

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 Governmental Oversight and Accountability

BILL: CS/SB 350

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Public Records/Crime Victims

DATE: January 27, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.	Harmsen	McVane	GO	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 350 amends s. 119.071, F.S., to revise the current public records exemption from inspection and copying requirements for documents that identify a person as a victim of a crime. The bill specifies any portion of a public record that reveals the identity of a victim of crime, *including his or her name or personal identification number*, home or employment address, or personal assets, *or any other information or record that could be used to locate, intimidate, harass, or abuse the victim*, which is a public record generated or received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from public records inspection and copying requirements. The bill also applies these protections to the portions of a public record that identifies the victim and a person who is the victim's family member, next of kin, and lawful representative.

The bill also requires that the portion of a public record which contains the name of an officer who became a victim in the course and scope of his or her employment or official duties be held as confidential and exempt for a period of 72 hours immediately following such incident. This portion of a public record then becomes exempt from public records copying and inspection requirements for the next 60 days, which permits an agency to release the officer's name, but does not require it. At the end of the 60-day period, the officer's name may be released as a public record.

The bill provides definitions for "officer," "family member," and "victim."

The exemption applies to information held by an agency that regularly generates or receives information about a victim on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.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 may have an indeterminate fiscal impact. See *Section V. Fiscal Impact Statement*.

The bill takes effect 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

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.

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 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.

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.

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?

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

Marsy's Law

On November 6, 2018, a constitutional revision to article I of the State Constitution was approved by voters; such revision is colloquially known as “Marsy’s Law.”²⁰ Marsy’s Law provides crime victims specific rights, including the right:

- To be free from intimidation, harassment, and abuse.
- To be reasonably protected from the accused and any person acting on behalf of the accused within the judicial process.
- To prevent the disclosure of information or records that could be used to locate or harass the victim or the victim’s family, or which could disclose confidential or privileged information of the victim.²¹

Under Marsy’s Law, a “victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term includes the victim’s lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim, except upon a showing that the interest of such individual would be in actual or potential conflict with the interests of the victim. The term does not include the accused.²²

Pursuant to article I, section 16(c) of the Florida Constitution, the victim can assert and seek enforcement of such rights in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority must act promptly on such a request, affording a remedy by due course of law for the violation of any right.²³

In 2023, the Florida Supreme Court held that Marsy’s Law “does not guarantee to a victim the categorical right to withhold his or her name from disclosure.”²⁴ The Court held that “Marsy’s Law speaks only to the right of victims to ‘prevent the disclosure of information or records that could be used to locate or harass’ them or their families” and that “one’s name, standing alone, is not that kind of information or record; it communicates nothing about where the individual can

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- 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.

²⁰ Art. I, s. 16(b)-(e), Fla. Const.

²¹ Art. I, s. 16(b), Fla. Const.

²² Art. I, s. 16(e), Fla. Const.

²³ Art. I, s. 16(c), Fla. Const.

²⁴ *City of Tallahassee v. Fla. Police Benv. Assn., Inc.*, 375 So. 3d 178, 183 (2023).

be found and bothered.”²⁵ The Court noted that by reading Marsy’s Law to only shield information that can be used to locate or harass, rather than identify, it can give effect to Marsy’s Law while also protecting a defendant’s right to confront adverse witnesses at trial.

Additionally, the question of whether police officers acting in an official capacity can be Marsy’s Law “victims” was presented to the Court. However, the Court decided to answer the question of anonymity stating, “we decide only what Marsy’s Law says and does not say; we do not pass upon the validity of any statutory right of certain persons, in certain situations, to withhold their identities from disclosure.”²⁶

Public Record Exemption for Agency Investigations

Agency Documents that Identify a Victim of a Sexual Offense

Section 119.071(2)(h), F.S., makes confidential and exempt from public records law any information that may reveal the identity of a victim of specified sexual offenses that are included in criminal intelligence information or criminal investigative information. In general, information cannot be withheld from public inspection as criminal investigative or intelligence information after its release to a defendant.²⁷ However, this is not the case for information that would reveal identifying information of a victim of a sexual offense, child abuse, or certain human trafficking crimes.²⁸

Agency Documents that Identify a 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.²⁹ This provision has been interpreted to exempt only those documents received, not generated by, an agency; police reports are not included in this exemption.³⁰

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.³¹

²⁵ *Id.* at 184 (internal citations omitted).

²⁶ *Id.* at 188.

²⁷ See s. 119.011(3)(c)5., F.S.

²⁸ 119.071(2)(h), F.S. See also, Op. Att’y Gen. Fla. 2003-56 (2003), <https://www.myfloridalegal.com/ag-opinions/identity-of-sexual-crime-victim-in-court-records> (last visited Jan. 27, 2026).

²⁹ Section 119.071(2)(j)1., F.S.

³⁰ Op. Att’y Gen. Fla. 90-80 (1990).

³¹ *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.

III. Effect of Proposed Changes:

The bill amends s. 119.071, F.S., to revise the public record exemption for documents that identify a person as a victim of a crime. The bill specifies any portion of a public record that reveals the identity, including name or personal identification number, home or employment address, or personal assets of a victim, or any other information or record that could be used to locate, intimidate, harass, or abuse the victim which identifies the person as a victim of a crime and is a public record that is generated or received by any agency that regularly generates or receives information from or concerning the victims of crime, is exempt from public records copying and inspection requirements.

The bill applies the same exemption to any portion of a public record that reveals the identity of a lawful representative, family member, or next of kin of a person identified as a victim by the public record, or any other information that could be used to locate, intimidate, harass, or abuse such persons, if that record is a public record that was generated or received by an agency that regularly generates or receives information from or concerning victims of crime.

