

Tab 1	SB 216 by McClain ; Similar to H 00191 Verification of Reemployment Assistance Benefit Eligibility				
Tab 2	SB 410 by Truenow ; Identical to H 00661 Public Records/Private Investigators				
574036	D	S	CM, Truenow	Delete everything after	12/08 12:57 PM
Tab 3	SPB 7014 by CM ; OGSR/Department of Legal Affairs				
Tab 4	SPB 7016 by CM ; OGSR/Administration of Small Business Loan Programs Held by an Economic Development Agency				

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Leek, Chair
Senator Arrington, Vice Chair

MEETING DATE: Wednesday, December 10, 2025

TIME: 11:30 a.m.—1:30 p.m.

PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Leek, Chair; Senator Arrington, Vice Chair; Senators Bracy Davis, Davis, DiCeglie, Mayfield, McClain, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 216 McClain (Similar H 191)	Verification of Reemployment Assistance Benefit Eligibility; Citing this act as the "Promoting Work, Deterring Fraud Act of 2026"; revising circumstances under which the Department of Commerce disqualifies claimants from reemployment assistance benefits; requiring the department to verify claimants' identities before paying benefits; providing duties of the department, etc. CM 12/10/2025 ATD FP	
2	SB 410 Truenow	Public Records/Private Investigators; Providing an exemption from public records requirements for the personal identifying and location information of current and former private investigators licensed by the Department of Agriculture and Consumer Services and the spouses and children of such private investigators; providing for future legislative review and repeal of the exemption; providing for retroactive application; providing a statement of public necessity, etc. CM 12/10/2025 GO RC	
Consideration of proposed bill:			
3	SPB 7014	OGSR/Department of Legal Affairs; Amending a provision which provides an exemption from public records requirements for information received by the Department of Legal Affairs pursuant to an investigation by the department or a law enforcement agency of violations by certain social media platforms; extending the date for future legislative review and repeal of the exemption, etc.	

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Wednesday, December 10, 2025, 11:30 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SPB 7016	OGSR/Administration of Small Business Loan Programs Held by an Economic Development Agency; Amending a provision which provides an exemption from public records requirements for certain information relating to the administration of small business loan programs held by an economic development agency; deleting the scheduled repeal of the exemption, etc.	
5	Other Related Meeting Documents		

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 Commerce and Tourism

BILL: SB 216

INTRODUCER: Senator McClain

SUBJECT: Verification of Reemployment Assistance Benefit Eligibility

DATE: December 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 216 requires the Department of Commerce (department) to:

- Disqualify claimants who fail to contact the required number of employers, appear for scheduled job interviews, and return to employment when recalled.
- Verify the identity of claimants before paying benefits and cross-check claim information with the SAVE database for initial claims and as necessary.
- Verify claimants are living, not incarcerated, and not employed every two weeks.
- Investigate claims with duplicative information from existing claims.
- Scrutinize claims filed from foreign IP addresses before paying any benefits.
- Share fraudulent claim information with specified state and federal agencies.
- Maintain a web page for reporting violations of reemployment assistance laws.
- Publish a yearly report on its website which details fraudulent claim data.

The bill takes effect on July 1, 2026.

II. Present Situation:

Unemployment Compensation Overview

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of state law.¹ The program is administered as a partnership of the federal government and the

¹ USDOL, *State Unemployment Insurance Benefits*, available at <https://oui.doleta.gov/unemploy/uifactsheet.asp> (last visited Dec. 9, 2025).

states.² The individual states collect unemployment compensation payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).³ FUTA collections go to the states for costs of administering state unemployment compensation and job service programs.⁴ In addition, FUTA pays one-half of the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.⁵

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with FUTA or Social Security Act requirements.⁶ Florida's program was created by the Legislature in 1937.⁷ The department is the current agency responsible for administering Florida's laws, primarily through its Division of Workforce Services.⁸ The department contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collections services.⁹

State Reemployment Assistance Benefits

In Florida, which rebranded the unemployment compensation program as the reemployment assistance program in 2012,¹⁰ a qualified claimant may receive benefits equal to 25% of wages, not to exceed \$6,325 in a benefit year.¹¹ Benefits range from a minimum of \$32 per week to a maximum weekly benefit amount¹² of \$275, for a maximum of between 12 weeks and 23 weeks,¹³ depending on the claimant's length of prior employment, wages earned, and the unemployment rate.¹⁴

The maximum number of weeks available is set at the beginning of the year and applies for the entire calendar year. The maximum number of weeks is based upon the average seasonally

² There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia. USDOL, Unemployment Compensation, Federal – State Partnership, available at <https://oui.doleta.gov/unemploy/pdf/partnership.pdf> (last visited Dec. 9, 2025).

³ FUTA is codified at 26 U.S.C. § 3301-3311.

⁴ Julie M. Whittaker, CONG. RSCH. SERV., *Unemployment Compensation: The Fundamentals of the Federal Unemployment Tax (FUTA)*, available at https://www.congress.gov/crs_external_products/R/PDF/R44527/R44527.5.pdf (last visited Dec. 9, 2025).

⁵ USDOL, *Unemployment Insurance Tax Topic*, available at <https://oui.doleta.gov/unemploy/uitaxtopic.asp#:~:text=FUTA%20taxes%20are%20calculated%20by,times%20the%20employer's%20taxable%20wages.&text=Employers%20who%20pay%20their%20state,tax%20paid%20to%20the%20state>, (last visited Dec. 9, 2025).

⁶ 26 U.S.C. § 3304.

⁷ Chapter 18,402, Acts of 1937 Laws of Fla.

⁸ Section 443.1316, F.S.

⁹ *Id.*

¹⁰ Chapter 2012-30, Laws of Fla.

¹¹ Section 443.111(5), F.S. The maximum amount of benefits available is calculated by multiplying an individual's weekly benefit amount by the number of available benefit weeks.

¹² Pursuant to section 443.111(3), F.S., the "weekly benefit amount," is an amount equal to one twenty-sixth of the total wages for insured work paid during the quarter of the base period where the wages paid were highest.

¹³ Section 443.111(5)(c), F.S.

¹⁴ The average weekly benefit amount for each quarter in 2024 was: first quarter – \$264; second quarter – \$265; third quarter – \$263; and fourth quarter – \$265. USDOL, *Unemployment Insurance Data*, run report for Florida, available at https://oui.doleta.gov/unemploy/data_summary/DataSum.asp, (last visited Dec. 9, 2025).

adjusted statewide unemployment rate for the months of July, August, and September.¹⁵ If the average rate for that most recent third calendar year quarter is at or below 5%, then the maximum number of weeks of benefits available is 12 weeks. For each 0.5% step above 5%, an additional week of benefits is added to the maximum duration, up to 23 weeks of benefits if that average third quarter unemployment rate is 10.5%. On January 1, 2021, the maximum number of weeks of benefits increased from 12 weeks to 19 weeks based on the three month average of July, August, and September of 2020, which was 8.6%.¹⁶

To receive benefits, a claimant must meet certain monetary and non-monetary eligibility requirements, including a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.¹⁷

Benefit Eligibility Conditions

A claimant must meet certain requirements in order to be eligible for benefits for each week of unemployment. Generally, these include efforts related to finding new employment, such as:¹⁸

- Completing the department's online work registration;
- Reporting to the One-Stop Career Center when directed to do so by the local CareerSource board;
- Being able to and available for work;¹⁹
- Contacting at least 5 prospective employers each week or going to the One-Stop Career Center for reemployment services; and
- Participating in reemployment services.²⁰

For each week of benefits claimed, a claimant must submit to the department the name, address, and telephone number of each prospective employer contacted.²¹ A claimant must be actively seeking work to be considered available for work. "This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed" or three prospective employers for individuals who live in small counties.²² Proof of work search efforts cannot include the same prospective employer at

¹⁵ Section 443.111(5)(a), F.S. Typically in the calculation of monthly unemployment rates, a rate is published about midway through the following month and the revised rate is published about midway through the next month. *See* Dept. of Commerce, Unemployment – Local Area Unemployment Statistics (LAUS) – Release Schedule, (2025), available at <http://lmsresources.labormarketinfo.com/library/DataReleaseSchedule.pdf>, (last visited Dec. 9, 2025).

