

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 41 TITLE: Pub. Rec./Victims of Domestic Violence and Dating Violence SPONSOR(S): Hinson	COMPANION BILL: SB 242 (Berman) LINKED BILLS: CS/HB 19 (Hinson, Barnaby) RELATED BILLS: None
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Committee References

[Criminal Justice](#)
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SUMMARY

Effect of the Bill:

CS/HB 41 expands two existing public record exemptions applicable to victims of domestic violence who participate in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence to include victims of dating violence, who are eligible to participate in the program under linked bill HB 19. Subject to specified exceptions, the exemptions cover:

- The addresses, corresponding telephone numbers, and social security numbers of program participants held by the Office of the Attorney General.
- The names, addresses, and phone numbers of program participants contained in voter registration and voting records held by the supervisor of elections and the Department of State.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state and local governments due to any costs associated with training staff on and making redactions required by the expanded public record exemptions for program participants in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence.

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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ANALYSIS

EFFECT OF THE BILL:

CS/HB 41 expands two existing [public record exemptions](#) applicable to victims of [domestic violence](#) who participate in the [Attorney General's Address Confidentiality Program for Victims of Domestic Violence](#) to include victims of [dating violence](#), who are eligible to participate in the program under [linked bill HB 19](#). Subject to specified exceptions, the [existing exemptions](#) cover:

- The addresses, corresponding telephone numbers, and social security numbers of program participants held by the Office of the Attorney General.
- The names, addresses, and phone numbers of program participants contained in voter registration and voting records held by the supervisor of elections and the Department of State. (Section [1](#)).

Pursuant to the [Open Government Sunset Review Act](#), the exemptions will be automatically repealed October 2, 2030, unless reenacted by the Legislature. (Section [1](#)).

The bill includes the constitutionally required public necessity statement, in which the Legislature finds that expanding the current public record exemptions for program participants in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence to include program participants who are victims of

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DATE: 3/7/2025

dating violence is necessary to provide greater protection to victims of dating violence and prevent harm from assailants or probable assailants that are attempting to find them. The Legislature finds that the release of program participants' personal identifying information and location information could significantly threaten the physical safety and security of victims of dating violence who participate in the program and that the harm that may result from the release of the information outweighs any public benefit that might result from public disclosure of the information. (Section [2](#)).

The bill provides an effective date of the same date that HB 19 or similar legislation takes effect, if such legislation is adopted in the same legislative session, or an extension thereof, and becomes a law. (Section [3](#)).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant negative fiscal impact on state agencies holding records that contain the personal identifying information and location information of program participants in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence because staff responsible for complying with public record requests may require training related to the expanded public record exemptions. Additionally, state agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

LOCAL GOVERNMENT:

The bill may have an insignificant negative fiscal impact on local agencies holding records that contain the personal identifying information and location information of program participants in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence because staff responsible for complying with public record requests may require training related to the expanded public record exemptions. Additionally, local agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Public Records](#)

Article I, section 24(a) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person the right to inspect or copy any public record of the legislative, executive, and judicial branches of government.¹ The Legislature, however, may provide by general law for [exemption](#)² from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.³

The Florida Statutes also address the public policy regarding access to government records. Section [119.071\(1\), F.S.](#), guarantees every person the right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁴ Furthermore, the [Open Government Sunset Review Act](#)⁵ provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be

¹ Art. I, s. 24(a), Fla. Const.

² A public record exemption means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of s. [119.07\(1\), F.S.](#), or s. 24, art. I of the Florida Constitution. See s. [119.011\(8\), F.S.](#)

³ Art. I, s. 24(c), Fla. Const.

⁴ See s. [119.01, F.S.](#)

⁵ S. [119.15, F.S.](#)

accomplished without the exemption.⁶ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protects trade or business secrets.⁷

Pursuant to the Open Government Sunset Review Act, a new public record exemption or substantial amendment of an existing public record exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁸

Furthermore, there is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. However, if the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute.⁹

[Linked Bill HB 19: Victims of Domestic Violence and Dating Violence](#)

HB 19 requires the Division of Telecommunications (Division) within the Department of Management Services to consult with specified entities to conduct a feasibility study regarding a web-based 911 alert system for use by victims of domestic violence and dating violence that would allow such a victim to use both a nondescript telephone number to contact 911 and a user-generated code or phrase once connected with a 911-operator that would indicate the victim's need for immediate law enforcement assistance and allow for the transfer of specified data to law enforcement. The bill requires the Division to submit the results of the study to the President of the Senate and the Speaker of the House of Representatives by January 31, 2026.

The bill also expands program participant eligibility in the Attorney General's Address Confidentiality Program for Victims of Domestic Violence by authorizing victims of dating violence to apply to the program. Participation in this program will allow a victim of dating violence to obtain and utilize a substitute address in lieu of his or her actual address with state and local agencies and will prohibit the supervisor of elections from including his or her personal identifying information and location information on any publicly-accessible list of registered voters.

[Domestic Violence](#)

Domestic violence is any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member and includes a threat of such acts against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.¹⁰

"Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.¹¹

[Address Confidentiality Program for Victims of Domestic Violence](#)

⁶ S. [119.15\(6\)\(b\), F.S.](#)

⁷ *Id.*

⁸ S. [119.15\(3\), F.S.](#)

⁹ See *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So. 2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991); See Attorney General Opinion 85-62 (August 1, 1985).

