

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 231](#)

TITLE: Pub. Rec./Medical Examiners

SPONSOR(S): Kendall

COMPANION BILL: [SB 746](#) (Yarborough)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

15 Y, 0 N



[Government Operations](#)



[Judiciary](#)

SUMMARY

Effect of the Bill:

HB 231 creates a public record exemption to exempt specified personal identifying and location information of current and former medical examiners and their families from public record requirements.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state and local governments due to any costs associated with training staff on and making redactions required by the newly-created public record exemption for current and former medical examiners.

Extraordinary Vote Required for Passage:

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

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ANALYSIS

EFFECT OF THE BILL:

HB 231 creates a [public record exemption](#) for current and former [medical examiners](#) and their families. Specifically, the following personal identifying and location information will be exempt from public record requirements under the bill:

- Home addresses, telephone numbers, dates of birth, and photographs of current and former medical examiners;
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current and former medical examiners; and
- Names and locations of schools and day care facilities attended by the children of current and former medical examiners. (Section [1](#))

Under the bill, a “medical examiner” means any district medical examiner, associate medical examiner, or substitute medical examiner acting pursuant to ch. 406, F.S., and any employee, deputy, or agent of such a medical examiner. (Section [1](#))

Pursuant to the [Open Government Sunset Review Act](#), the exemption will be automatically repealed on October 2, 2030, unless reviewed and reenacted by the Legislature.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

The bill includes the constitutionally required public necessity statement, in which the Legislature finds that the exemption is necessary to protect the personal privacy and safety of current and former medical examiners and their families and that the harm that may result from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of such information. (Section [2](#))

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The bill provides an effective date of upon becoming a law. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant negative fiscal impact on state agencies holding records that contain the personal identifying and location information of current and former medical examiners and their families as staff responsible for complying with public record requests may require training related to the public record exemption. Additionally, state agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

LOCAL GOVERNMENT:

The bill may have an insignificant negative fiscal impact on local agencies holding records that contain the personal identifying and location information of current and former medical examiners and their families as staff responsible for complying with public record requests may require training related to the public record exemption. Additionally, local agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Public Records](#)

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

The Florida Statutes also address the public policy regarding access to government records. Section [119.071\(1\), F.S.](#), guarantees every person the right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁴ Furthermore, the [Open Government Sunset Review Act](#)⁵ provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.⁶ An identifiable public purpose is served if the exemption meets one of the following purposes:

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

¹ [Art. I, s. 24\(a\), Fla. Const.](#)

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

³ [Art. I, s. 24\(c\), Fla. Const.](#)

⁴ See [s. 119.01, F.S.](#)

⁵ S. [119.15, F.S.](#)

⁶ S. [119.15\(6\)\(b\), F.S.](#)

⁷ *Id.*

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

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

Medical Examiners

The Medical Examiner Commission, which operates within the Department of Law Enforcement, establishes medical examiner districts within the state.¹⁰ The Governor appoints a district medical examiner for each district created by the Commission.¹¹ Each district medical examiner may appoint as many physicians as associate medical examiners as may be necessary to provide service at all times and all places within the district.¹² In the absence of the district medical examiner or associate medical examiner, the state attorney of the county may appoint a competent physician to act in their place.¹³

In any of the following circumstances involving the death of a human being, the medical examiner of the district in which the death occurred or the body was found must determine the cause of death by performing such examinations, investigations, and autopsies as he or she deems necessary or as requested by the state attorney:

- When any person dies in this state:
 - Of criminal violence.
 - By accident.
 - By suicide.
 - Suddenly, when in apparent good health.
 - Unattended by a practicing physician or other recognized practitioner.
 - In any prison or penal institution.
 - In police custody.
 - In any suspicious or unusual circumstance.
 - By criminal abortion.
 - By poison.
 - By disease constituting a threat to public health.
 - By disease, injury, or toxic agent resulting from employment.
- When a dead body is brought into this state without proper medical certification.
- When a body is to be cremated, dissected, or buried at sea.¹⁴

The district medical examiner has the authority to perform, or have performed, whatever autopsies or laboratory examinations he or she deems necessary and in the public interest to determine the identification of or cause or manner of death of the deceased or to obtain evidence necessary for forensic examination.¹⁵

Currently, neither the personal identifying information nor location information of current and former medical examiners is exempt from Florida's public record requirements.

⁸ S. [119.15\(3\), F.S.](#)

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

¹⁰ S. [406.05, F.S.](#)

¹¹ S. [406.06\(1\), F.S.](#)

¹² S. [406.06\(2\), F.S.](#)

¹³ S. [406.15, F.S.](#)

¹⁴ S. [406.11\(1\), F.S.](#)

¹⁵ S. [406.11\(2\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	15 Y, 0 N	3/12/2025	Hall	Leshko
Government Operations Subcommittee				
Judiciary Committee				