¹⁶ Dept. of Commerce, *Florida Department of Economic Opportunity Announces Florida Achieves Six Consecutive Months of Month-Over-Month Job Growth*, (November 20, 2020), available at <https://floridajobs.org/news-center/DEO-Press/2020/11/20/florida-department-of-economic-opportunity-announces-florida-achieves-six-consecutive-months-of-month-over-month-job-growth>, (last visited Dec. 9, 2025).

¹⁷ *See* Section 443.091, F.S.

¹⁸ Section 443.091(1), F.S.,

¹⁹ "Able to work" means physically and mentally capable of performing the duties of the occupation in which work is being sought. "Available for work" means actively seeking and being ready and willing to accept suitable work. *See* Section 443.036(1) and (6), F.S. *See also* Rule 73B-11.021(2), F.A.C.

²⁰ *See* Section 443.091(1)(b), F.S.; Employ Florida, available at <https://www.employflorida.com/vosnet/Default.aspx>, (last visited Dec. 9, 2025). Employ Florida Marketplace is a partnership of Workforce Florida, Inc., and the Department of Commerce. It provides job-matching and workforce resources.

²¹ Section 443.091(1)(c)1., F.S.

²² Section 443.091(1)(d), F.S. A "small county" is a county that has a non-incarcerated population of 75,000 or less according to the most recent decennial census. Section 120.52(19), F.S.

the same location in three consecutive weeks, unless in the meantime the employer has indicated that it is hiring.²³ The department conducts random audits of the submitted information to verify that claimants are meeting these requirements.²⁴

Disqualification for Reemployment Assistance Benefits

Section 443.101, F.S., specifies the circumstances under which an individual would be disqualified from receiving benefits. These circumstances include:

- Voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct connected with the work;²⁵
- Failing to apply for available suitable work when directed by the department or the One-Stop Career Center, to accept suitable work when offered, or to return to suitable self-employment when directed to do so;²⁶
- Making false or fraudulent representations in filing for benefits;
- Being discharged from employment due to drug use or rejection from a job offer for failing a drug test; and
- Becoming unavailable for work due to incarceration or imprisonment.

The statute specifies the duration of the disqualification and the requirements for requalification for an individual's next benefit claim, depending on the reason for the disqualification.

Fraud Prevention Measures

Currently, the department employs multiple measures to combat fraud. The department:

- Uses software that blocks foreign or suspicious IP addresses to prevent claims from being filed outside the country and detects multiple claim attempts from different states.
- Verifies identities through ID.me at the time of filing and interfaces with the Division of Highway Safety and Motor Vehicles to verify identities.
- Uses ICON with the Social Security Administration to ensure no duplicate claims have been filed with other states.²⁷

Moreover, the department has enhanced its fraud detection procedures by developing the Fraud Initiative Rules and Ratings Engine (FIRRE) system, which is integrated with the National Association of State Workforce Agencies' (NASWA) Integrity Data Hub (IDH).²⁸ The FIRRE system, in combination with IDH, applies business rules designed to detect, flag, or lock suspicious claims for further investigation by fraud unit staff.²⁹

Additionally, the following cross-checks are performed regularly to verify claimant information:

²³ Section 443.091(1)(d), F.S.

²⁴ *Id.*

²⁵ An individual is not disqualified for voluntarily leaving temporary work to return to full time work, or to relocate with his or her military spouse due to relocation orders, or due to circumstances related to domestic violence.

²⁶ Section 443.101(2), F.S.

²⁷ FLORIDA DEPT. OF COMMERCE, *2025 Agency Legislative Bill Analysis for SB 1238* (on file with the Senate Commerce and Tourism Committee). This agency bill analysis was provided for a substantially similar bill in the 2025 legislative session.

²⁸ *Id.*

²⁹ *Id.*

- The United States Department of Health and Human Services National Directory of New Hires conducts a weekly cross-check.
- The State Directory of New Hires completes a daily review.
- Incarceration data is cross-checked weekly using a vendor separate from the Department of Corrections and the Social Security Administration, which gathers federal, state, and local incarceration records.
- The Systemic Alien Verification for Entitlements Program (SAVE) is used upon filing an initial claim to confirm eligibility.³⁰

III. Effect of Proposed Changes:

Title

Section 1 creates the title “Promoting Work, Deterring Fraud Act of 2026.”

Disqualification

Section 2 amends s. 443.101, F.S., mandating that a claimant be disqualified from reemployment assistance benefits if the department finds that the claimant failed without good cause:

- To contact the required number of prospective employers per week.
- To appear on three or more occasions for a scheduled job interview without notifying the prospective employer of the need to cancel or reschedule.
- To return to employment when recalled to work after a temporary layoff.

Such disqualification continues for the next full period of unemployment following one of these failures until the claimant has earned income of at least seventeen times their weekly benefit amount.

Verification

Section 3 creates s. 443.1112, F.S., providing the department must verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual. For the initial claim for benefits, and as necessary to verify a claimant’s eligibility, the department must cross-check the information from the claim with the SAVE database. Every two weeks that a claimant makes a claim, including the initial claim for benefits, the department must cross-check the claimant’s information to ensure the claimant is living, not incarcerated, and not employed.

Under the bill, the department must:

- Investigate claims that are associated with a mailing address, bank account, e-mail address, phone number, or IP address that is also associated with another existing claim for benefits in

³⁰ *Id.*; “SAVE is an online service for registered federal, state, territorial, tribal, and local government agencies to verify immigration status and naturalized/acquired U.S. citizenship of applicants seeking benefits or licenses.” CITIZENSHIP AND IMMIGR. SERV., SAVE, available at [https://www.uscis.gov/save#:~:text=SAVE%20is%20an%20online%20service%20for%20registered%20federal%2C,U.S.%20citizenship%20of%20applicants%20seeking%20benefits%20or%20licenses,\(last%20visited%20Dec.%209,%202025\).](https://www.uscis.gov/save#:~:text=SAVE%20is%20an%20online%20service%20for%20registered%20federal%2C,U.S.%20citizenship%20of%20applicants%20seeking%20benefits%20or%20licenses,(last%20visited%20Dec.%209,%202025).) (last visited Dec. 9, 2025).

this state or another state. For such claims, the department must verify the claim is legitimate before paying out benefits.

