

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 527](#)

TITLE: Pub. Rec./Agency for Health Care Administration Personnel

SPONSOR(S): Trubulsy

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: [SB 342](#) (Harrell)

Committee References

[Health Care Facilities & Systems](#)

17 Y, 0 N

[Government Operations](#)

[Health & Human Services](#)

SUMMARY

Effect of the Bill:

HB 527 creates public records exemptions for current and former Agency for Health Care Administration personnel whose duties include the investigation of complaints filed against health care facilities, the inspection of health care facilities licensed or certified by the agency, and the investigation of Medicaid fraud, abuse, or waste. The exemption also applies to the spouses and children of these personnel.

The exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2030, unless reviewed and saved from repeal by the Legislature. The bill contains a statement of public necessity, as required by the Florida Constitution.

Fiscal or Economic Impact:

None

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:

The [Agency for Health Care Administration](#) (AHCA), is responsible for health facility licensure, inspection, and regulatory enforcement for 30 types of facilities. AHCA employees conduct license inspections and complaint-driven investigations of those facilities. AHCA also administers the state Medicaid program, which provides health coverage for over 4 million Floridians. AHCA employees investigate fraud, abuse, and waste by providers in the Medicaid program.

According to AHCA, its licensure and Medicaid inspections and investigations can generate resentment among disgruntled providers and complainants, and some have threatened agency investigators and their family members with harm. Current law does not provide public records exemption of personal and identifying information of AHCA investigators or their family members.

The bill creates [public records](#) exemptions for personal information of current and former AHCA investigators and their families. These exemptions apply to:

- Home addresses, telephone numbers, dates of birth, and photographs of current and former inspectors and investigators

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- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children; and
- Names and locations of schools and daycare facilities attended by the children

The bill specifies that the public records exemptions are subject to the [Open Government Sunset Review Act](#) and will stand repealed on October 2, 2030, unless saved from repeal by reenactment by the Legislature.¹ Currently, the AHCA estimates that a total of 421 current investigative staff positions would be included in this exemption. This number is fluid and will change over time due to new hires and staff changes.² (Section [1](#))

The bill provides public necessity statements for public record exemptions, as required by the State Constitution. The public necessity statement states that it is a public necessity to exempt the personal identifying and location information could place the AHCA’s current and former personnel and their family members in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions carried out by such personnel or whose business or professional practices have come under scrutiny as a result of such investigations and AHCA actions.

The bill makes a finding that the potential harm that may result from the release of such personal identifying and location outweighs any public benefit that may be derived from the disclosure of the information. (Section [2](#))

If the bill goes into effect, the bill would protect the personal identifying information of 241 AHCA inspectors and investigators and their family members.

The effective date of the bill is October 1, 2025 (Section [3](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Florida Agency for Health Care Administration](#)

The Agency for Health Care Administration (AHCA), is the chief health policy and planning entity for the state and is responsible for health facility licensure, inspection, and regulatory enforcement. It licenses or certifies and regulates over 30 different types of health care providers, including hospitals, nursing homes, assisted living facilities, and home health agencies. In total, the AHCA licenses, certifies, regulates, or provides exemptions for more than 50,000 providers.³ AHCA also administers the state Medicaid program, which covers 4.2 million Floridians.⁴

Facility Licensure, Inspection and Investigation

AHCA regulates health care facilities under the Health Care Licensing Procedures Act (Act) in part II of chapter 408, F.S., and facility specific licensure acts. The Act provides uniform licensing procedures and standards applicable to most AHCA-regulated entities. The Act contains basic licensing standards for 30 provider types in areas such as licensure application requirements, ownership disclosure, staff background screening, inspections, administrative sanctions, license renewal notices, and bankruptcy and eviction notices.

The uniform licensing requirements in s. 408.811, F.S., require all facilities licensed by AHCA to be inspected biennially unless otherwise specified in statute or rule. AHCA also conducts complaint driven investigations.

¹ S.119.15, F.S

² AHCA, Agency Bill Analysis, HB 527 (2025) pg. 3 (on file with the Health Care Facilities & Systems Subcommittee).

