

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

⁵ Section 119.10(2)(a), F.S.

⁶ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁷ Section 119.10(2)(b), F.S.

⁸ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

⁹ Section 119.15, F.S.

¹⁰ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

records or open meetings exemptions, with specified exceptions.¹¹ The act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹² In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹³ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁴
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁵ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.¹⁶

The Act also requires specified questions to be considered during the review process.¹⁷ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.¹⁸ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.¹⁹

¹¹ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹² Section 119.15(3), F.S.

¹³ Section 119.15(6)(b), F.S.

¹⁴ Section 119.15(6)(b)1., F.S.

¹⁵ Section 119.15(6)(b)2., F.S.

¹⁶ Section 119.15(6)(b)3., F.S.

¹⁷ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹⁸ See generally s. 119.15, F.S.

¹⁹ Section 119.15(7), F.S.

Public Record Exemption for the Victim of a Crime

Section 119.071(2)(j), F.S., provides a public record exemption for any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and also identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime.²⁰

Additionally, any information not otherwise held confidential or exempt from public record requirements which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public record requirements upon written request by the victim, which request must include official verification that an applicable crime has occurred. Such an exemption will cease five years after the receipt of the written request.²¹

Public Meetings and Records

All meetings of any board or commission of any state agency or authority of any agency or of any county, municipal corporation, or political subdivision, at which official acts are to be taken are declared to be public meetings open to the public at all times.²² The minutes of a meeting must be promptly recorded and such records are open to the public.²³

Any public officer who violates a provision of s. 286.011, F.S., is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.²⁴ Any person who is a member of a board or commission and who knowingly attends a meeting not held in accordance with the provisions outlined commits a second degree misdemeanor.^{25,26}

III. Effect of Proposed Changes:

The bill amends s. 741.317, F.S., as created by SB 296, to keep victim information obtained by the HAVEN Coordinating Council or a county-level HAVEN council confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The bill makes confidential and exempt any information contained in a record created by the coordinating council or county-level council which reveals the identity of a victim of domestic violence or dating violence.

The bill requires portions of meetings which relate to the physical injury or death of a victim of domestic violence or dating violence, or the prevention of such physical injury or death, during which exempt or confidential and exempt information, information protected under this chapter,

²⁰ Section 119.071(2)(j)1., F.S.

²¹ *Id.* Notwithstanding this exemption, any state or federal agency that is authorized to have access to such documents by any provision of law must be granted access in the furtherance of such agency's statutory duties.

²² Section 286.011(1), F.S.

²³ Section 286.011(2), F.S.

²⁴ Section 286.011(3)(a), F.S.

²⁵ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

²⁶ Section 286.011(3)(b), F.S.

the identity of the victim, or the identity of persons responsible for the welfare of the victim is discussed are exempt from s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution.

The exemption is repealed on October 2, 2031, unless it is reenacted by the Legislature.

The bill provides it is a public necessity that information that is exempt or confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution remain exempt or confidential and exempt when held by the HAVEN Coordinating Council or a county-level council. The disclosure of sensitive personal identifying information could impede the open communication and coordination among the parties involved. Further, it is a public necessity that portions of meetings of the coordinating council or county-level council during which exempt or confidential and exempt information is discussed be made exempt from s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution.

The bill takes effect on the same day as SB 296 or any similar legislation. As filed, SB 296 takes effect on July 1, 2026.

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 expands an exemption for public records and public meetings pertaining to victims of domestic violence and dating violence 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 domestic violence and dating violence, and

the bill exempts only records pertaining to those persons from the public records requirements.

The bill requires that portions of meetings of the coordinating council or a county-level council be made exempt from s. 286.011, F.S., and s. 24(b), Art. I of the State Constitution. Failure to close the portions of the meetings in which such sensitive personal identifying information is discussed would defeat the purpose of the public records exemption. The exemption is narrowly tailored to apply only to those portions of the meetings in which such sensitive personal identifying information is discussed and so 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:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 741.317 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.

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