- Scrutinize claims filed from foreign IP addresses before paying any benefits.
- Work with the USDOL, U.S. Department of Justice, other state workforce agencies, the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor to share information pertaining to fraudulent claims for further investigation.

Additionally, the department must maintain a web page through which individuals and employers can report known or suspected violations of ch. 443, F.S. The department must also make a yearly report available on its website which identifies:

- The number of fraudulent reemployment assistance claims identified the previous year;
- The number of claims not paid due to successful detection of fraudulent intentions;
- The number of claims and the amount of reemployment assistance benefits paid against claims subsequently identified as fraudulent;
- The amount of fraudulent overpayments recovered;
- The number of fraudulent claims referred for investigation/prosecution; and
- The list of sources used to cross-check the claims.

Effective Date

Section 4 sets out an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Indeterminate. If the provisions of the bill function to lower the amount of reemployment assistance benefits paid out, employers could see a reduction in their contribution rates over time.

C. Government Sector Impact:

Indeterminate. The bill's required verifications could increase department expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Social Security Act (SSA) requires that state unemployment laws use “methods of administration... to [e]nsure full payment of unemployment compensation when due.”³¹ Federal regulation interprets this to mean that unemployment compensation benefits must be paid to eligible claimants with the greatest promptness as administratively feasible.³² To comply with this, states must issue at least 87% of all first payments within fourteen or twenty-one days after the week ending date of the first compensable week in the benefit year.³³ The U.S. Supreme Court has determined that even when a claimant's initial determination of eligibility is being appealed by an employer, a state must continue to pay unemployment benefits each week while the appeal process is taking place.³⁴ As a result of this interpretation of the “when due” provision of the SSA, a state cannot withhold benefits until a decision is made regarding a claimant's continuing eligibility.³⁵

As the state must act promptly to verify an individual's identity to ensure full payment of unemployment benefits, the cross-checks under the bill may impact the department's ability to ensure full payments when due. For continued claims, a timely payment requires that the department decides each claim no later than the end of the week following the week in which the issue is detected.³⁶ If the decision is not issued timely, the state must continue to pay the claim until a determination is made about a claimant's eligibility.

³¹ 42 U.S.C. s. 503(a)(1).

³² 20 C.F.R. s. 640.3-640.4.

³³ 20 C.F.R. s. 640.5.

³⁴ *California v. Java*, 402 U.S. 121, 132-135 (1971) (“Paying compensation to an unemployed worker promptly after an initial determination of eligibility accomplishes the congressional purposes of avoiding resort to welfare and stabilizing consumer demands; delaying compensation until months have elapsed defeats these purposes.”).

³⁵ *Id.*

³⁶ FLORIDA DEPT. OF COMMERCE, *supra* note 27.

VIII. Statutes Affected:

This bill substantially amends section 443.101 of the Florida Statutes.
This bill creates section 443.1112 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.

By Senator McClain

9-00402-26

2026216__

A bill to be entitled

An act relating to verification of reemployment assistance benefit eligibility; providing a short title; amending s. 443.101, F.S.; revising circumstances under which the Department of Commerce disqualifies claimants from reemployment assistance benefits; creating s. 443.1112, F.S.; requiring the department to verify claimants' identities before paying benefits; requiring the department to cross-check certain information; providing duties of the department; requiring the department to maintain a web page for a specified purpose and to notify employers each year of the web page; providing annual reporting requirements; providing an effective date.

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

Section 1. This act may be cited as the "Promoting Work, Deterring Fraud Act of 2026."

Section 2. Subsection (2) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(2) If the Department of Commerce finds that the individual has failed without good cause to apply for available suitable work, including contacting the required number of prospective employers per week for any week of unemployment claimed in the benefit year in accordance with s. 443.091, to appear on three or more occasions for a scheduled job interview without

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notifying the prospective employer of the need to cancel or reschedule the interview, to accept suitable work when offered to him or her, ~~to~~ ~~or~~ return to the individual's customary self-employment when directed by the department, or to return to employment when recalled to work by the individual's employer after a temporary layoff, the disqualification continues for the next full period of unemployment ~~next ensuing~~ after he or she failed without good cause to apply for available suitable work, accept suitable work, or return to his or her customary employment or self-employment, and until the individual has earned income of at least 17 times his or her weekly benefit amount. The department shall by rule adopt criteria to implement this subsection, including for determining the "suitability of work," or "suitable work," as used in this section. In developing these rules, the department shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether ~~or not any~~ work is suitable for an individual, the department shall consider the degree of risk to the individual's health, safety, and morals; the individual's physical fitness, prior training, experience, prior earnings, length of unemployment, and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding ~~any other provisions of~~ this chapter,

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work is not deemed suitable and benefits may not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. The position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. The wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. As a condition of being employed, the individual is required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the department finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

Section 3. Section 443.1112, Florida Statutes, is created to read:

443.1112 Verification of reemployment assistance benefit eligibility; detection of fraud.—

(1) The Department of Commerce shall verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual.

(2) For the initial claim for benefits made by a claimant and as necessary to verify a claimant's eligibility for benefits, the department shall cross-check the information contained in the claim with information in the database of the Systematic Alien Verification for Entitlements Program established by the United States Bureau of Citizenship and

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Immigration Services.

(3) For every 2 weeks that a claimant makes a claim for benefits, including the initial claim for benefits, to verify a claimant's eligibility for benefits, the department shall cross-check the information contained in the claim to make sure that the claimant is:

(a) Living.

(b) Not incarcerated.

(c) Not already employed.

(4) The department shall do all of the following:

(a) Investigate any claim in this state associated with a mailing address, a bank account, an e-mail address, a telephone number, or an Internet protocol address that is also associated with another existing claim for reemployment assistance benefits in this state or another state and verify that the claim in this state is legitimate and not fraudulent before paying any benefits for the claim.

(b) Scrutinize any claim in this state filed from a foreign Internet protocol address before paying any benefits for the claim.

(c) Work with the United States Department of Labor, the United States Department of Justice, other state workforce agencies, the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor to share information related to fraudulent claims or attempted fraudulent claims to the extent feasible for further investigation and proceedings brought under this chapter.

(d) Maintain a web page through which an individual or an employer may report known or suspected violations of this

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chapter, including identity theft or fraud. Each year, the department shall notify employers in this state of this web page for reporting violations.

(e) Each year, make available on its website a report identifying the number of fraudulent reemployment assistance claims identified for the previous year, the number of claims not paid due to successful detection of fraudulent intentions, the number of claims and the amount of reemployment assistance benefits paid against claims subsequently identified as fraudulent, the amount of fraudulent overpayments recovered, and the number of fraudulent claims referred for investigation and possible prosecution. The report must also list the sources of information which were used to cross-check claims during the reporting period.

Section 4. This act shall take effect July 1, 2026.

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 Commerce and Tourism

BILL: SB 410

INTRODUCER: Senator Truenow

SUBJECT: Public Records/Private Investigators

DATE: December 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay	CM	Pre-meeting
2. _____	_____	GO	_____
3. _____	_____	RC	_____

I. Summary:

SB 410 exempts from public records copying and inspection requirements personal identifying and location information of current and former private investigators licensed by the Department of Agriculture and Consumer Services (DACS).