¹⁰ S. [741.28\(2\), F.S.](#) and S. [741.402\(3\), F.S.](#)

¹¹ S. [741.28\(3\), F.S.](#)

The Address Confidentiality Program for Victims of Domestic Violence operated by the Office of the Attorney General was designed to provide program participants with a substitute address¹² designated by the Attorney General in order to protect such participants and prevent their assailants or probable assailants from locating them. The program allows a participant to use his or her substitute address in lieu of his or her actual address with state and local agencies, which subsequently allows such agencies to comply with public record requests without jeopardizing the safety of program participants.¹³

Application Process and Certification

A person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated may apply to the Attorney General to participate in the Address Confidentiality Program and acquire a substitute address. Funding permitting, the Attorney General shall approve an application if it is filed with the Office of the Attorney General in the manner and on the form prescribed by the Attorney General¹⁴ and contains all of the following:

- A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.
- A designation that the Attorney General shall serve as the applicant's agent for purposes of service of process and for the purpose of receipt of mail.
- The mailing address and phone number or numbers where the applicant can be contacted by the Attorney General.
- A statement that the substitute address or addresses that the applicant requests will not be disclosed.
- The signature of the applicant and of any individual or representative of any office who assisted in the preparation of the application,¹⁵ and the date on which the applicant signed the application.¹⁶

Upon receipt of a properly filed complete application, the Attorney General must certify the applicant as a program participant. Applicants are certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.¹⁷ A program participant will have his or her certification withdrawn if he or she:

- Obtains a name change; or
- Applies to become a program participant using false information.¹⁸

Additionally, a program participant may have his or her certification cancelled if:

- He or she changes his or her residential address from the one listed on his or her program application, unless he or she provides the Attorney General with 14 days' prior notice of the change of address.
- Mail forwarded by the Attorney General to the program participant's address is returned and is undeliverable or if service of process documents are returned to the Attorney General.^{19, 20}

Agency Use of Substitute Address

After obtaining certification as a program participant, such participant may request that state and local agencies or other governmental entities use the substitute address provided by the Attorney General as his or her address.²¹ When creating a new public record, state and local agencies or other governmental entities shall accept the participant's substitute address, unless the Attorney General has determined that:

¹² "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant. S. [741.402\(1\), F.S.](#)

¹³ S. [741.401, F.S.](#)

¹⁴ An application fee may not be charged. S. [741.403\(2\), F.S.](#)

¹⁵ The Attorney General is required to designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to become program participants. S. [741.408, F.S.](#)

¹⁶ S. [741.403\(1\), F.S.](#)

¹⁷ S. [741.403\(3\), F.S.](#)

¹⁸ S. [741.404\(1\) and \(4\), F.S.](#)

¹⁹ S. [741.404\(2\) and \(3\), F.S.](#)

²⁰ The Attorney General's Office must forward all first-class mail to a program participant at no charge. S. [741.405\(8\), F.S.](#)

²¹ A program participant may use his or her designated substitute address as his or her work address. S. [741.405\(7\), F.S.](#)

- The agency or entity has a bona fide statutory or administrative requirement for the use of the participant's actual address which would normally be confidential under the program.
- The participant's actual address will only be used for those statutory and administrative purposes.
- The agency or entity has identified the specific program participant's record for which the waiver is requested.
- The agency or entity has identified the individuals who will have access to the record.
- The agency or entity has explained how its acceptance of a substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.²²

The agency or entity is required to use the substitute address of the participant until such time as the Attorney General makes all of the required findings for a waiver.²³ If the Attorney General determines that a waiver is permitted, the Attorney General must notify and require the agency or entity to:

- Maintain the confidentiality of a program participant's actual address information.
- Limit the use of and access to that address.
- Designate an address disposition date after which the agency or entity may no longer maintain the record of the actual address.
- Comply with any other provisions and qualifications determined appropriate by the Attorney General.²⁴

Supervisor of Elections Use of Substitute Address

A program participant who is otherwise qualified to vote may request a vote-by-mail ballot. The program participant will automatically receive vote-by-mail ballots for all elections in the jurisdictions in which he or she resides, in the same manner as vote-by-mail voters, at the participant's actual address designated in his or her program application. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.²⁵

Public Record Exemption Related to the Address Confidentiality Program for Victims of Domestic Violence

Section [741.465, F.S.](#), makes the addresses, corresponding telephone numbers, and social security numbers of program participants in the Address Confidentiality Program for Victims of Domestic Violence held by the Office of the Attorney General exempt from public record requirements. Such information may, however, be disclosed under the following circumstances:

- To a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant.
- If directed by a court order, to a person identified in the order.
- If the program participant's certification has been cancelled.²⁶

Additionally, the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence held by the supervisor of elections and the Department of State are exempt from public record requirements, unless one of the following circumstances apply:

- To a law enforcement agency for purposes of assisting in the execution of an arrest warrant.
- If directed by a court order, to a person identified in the order.²⁷

Dating Violence

Dating violence is an act of 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, committed between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship is determined based on the consideration of the following factors:

- A dating relationship must have existed within the past six months;

²² S. [741.405\(1\), F.S.](#)

²³ S. [741.405\(2\), F.S.](#)

²⁴ S. [741.405\(4\), F.S.](#)

²⁵ S. [741.406, F.S.](#)

²⁶ S. [741.465\(1\), F.S.](#)

²⁷ S. [741.465\(2\), F.S.](#)

- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.²⁸

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	18 Y, 0 N, As CS	3/6/2025	Hall	Leshko

THE CHANGES ADOPTED BY THE COMMITTEE:

- Expanded two existing public record exemptions related to the Attorney General’s Address Confidentiality Program for Victims of Domestic and Dating Violence.
- Removed a public record exemption related to a coordinating council that was removed from linked bill HB 19.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

²⁸ S. [784.046\(1\)\(a\) and \(d\)](#), F.S.