This portion of the bill expands the application of the exemption to include any public record, whether a document, an audio recording, or video recording, rather than just a written or electronic document—but the exemption covers only that portion of the record which provides the identity or related information of the victim, or their family, lawful representative, or next of kin. The exemption is also expanded to include public records that are generated by the agency, rather than just those records that are received by the agency. Neither the accused, nor a person whose interest is in actual or potential conflict with the victim's interest can avail themselves of this protection.

The bill additionally requires that a portion of a public record which reveals the name of an officer who becomes a victim within the course and scope of his or her employment or official duties be held confidential and exempt for a 72-hour period immediately following such incident. Thereafter, the officer's name automatically becomes exempt for a 60-day period, which allows, but does not require the agency that holds the record to release the officer's name. After the 60-day period, the officer's name may be released as a public record.

The bill provides that the protections afforded to an officer's name do not supersede the exemption provided for victims of sexual battery in s. 119.071(2)(h)1.b., F.S.

The bill provides the following definitions:

- “Officer” means any full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer certified under s. 943.13, F.S.
- “Victim” means a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. The term does not include the accused.

The exemption applies to information held by an agency on or after July 1, 2026, and is repealed on October 2, 2031, unless reenacted by the Legislature.

The bill provides a statement of necessity as required by the State Constitution. The public necessity statement provides that exempting records or documents from s. 119.07(1), F.S., and article I, section 24(a) of the State Constitution which identify a crime victim, the victim's family, or any information that may be used to threaten or harass the victim or the victim's family is a necessity to prevent the possibility of further trauma and the release of such records may deter crime victims from cooperating with law enforcement and reporting criminal acts.

The bill takes effect 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, section 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, section 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 from the public records inspection and copying requirements. This bill expands an exemption for records pertaining to victims of crimes and officers involved in a use of force incident; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption from the public records inspection and copying 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, section 24(c) of the State Constitution requires an exemption from the public records inspection and copying 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 crime and such victim's family members, and the bill exempts only the portions of records pertaining to those persons from the public records inspection and copying requirements.

The bill requires any public record that reveals the identity, location information, or personal assets for a crime victim to be made exempt. The bill additionally makes the portion of a public record which reveals the name of officers who become the victim of a

crime in the course and scope of their employment or official duties confidential and exempt for 72 hours and exempt for an additional 60 days.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Marsy's Law

If a court determines that officers are not victims for the purpose of Marsy's Law, the language in the bill may provide new protections, in particular for officers, in addition to those for other victims under current constitutional requirements.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the costs associated with an agency's review and redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The bill may increase costs minimally for agencies that hold records containing identifying information about victims, their lawful representatives, family, or next of kin, because staff responsible for complying with public records requests may need training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

Section 119.0714, F.S., excludes information made part of a court file from the exemptions provided for in ch. 119, F.S., except those documents specifically closed by a court or specifically listed in law. Additionally, Florida courts have consistently held that the judiciary is

not an “agency” for purposes of ch. 119, F.S.³² However, art. I, s. 34 of the State Constitution still provides a constitutional right of access to judicial records. In order to balance the separation of powers between the Legislative and Judicial branches, confidentiality of court records is governed by court rule and court decisions.³³ Florida Rule of General Practice and Judicial Administration 2.420, entitled “Public Access to and Protection of Judicial Branch Records”, provides that “the public shall have access to all records of the judicial branch of government except as provided [in the rule].”

Florida courts have also adopted a rule implementing Marsy's Law which sets out definitions of a crime, criminal, victim, and exempt information and the procedure for identifying exempt information in criminal and juvenile court records.³⁴

A statutory update to the exempt status of a victim's information that is not consistent with the court's rule implementation of Marsy's Law regarding confidentiality of a victim's information within court records may result in distinctions between protections provided by statute and court rule.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Governmental Oversight and Accountability on January 26, 2026:

- Narrows the exemptions provided to the portions of a public record which contain the exempt or confidential and exempt information.
- Clarifies the protections for a victim's lawful representative, family member, and next of kin.
- Provides for the release of the portion of a public record that contains the name of an officer who became a victim in the course and scope of his or her employment after a 72-hour period in which that information is held as confidential and exempt, and a separate 60-day period in which that information is held as exempt.
- Specifies that the exemption for an officer's name does not supersede the provisions of s. 119.071(2)(h)1.b., F.S., which makes the identifying information of a victim of a sexual offense confidential and exempt when held as criminal intelligence or criminal investigative information.

³² See, e.g., *Times Publishing Company v. Ake*, 660 So. 2d 255 (Fla. 1995); *State v. Wooten*, 260 So. 2d 1060, 1069 (Fla. 4th DCA 2018) (“Access to judicial branch records is governed by the rules and decisions of the Florida Supreme Court, not Chapter 119, Florida Statutes.”); and *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992)

³³ *State v. Wooten*, 260 So. 2d 1060, 1069 (Fla. 4th DCA 2018).

³⁴ Fla. R. Gen. Prac & Jud. Admin 2.423. Note, for purposes of the Florida Rule of General Practice and Judicial Administration, “confidential,” as applied to information contained within a record of the judicial branch, means that information is exempt from the public right of access under article I, section 24(a). of the Florida Constitution and may be released only to the persons or organizations designated by law, statute, or court order. Fla. R. Gen. Prac & Jud. Admin 2.420(b)(4).

B. Amendments:

None.

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