Specifically, the bill exempts from public disclosure the following information:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former private investigators licensed by the DACS.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former private investigators licensed by the DACS.
- The names and locations of schools and day care facilities attended by the children of current or former private investigators licensed by the DACS.

The exemption applies to information held by an agency before, on, or after July 1, 2026. It is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. Because the bill 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 may increase costs minimally for state and local government agencies.

The bill takes effect July 1, 2026.

II. Present Situation:

Access to Public Records - Generally

The State 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 agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

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 2, (2022-2024).

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

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions are often placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ 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.

¹⁸ 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.

such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

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.²⁰ 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 governmental program, and administration would be significantly impaired without the exemption;²¹
- 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;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ 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.²⁵ 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.²⁶

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ 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?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

Private Investigators

The Division of Licensing within the Department of Agriculture and Consumer Services (DACS) oversees the regulation of licensing of private investigative services.²⁷ As of October 31, 2025, the Division has issued 6,929 private investigator licenses.²⁸

A “private investigator” is defined as any individual who, for consideration, advertises as providing or performs private investigation. The term does not include an informant who, on a one-time or limited basis, as a result of a unique expertise, ability, vocation, or special access and who provides information or services that would otherwise be included in a private investigation.²⁹ A “private investigation” is defined as an investigation to obtain information on any of the following matters:

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the government official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.
- The location or recovery of lost or stolen property.
- The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases, and the preparation thereof.³⁰

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(4), F.S., to exempt certain information relating to current and former private investigators and their spouses and children from public records disclosure requirements. The following information will be exempt from public records disclosure:

- The home addresses, telephone numbers, dates of birth, and photographs of current and former private investigators licensed by the DACS.
- The names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current and former private investigators licensed by the DACS.
- The names and locations of schools and day care facilities attended by the children of current and former private investigators licensed by the DACS.

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2026.

²⁷ Chapter 493, F.S.

²⁸ Department of Agriculture and Consumer Services, *Division of Licensing Statistical Reports*, available at https://ccmedia.fdacs.gov/content/download/82618/file/Number_of_Licensees_By_Type.pdf (last visited December 9, 2025).

²⁹ Section 493.6101(16), F.S.

³⁰ Section 493.6101(17), F.S.

The new exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides the public necessity statement, as required by the State Constitution. The public necessity statement provides that private investigators routinely engage in sensitive work that may involve uncovering fraud, locating missing persons, or assisting in criminal and civil matters. Private investigators often encounter individuals with strong motives to retaliate or cause harm. Public access to a private investigator's home address or personal information could expose private investigators and their families to threats, harassment, stalking, or physical violence. Exempting such information from public records requirements is a reasonable and necessary measure to ensure the security and privacy of private investigators and their families.

Section 3 provides that the bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None identified.

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 current and former private investigators, thus, the bill requires a two-thirds vote to be enacted.

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 current and former private investigators. This bill exempts only records pertaining to current and former private investigators 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 identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

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 personal identifying information of current and former private investigators and their spouses and children, 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:

Section 119.071(4), F.S., pertains to public record exemptions for personal identifying and location information specifically for agency personnel. This bill provides a public record exemption for personal identifying and location information for current and former private investigators. Private investigators are licensed by the DACS and are not agency personnel. The exemption may be more appropriately placed in s. 119.071(5), F.S., which provides public record exemptions for various types of personal information.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 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.



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LEGISLATIVE ACTION

Senate		House
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The Committee on Commerce and Tourism (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (1) is added to subsection (5) of
section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of
public records.—

(5) OTHER PERSONAL INFORMATION.—

(1) The home addresses, telephone numbers, dates of birth,

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and photographs of current and former private investigators
licensed by the Department of Agriculture and Consumer Services;
the names, home addresses, telephone numbers, dates of birth,
and places of employment of the spouses and children of current
and former private investigators licensed by the Department of
Agriculture and Consumer Services; and the names and locations
of schools and day care facilities attended by the children of
current and former private investigators licensed by the
Department of Agriculture and Consumer Services are exempt from
s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
This paragraph is subject to the Open Government Sunset Review
Act in accordance with s. 119.15 and shall stand repealed on
October 2, 2031, unless reviewed and saved from repeal through
reenactment by the Legislature.

Section 2. The Legislature finds that it is a public
necessity that the home addresses, telephone numbers, dates of
birth, and photographs of current and former private
investigators licensed by the Department of Agriculture and
Consumer Services; the names, home addresses, telephone numbers,
dates of birth, and places of employment of the spouses and
children of current and former private investigators licensed by
the Department of Agriculture and Consumer Services; and the
names and locations of schools and day care facilities attended
by the children of current and former private investigators
licensed by the Department of Agriculture and Consumer Services
be made exempt from s. 119.07(1), Florida Statutes, and s.
24(a), Article I of the State Constitution. Private
investigators routinely engage in sensitive work that may
involve uncovering fraud, locating missing persons, or assisting

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in criminal and civil matters. In the course of their duties,
private investigators often interact with individuals who have
strong motives to retaliate or cause harm. Public access to a
private investigator's home address or personal information
could expose private investigators and their families to
threats, harassment, stalking, or physical violence. Protecting
this information does not diminish transparency or
accountability in government but instead balances the public's
right to access records with this state's compelling interest in
safeguarding the personal safety of those who provide critical
private investigative services. Therefore, exempting such
information from public records requirements is a reasonable and
necessary measure to ensure the security and privacy of private
investigators and their families while preserving the integrity
of this state's public records system.

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

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to public records; amending s.
119.071, F.S.; providing an exemption from public
records requirements for the personal identifying and
location information of current and former private
investigators licensed by the Department of
Agriculture and Consumer Services and the spouses and
children of such private investigators; providing for

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future legislative review and repeal of the exemption;
providing for retroactive application; providing a
statement of public necessity; providing an effective
date.

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By Senator Truenow

13-00633-26

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A bill to be entitled

An act relating to public records; amending s.

119.071, F.S.; providing an exemption from public

records requirements for the personal identifying and

location information of current and former private

investigators licensed by the Department of

Agriculture and Consumer Services and the spouses and

children of such private investigators; providing for

future legislative review and repeal of the exemption;

providing for retroactive application; providing a

statement of public necessity; providing an effective

date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

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c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and

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places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of

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employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and of current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of

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117 compensation claims, administrative law judges of the Division
 118 of Administrative Hearings, and child support enforcement
 119 hearing officers; and the names and locations of schools and day
 120 care facilities attended by the children of general magistrates,
 121 special magistrates, judges of compensation claims,
 122 administrative law judges of the Division of Administrative
 123 Hearings, and child support enforcement hearing officers are
 124 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 125 Constitution.

126 h. The home addresses, telephone numbers, dates of birth,
 127 and photographs of current or former human resource, labor
 128 relations, or employee relations directors, assistant directors,
 129 managers, or assistant managers of any local government agency
 130 or water management district whose duties include hiring and
 131 firing employees, labor contract negotiation, administration, or
 132 other personnel-related duties; the names, home addresses,
 133 telephone numbers, dates of birth, and places of employment of
 134 the spouses and children of such personnel; and the names and
 135 locations of schools and day care facilities attended by the
 136 children of such personnel are exempt from s. 119.07(1) and s.
 137 24(a), Art. I of the State Constitution.

138 i. The home addresses, telephone numbers, dates of birth,
 139 and photographs of current or former code enforcement officers;
 140 the names, home addresses, telephone numbers, dates of birth,
 141 and places of employment of the spouses and children of such
 142 personnel; and the names and locations of schools and day care
 143 facilities attended by the children of such personnel are exempt
 144 from s. 119.07(1) and s. 24(a), Art. I of the State
 145 Constitution.

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146 j. The home addresses, telephone numbers, places of
 147 employment, dates of birth, and photographs of current or former
 148 guardians ad litem, as defined in s. 39.01; the names, home
 149 addresses, telephone numbers, dates of birth, and places of
 150 employment of the spouses and children of such persons; and the
 151 names and locations of schools and day care facilities attended
 152 by the children of such persons are exempt from s. 119.07(1) and
 153 s. 24(a), Art. I of the State Constitution.

154 k. The home addresses, telephone numbers, dates of birth,
 155 and photographs of current or former juvenile probation
 156 officers, juvenile probation supervisors, detention
 157 superintendents, assistant detention superintendents, juvenile
 158 justice detention officers I and II, juvenile justice detention
 159 officer supervisors, juvenile justice residential officers,
 160 juvenile justice residential officer supervisors I and II,
 161 juvenile justice counselors, juvenile justice counselor
 162 supervisors, human services counselor administrators, senior
 163 human services counselor administrators, rehabilitation
 164 therapists, and social services counselors of the Department of
 165 Juvenile Justice; the names, home addresses, telephone numbers,
 166 dates of birth, and places of employment of spouses and children
 167 of such personnel; and the names and locations of schools and
 168 day care facilities attended by the children of such personnel
 169 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 170 Constitution.

171 l. The home addresses, telephone numbers, dates of birth,
 172 and photographs of current or former public defenders, assistant
 173 public defenders, criminal conflict and civil regional counsel,
 174 and assistant criminal conflict and civil regional counsel; the

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 175 names, home addresses, telephone numbers, dates of birth, and
 176 places of employment of the spouses and children of current or
 177 former public defenders, assistant public defenders, criminal
 178 conflict and civil regional counsel, and assistant criminal
 179 conflict and civil regional counsel; and the names and locations
 180 of schools and day care facilities attended by the children of
 181 current or former public defenders, assistant public defenders,
 182 criminal conflict and civil regional counsel, and assistant
 183 criminal conflict and civil regional counsel are exempt from s.
 184 119.07(1) and s. 24(a), Art. I of the State Constitution.

185 m. The home addresses, telephone numbers, dates of birth,
 186 and photographs of current or former investigators or inspectors
 187 of the Department of Business and Professional Regulation; the
 188 names, home addresses, telephone numbers, dates of birth, and
 189 places of employment of the spouses and children of such current
 190 or former investigators and inspectors; and the names and
 191 locations of schools and day care facilities attended by the
 192 children of such current or former investigators and inspectors
 193 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 194 Constitution.

195 n. The home addresses, telephone numbers, and dates of
 196 birth of county tax collectors; the names, home addresses,
 197 telephone numbers, dates of birth, and places of employment of
 198 the spouses and children of such tax collectors; and the names
 199 and locations of schools and day care facilities attended by the
 200 children of such tax collectors are exempt from s. 119.07(1) and
 201 s. 24(a), Art. I of the State Constitution.

202 o. The home addresses, telephone numbers, dates of birth,
 203 and photographs of current or former personnel of the Department

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 204 of Health whose duties include, or result in, the determination
 205 or adjudication of eligibility for social security disability
 206 benefits, the investigation or prosecution of complaints filed
 207 against health care practitioners, or the inspection of health
 208 care practitioners or health care facilities licensed by the
 209 Department of Health; the names, home addresses, telephone
 210 numbers, dates of birth, and places of employment of the spouses
 211 and children of such personnel; and the names and locations of
 212 schools and day care facilities attended by the children of such
 213 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 214 the State Constitution.

215 p. The home addresses, telephone numbers, dates of birth,
 216 and photographs of current or former impaired practitioner
 217 consultants who are retained by an agency or current or former
 218 employees of an impaired practitioner consultant whose duties
 219 result in a determination of a person's skill and safety to
 220 practice a licensed profession; the names, home addresses,
 221 telephone numbers, dates of birth, and places of employment of
 222 the spouses and children of such consultants or their employees;
 223 and the names and locations of schools and day care facilities
 224 attended by the children of such consultants or employees are
 225 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 226 Constitution.

227 q. The home addresses, telephone numbers, dates of birth,
 228 and photographs of current or former emergency medical
 229 technicians or paramedics certified under chapter 401; the
 230 names, home addresses, telephone numbers, dates of birth, and
 231 places of employment of the spouses and children of such
 232 emergency medical technicians or paramedics; and the names and

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233 locations of schools and day care facilities attended by the
 234 children of such emergency medical technicians or paramedics are
 235 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 236 Constitution.

237 r. The home addresses, telephone numbers, dates of birth,
 238 and photographs of current or former personnel employed in an
 239 agency's office of inspector general or internal audit
 240 department whose duties include auditing or investigating waste,
 241 fraud, abuse, theft, exploitation, or other activities that
 242 could lead to criminal prosecution or administrative discipline;
 243 the names, home addresses, telephone numbers, dates of birth,
 244 and places of employment of spouses and children of such
 245 personnel; and the names and locations of schools and day care
 246 facilities attended by the children of such personnel are exempt
 247 from s. 119.07(1) and s. 24(a), Art. I of the State
 248 Constitution.

249 s. The home addresses, telephone numbers, dates of birth,
 250 and photographs of current or former directors, managers,
 251 supervisors, nurses, and clinical employees of an addiction
 252 treatment facility; the home addresses, telephone numbers,
 253 photographs, dates of birth, and places of employment of the
 254 spouses and children of such personnel; and the names and
 255 locations of schools and day care facilities attended by the
 256 children of such personnel are exempt from s. 119.07(1) and s.
 257 24(a), Art. I of the State Constitution. For purposes of this
 258 sub-subparagraph, the term "addiction treatment facility" means
 259 a county government, or agency thereof, that is licensed
 260 pursuant to s. 397.401 and provides substance abuse prevention,
 261 intervention, or clinical treatment, including any licensed

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262 service component described in s. 397.311(27).

263 t. The home addresses, telephone numbers, dates of birth,
 264 and photographs of current or former directors, managers,
 265 supervisors, and clinical employees of a child advocacy center
 266 that meets the standards of s. 39.3035(2) and fulfills the
 267 screening requirement of s. 39.3035(3), and the members of a
 268 Child Protection Team as described in s. 39.303 whose duties
 269 include supporting the investigation of child abuse or sexual
 270 abuse, child abandonment, child neglect, and child exploitation
 271 or to provide services as part of a multidisciplinary case
 272 review team; the names, home addresses, telephone numbers,
 273 photographs, dates of birth, and places of employment of the
 274 spouses and children of such personnel and members; and the
 275 names and locations of schools and day care facilities attended
 276 by the children of such personnel and members are exempt from s.
 277 119.07(1) and s. 24(a), Art. I of the State Constitution.

278 u. The home addresses, telephone numbers, places of
 279 employment, dates of birth, and photographs of current or former
 280 staff and domestic violence advocates, as defined in s.
 281 90.5036(1)(b), of domestic violence centers certified by the
 282 Department of Children and Families under chapter 39; the names,
 283 home addresses, telephone numbers, places of employment, dates
 284 of birth, and photographs of the spouses and children of such
 285 personnel; and the names and locations of schools and day care
 286 facilities attended by the children of such personnel are exempt
 287 from s. 119.07(1) and s. 24(a), Art. I of the State
 288 Constitution.

289 v. The home addresses, telephone numbers, dates of birth,
 290 and photographs of current or former inspectors or investigators

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of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government

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Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15

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and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

z.(I) As used in this sub-subparagraph, the term:

(A) "Congressional member" means a person who is elected to serve as a member of the United States House of Representatives or is elected or appointed to serve as a member of the United States Senate.

(B) "Partial home address" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the partial home address, except for the city and zip code.

(C) "Public officer" means a person who holds one of the following offices: Governor, Lieutenant Governor, Chief Financial Officer, Attorney General, Agriculture Commissioner, state representative, state senator, property appraiser, supervisor of elections, school superintendent, school board member, mayor, city commissioner, or county commissioner.

(II) The following information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(A) The partial home addresses of a current congressional member or public officer and his or her spouse or adult child.

(B) The telephone numbers of a current congressional member or public officer and his or her spouse or adult child.

(C) The name, home addresses, telephone numbers, and date of birth of a minor child of a current congressional member or public officer and the name and location of the school or day

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care facility attended by the minor child.

(III) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

aa. The home addresses, telephone numbers, dates of birth, and photographs of current or former private investigators licensed by the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former private investigators licensed by the Department of Agriculture and Consumer Services; and the names and locations of schools and day care facilities attended by the children of current or former private investigators licensed by the Department of Agriculture and Consumer Services are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

3.a. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and

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confirm the individual's status as a party eligible for exempt status.

b. An agency that is the custodian of information specified in sub-subparagraph 2.z. and that is not the employer of the congressional member, public officer, or other person specified in sub-subparagraph 2.z. must maintain the exempt status of that information only if an individual requests the maintenance of an exemption pursuant to sub-subparagraph 2.z. on the basis of eligibility as a current congressional member or public officer and his or her spouse or child submits, as part of the written and notarized request required by sub-subparagraph a., the date of the congressional member's or public officer's election or appointment to public office, the date on which that office is next subject to election, and, if applicable, the date on which the current congressional member's or public officer's minor child reaches the age of majority. The custodian must maintain an exemption granted pursuant to sub-subparagraph 2.z. until the qualifying conditions for the exemption no longer apply to the person subject to the exemption.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax

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collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

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8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

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Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current and former private investigators licensed by the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current and former private investigators licensed by the Department of Agriculture and Consumer Services; and the names and locations of schools and day care facilities attended by the children of current and former private investigators licensed by the Department of Agriculture and Consumer Services be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Private investigators routinely engage in sensitive work that may involve uncovering fraud, locating missing persons, or assisting in criminal and civil matters. In the course of their duties, private investigators often interact with individuals who have strong motives to retaliate or cause harm. Public access to a private investigator's home address or personal information could expose private investigators and their families to threats, harassment, stalking, or physical violence. Protecting this information does not diminish transparency or accountability in government but instead balances the public's right to access records with this state's compelling interest in safeguarding the personal safety of those who provide critical private investigative services. Therefore, exempting such information from public records requirements is a reasonable and necessary measure to ensure the security and privacy of private investigators and their families while preserving the integrity

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523 of this state's public records system.

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

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 Commerce and Tourism

BILL: SPB 7014

INTRODUCER: For consideration by the Commerce and Tourism Committee

SUBJECT: OGSR/Department of Legal Affairs

DATE: December 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. McMillan	McKay	CM	Pre-meeting

I. Summary:

SPB 7014 delays for five additional years (to October 2, 2031) the sunset review date for, and repeal of, the public record exemption in s. 501.2041(10), F.S., which makes confidential and exempt from public inspection and copying requirements all information received by the Department of Legal Affairs (DLA) pursuant to an investigation by the DLA or a law enforcement agency of a violation of s. 501.2041, F.S., until the investigation is completed or ceases to be active. However, during an active investigation, information made confidential and exempt from public inspection and copying requirements may be disclosed by the DLA in the performance of its official duties and responsibilities, or to another governmental entity in performance of its official duties and responsibilities.

Once an investigation is completed or ceases to be active, the following information received by the DLA must remain confidential and exempt from public inspection and copying requirements:

- All information to which another public records exemption applies;
- Personal identifying information;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a business's data security; and
- Proprietary business information.

Without action by the Legislature to extend the repeal date, the exemption in s. 501.2041(10), F.S., will repeal on October 2, 2026. The bill extends the public record exemption for five additional years, setting a new repeal date of October 2, 2031.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect on October 1, 2026.

II. Present Situation:

Public Records Law

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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ 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.¹⁸ 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.¹⁹ 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:

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ 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.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.²⁵

Public Necessity Statement

The 2021 public necessity statement for this public record exemption found that information received by the Attorney General and the DLA when investigating a social media platform is likely to result in the gathering of personal identifying information, proprietary business information, or a computer forensic report. The bill's public necessity statement further provided as a basis for the public record exemption that:

The Legislature finds that the harm that may result from the release of information received by the Attorney General and the Department of Legal Affairs pursuant to an investigation by the Attorney General, the Department of Legal Affairs, or a law enforcement agency under s. 501.2041, Florida Statutes, could impair the effective and efficient administration of these investigations, and thus, outweighs the public benefit that may be derived from the disclosure of the information.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ 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?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

Unlawful Acts and Practices by Social Media Platforms

In 2021, the Legislature created s. 501.2041, F.S., which provides that a social media platform²⁶ must take the following actions:

- Publish the standards it uses or has used for determining how to censor, deplatform, and shadow ban;
- Apply censorship, deplatforming, and shadow banning standards in a consistent manner;
- Inform each user about any changes to its user rules, terms, and agreements before implementing the changes;
- Notify users before censoring or shadow banning their content;²⁷
- Provide a mechanism that allows a user to request the number of other individual platform participants who were provided or shown the user's content;
- Provide, upon request, a user with the number of other individual platform participants who were provided or shown the user's content;
- Categorize algorithms used for post-prioritization and shadow banning;
- Allow a user to opt out of post-prioritization and shadow banning algorithm categories to allow sequential or chronological posts and content;
- Provide users with an annual notice on the use of algorithms for post-prioritization and shadow banning; and
- If a user has been deplatformed, allow such user to access or retrieve all of the user's information, content, material, and data for at least 60 days after the user receives notice.

A social media platform is prohibited from applying post-prioritization or shadow banning algorithms for content and material posted by or about a political candidate during their candidacy. Additionally, a social media platform is prohibited from taking action to censor, deplatform, or shadow ban a journalistic enterprise based on the content of its publication or broadcast.²⁸

A social media platform that fails to comply with s. 501.2041, F.S., commits an unfair or deceptive act or practice. If the DLA, by its own inquiry or as a result of a complaint, suspects that a violation is imminent, occurring, or has occurred, the DLA may investigate the suspected violation in accordance with the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). In an investigation by the DLA into alleged violations, the DLA's investigative powers include,

²⁶ Section 501.2041, F.S., defines "social media platform" as any information service, system, Internet search engine, or access software provider that: (1) provides or enables computer access by multiple users to a computer server, including an Internet platform or a social media site; (2) operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity; (3) does business in Florida; and (4) satisfies at least one of the following thresholds: has annual gross revenues in excess of \$100 million, as adjusted in January of each odd-numbered year to reflect any increase in the Consumer Price Index, or has at least 100 million monthly individual platform participants globally.

²⁷ Section 501.2041, F.S., provides that a notification must be in writing, be delivered via electronic mail or direct electronic notification to the user within 7 days after the censoring action, include a thorough rationale explaining the reason that the social media platform censored the user, and include a precise and thorough explanation of how the social media platform became aware of the censored content or material.

²⁸ Section 501.2041, F.S., provides that the prohibition does not apply if the content or material is obscene as defined in s. 847.001, F.S. Section 847.001, F.S., defines "obscene" as the status of material which: (1) the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests; (2) depicts or describes, in a patently offensive way, sexual conduct; and (3) taken as a whole, lacks serious literary, artistic, political, or scientific value.

but are not limited to, the ability to subpoena any algorithm used by a social media platform related to any alleged violation.

A user may only bring a private cause of action against a social media platform for failing to notify such user of an act of censoring or deplatforming, or for failing to apply censorship, deplatforming, and shadow banning standards in a consistent manner. The court may award the following damages to a user:

- Up to \$100,000 in statutory damages per proven claim;
- Actual damages;
- If aggravating factors are present, punitive damages;
- Other forms of equitable relief, including injunctive relief; and
- If the user was deplatformed, costs and reasonable attorney fees.

Ongoing Litigation

In 2021, NetChoice and the Computer & Communications Industry Association (NetChoice)²⁹ challenged the constitutionality of SB 7072 (now s. 501.2041, F.S.), in the United States District Court for the Northern District of Florida.³⁰ NetChoice claimed that the law violates their free speech rights, and argued that social media platforms are exercising editorial judgement when they moderate content on their platforms.³¹ Additionally, NetChoice argued that the law is preempted by federal law.³² The district court granted NetChoice's motion for a preliminary injunction.³³

The state appealed, and the United States Court of Appeals for the Eleventh Circuit concluded that the provisions of SB 7072 (now s. 501.2041, F.S.) that restrict a social media platform's ability to engage in content moderation violate the First Amendment.³⁴ Furthermore, the Eleventh Circuit found that the provision requiring a social media platform to provide "thorough rationale" for every content moderation decision it makes violates the First Amendment.³⁵ Thus, the Eleventh Circuit substantially affirmed the preliminary injunction against enforcement of the law.³⁶

In 2024, the Supreme Court vacated the Eleventh Circuit's decision and remanded the case back to the Eleventh Circuit for further proceedings.³⁷

²⁹ These are trade associations that represent internet and social media companies like Facebook, Twitter, Google, and TikTok.

³⁰ See *NetChoice, LLC v. Moody*, 546 F.Supp.3d 1082 (N.D. Florida 2021).

³¹ *Id.* In the case, NetChoice argued that social media companies are exercising editorial judgement similar to the editorial judgment of a newspaper editor.

³² *Id.* NetChoice argued that the law is preempted by 27 U.S.C. §230(c)(2).

³³ *Id.* The district court concluded that the provisions of the law that make social media platforms liable for deprioritizing content or removing content are likely preempted by federal law, as well as found that the law's provisions violate the social media platforms' First Amendment rights by restricting their editorial judgement.

³⁴ See *NetChoice, LLC v. Moody*, 34 F.4th 1196 (11th Cir. 2022).

³⁵ *Id.*

³⁶ *Id.* The Eleventh Circuit affirmed in part, vacated in part, and remanded.

³⁷ See *Moody v. NetChoice, LLC*, 603 U.S. 707 (2024).

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

The Department of Legal Affairs and the State Attorney, as enforcing authorities, may seek the following remedies:

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.
- Cease and desist orders.
- Civil penalties of up to \$10,000 per willful violation.³⁸

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction where a person is aggrieved by a FDUTPA violation.
- Actual damages, attorney fees, and court costs, where a person has suffered a loss due to a FDUTPA violation.³⁹

Section 501.2041(10), F.S., Exemption

In 2021, the Legislature created s. 501.2041(10), F.S., which makes confidential and exempt from public inspection and copying requirements all information received by the DLA pursuant to an investigation by the DLA or a law enforcement agency of a violation of s. 501.2041, F.S., until the investigation is completed or ceases to be active. However, during an active investigation, information made confidential and exempt from public inspection and copying requirements may be disclosed by the DLA in the performance of its official duties and responsibilities, or to another governmental entity in performance of its official duties and responsibilities.

Once an investigation is completed or ceases to be active, the following information received by the DLA must remain confidential and exempt from public inspection and copying requirements:

- All information to which another public records exemption applies;
- Personal identifying information;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a business's data security; and
- Proprietary business information.⁴⁰

³⁸ Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Section 501.2075, F.S. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

³⁹ Section 501.211(1) and (2), F.S.

⁴⁰ Section 501.2041(10), F.S., defines "proprietary information" as information that: (1) is owned or controlled by the business; (2) is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations; (3) has not been disclosed except as required by law or private agreement that provides that the information will not be released to the public; (4) is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the DLA; and includes trade secrets as defined in s. 688.002, F.S., or competitive interests, the disclosure of which would impair the competitive advantage of the business that is the subject of the information. Section 688.002, F.S., defines "trade secrets" as information, including a formula, pattern, compilation, program, device, method, technique, or process that: (1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Open Government Sunset Review of the Public Record Exemption for Useful Acts and Practices by Social Media Platforms

The staff of the Senate Commerce and Tourism Committee and the House Government Operations Subcommittee jointly met with the DLA to ascertain whether the public record exemption in s. 501.2041(10), F.S., remains necessary.

Public Record Exemption Findings

The DLA indicated that the public record exemption has not been utilized due to ongoing litigation regarding the constitutionality of the provisions in s. 501.2041, F.S. Thus, the bill delays for five additional years the sunset review date for, and the repeal of, the public record exemption.

III. Effect of Proposed Changes:

The bill delays for five additional years (to October 2, 2031) the sunset review date for, and repeal of, the public record exemption in s. 501.2041(10), F.S., which makes confidential and exempt from public inspection and copying requirements all information received by the DLA pursuant to an investigation by the DLA or a law enforcement agency of a violation of s. 501.2041, F.S., until the investigation is completed or ceases to be active. However, during an active investigation, information made confidential and exempt from public inspection and copying requirements may be disclosed by the DLA in the performance of its official duties and responsibilities, or to another governmental entity in performance of its official duties and responsibilities.

Once an investigation is completed or ceases to be active, the following information received by the DLA must remain confidential and exempt from public inspection and copying requirements:

- All information to which another public records exemption applies;
- Personal identifying information;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a business's data security; and
- Proprietary business information.

Without action by the Legislature to extend the repeal date, the exemption in s. 501.2041(10), F.S., will repeal on October 2, 2026. The bill extends the public record exemption for five additional years, setting a new repeal date of October 2, 2031.

The bill takes effect on October 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 disclosure requirements. The bill delays for five additional years a current public record exemption. The bill does not create or expand an exemption. Thus, the bill does not require a two-thirds vote 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 disclosure requirements to state with specificity the public necessity justifying the exemption. The bill does not create or expand an exemption. Thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemption in the bill 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 identified.

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 identified.

VIII. Statutes Affected:

This bill substantially amends section 501.2041(10) 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.

FOR CONSIDERATION By the Committee on Commerce and Tourism

577-01006-26

20267014pb

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 501.2041, F.S., which
4 provides an exemption from public records requirements
5 for information received by the Department of Legal
6 Affairs pursuant to an investigation by the department
7 or a law enforcement agency of violations by certain
8 social media platforms; extending the date for future
9 legislative review and repeal of the exemption;
10 providing an effective date.
11
12 Be It Enacted by the Legislature of the State of Florida:
13
14 Section 1. Paragraph (e) of subsection (10) of section
15 501.2041, Florida Statutes, is amended, and paragraph (a) of
16 that subsection is republished, to read:
17 501.2041 Unlawful acts and practices by social media
18 platforms.—
19 (10)(a) All information received by the department pursuant
20 to an investigation by the department or a law enforcement
21 agency of a violation of this section is confidential and exempt
22 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
23 until such time as the investigation is completed or ceases to
24 be active. This exemption shall be construed in conformity with
25 s. 119.071(2)(c).
26 (e) This subsection is subject to the Open Government
27 Sunset Review Act in accordance with s. 119.15 and shall stand
28 repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from
29 repeal through reenactment by the Legislature.

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

577-01006-26

20267014pb

30 Section 2. This act shall take effect October 1, 2026.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 Commerce and Tourism

BILL: SPB 7016

INTRODUCER: For consideration by the Commerce and Tourism Committee

SUBJECT: OGSR/Administration of Small Business Loan Programs Held by an Economic Development Agency

DATE: December 9, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay		Pre-meeting

I. Summary:

SPB 7016 saves from repeal the current public records exemption for certain financial information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The exemption protects tax returns, financial information, and credit information.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the exempt status of the information.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Public Records Law

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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Public records laws are found throughout the Florida Statutes.

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c)

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act (the Act), prescribe a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ 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.¹⁸ 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.¹⁹ 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 subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- It protects sensitive, personal information, the release of which would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings.

¹⁷ 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.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ 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?

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁴ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is 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.²⁵

Small Business Loan Programs

The Department of Commerce (Florida Commerce) administers several state and federally funded small business loan programs, including:

- Small Business Emergency Bridge Loan Program²⁶
 - Provides short-term, zero-interest working capital loans to “bridge the gap” between the time a disaster impacts a business and when a business has secured longer-term funding.
- Rebuild Florida Business Loan Fund²⁷
 - Utilizes a revolving loan fund designed to address gaps in available, affordable capital for businesses.
- Rural Community Development Revolving Loan Program²⁸
 - Facilitates the use of existing federal, state, and local financial resources by providing local governments with access to financial assistance.
- State Small Business Credit Initiative²⁹
 - Provides resources and capital to facilitate business growth and economic development to targeted business populations.
- Black Business Loan Program³⁰
 - Provides loans, loan guarantees, or investments to black business enterprises.

-
- 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?

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Florida Department of Commerce, *Small Business Emergency Bridge Loan Program*, available at <https://floridacommerce.my.site.com/RebuildFloridaBusinessLoanFund/s/loan-programs?program=emergency-bridge-loan> (last visited Dec. 9, 2025).

²⁷ Florida Department of Commerce, *Rebuild Florida Business Loan Fund*, available at <https://floridacommerce.my.site.com/RebuildFloridaBusinessLoanFund/s/loan-programs?program=florida-resiliency-loan> (last visited Dec. 9, 2025).

²⁸ Section 288.065, F.S.

²⁹ Florida Department of Commerce, *State Small Business Credit Initiative*, available at <https://floridajobs.org/FloridaSSBCI> (last visited Dec. 9, 2025).

³⁰ Sections 288.7102-, 288.714, F.S.

Public Record Exemption under Review

In 2021, the Legislature created a public record exemption for certain information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. Specifically, the law exempts tax returns, financial information, credit history information, credit reports, and credit scores from public record requirements.³¹ An economic development agency is defined as:

- The Department of Commerce.
- Any industrial development authority created under part III of chapter 159, F.S., or by special law;
- Space Florida;
- A local government public economic agency or, in the absence of a public economic agency, the local government officers or employees designated to promote the general business or industrial interests of the local government;
- Any research and development authority created under part V of chapter 159, F.S.; or
- Any private agency, person, partnership, corporation, or business entity when authorized by the state or local government to promote the general business or industrial interests of the state or that local government.³²

The 2021 public necessity statement³³ provided that the release of the protected information “could be used by fraudulent contractors, predatory lenders, thieves, or individuals seeking to impose on the applicant or borrower.”³⁴ Therefore, the exemption exists to “ensure that applicants and borrowers are not harassed, intimidated, or potentially defrauded.”³⁵

Pursuant to the Act, the public record exemption will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.³⁶

During the 2025 interim, Senate and House staff met jointly with staff from Florida Commerce to discuss the public record exemption under review. Florida Commerce staff indicated that they have had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. Florida Commerce staff explained that, prior to the exemption, borrowers participating in state and federally funded small business loan programs were exposed to fraud. For that reason, Florida Commerce staff recommended reenacting the exemption as is. Senate and House committee staff also surveyed counties and cities concerning the public record exemption under review. All responding counties and cities stated that they did not participate in any state- or federally funded small business loan programs.

³¹ Section 288.075(7)(a)1.-3., F.S.

³² Section 288.075(1)(a), F.S.

³³ Article I, s. 24(c), FLA. CONST., requires each public record exemption to “state with specificity the public necessity justifying exemption.”

³⁴ Chapter 2021-23, L.O.F.

³⁵ *Id.*

³⁶ Section 288.075(7), F.S.

III. Effect of Proposed Changes:

SPB 7016 removes the scheduled repeal date, created pursuant to the Act, for the public record exemption for certain financial information, such as tax returns and credit reports, held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The public record exemption will repeal on October 2, 2026, if the bill does not become a law.

The effective date of the bill is upon becoming law.

The bill is not expected to affect state and local government revenues and expenditures.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote 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. This bill continues a current public records exemption without expansion.

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 financial information held by an economic development agency pursuant to the administration of a state or federally funded small business loan program. The exemption applies only to certain types of financial information, such as tax returns and credit reports, from 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 288.075 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.

FOR CONSIDERATION By the Committee on Commerce and Tourism

577-00757-26

20267016pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 288.075, F.S., which provides an exemption from public records requirements for certain information relating to the administration of small business loan programs held by an economic development agency; deleting the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (c) of subsection (7) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(7) LOAN PROGRAMS.—

~~(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect upon becoming law.