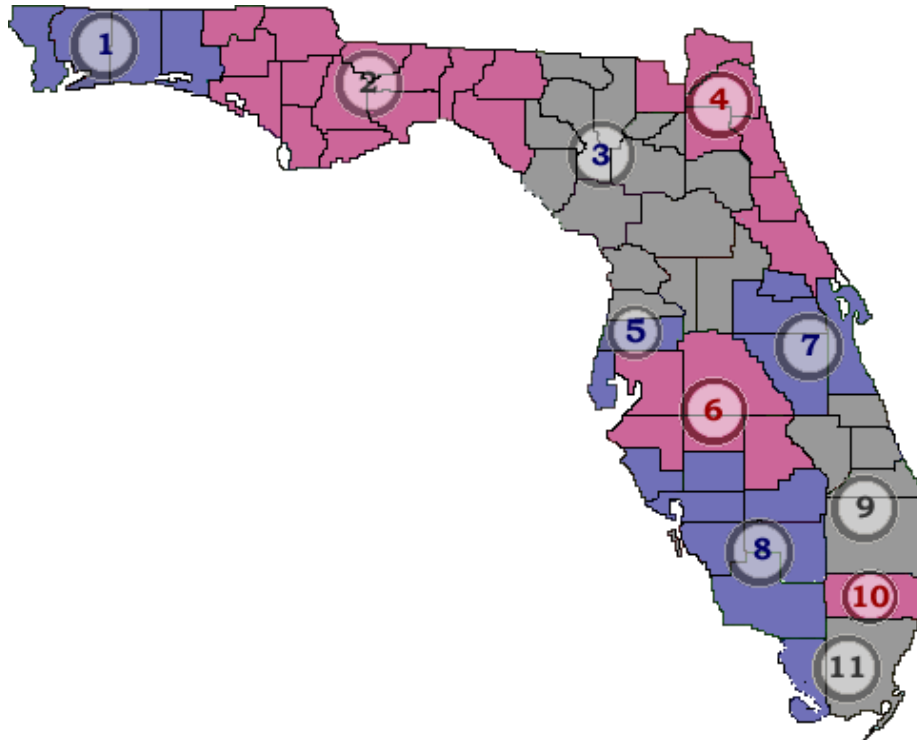
³ AHCA, Health Quality Assurance, at [Health Quality Assurance | Florida Agency for Health Care Administration](#). (Last visited Feb 26, 2025).

⁴ Office of Economic & Demographic Research. Social Services Estimating Conference Medicaid Caseload and Expenditures February 2025., at [medcases_summary.pdf](#). (Last visited March 3, 2025).

During an inspection, agency surveyors review a sampling of clinical records, policies and procedures, staffing reports and other relevant documents. They also conduct interviews with patients, residents, family members, staff, visitors and volunteers. If a violation of regulation is found during an inspection or investigation, it is cited on a Statement of Deficiencies and the agency pursues administrative remedies under s. 120, F. S., such as a letter of correction, fines, licensure suspension, and license revocation. AHCA provides access to Statements of Deficiencies and disciplinary actions on the agency [website](#).

AHCA field staff are placed throughout the state to conduct facility inspections and complaint investigations, as indicated by the map below.

AHCA Field Offices⁵



Medicaid Investigations

Section 409.913, F. S., requires AHCA to operate a program to oversee the activities of the Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipient occurs to a minimal and to recover overpayments and impose sanctions as necessary.

The AHCA Office of Medicaid Program Integrity audits and investigates providers suspected of overbilling or defrauding Florida's Medicaid program, recovers overpayments, issues administrative sanctions, and refers cases of suspected fraud for criminal investigation by the Medicaid Fraud Control Unit within the office of the Attorney General.⁶

Medicaid fraud activity falls into one or more of these categories:

- Billing for patients who did not really receive services,
- Billing for a service and/or equipment that wasn't provided,

⁵ AHCA, Health Quality Assurance Field Offices, at [Health Quality Assurance Field Offices | Florida Agency for Health Care Administration](#). (Last visited Feb 27, 2025).

⁶ S. 409.913, F. S.

- Billing for items and services that the patient no longer needs,
- Overcharging for equipment or services,
- Concealing ownership or associations in a related company,
- Paying a “kickback” in exchange for a referral for medical services or equipment,
- Billing more than once for the same service,
- Using false credentials such as diplomas, licenses or certifications, or
- Ordering tests or prescriptions that the patient does not need.⁷

According to AHCA, its licensure and Medicaid inspections and investigations, can generate resentment among disgruntled providers and complainants, and some have threatened the agency investigators and their family members with harm.⁸

Open Government

The Florida Constitution sets forth the state’s public policy regarding access to government records and meetings. Every person is guaranteed a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.⁹ All meetings of any collegial public body of the executive branch of state government or any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, must be open and noticed to the public.¹⁰ The Legislature, however, may provide by general law an exemption¹¹ from public record or meeting 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.¹²

Pursuant to the [Open Government Sunset Review Act](#),¹³ a new public record or meeting exemption or substantial amendment of an existing exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.¹⁴

Public Records

Current law also addresses the public policy regarding access to government records, guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.¹⁵ Furthermore, the Open Government Sunset Review Act 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.”¹⁶ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect 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
- Protect trade or business secrets.¹⁷

Agency Personnel Information

⁷ *Id.*

⁸ AHCA, Agency Bill Analysis, HB 527 (2025) pg. 2 (on file with the Health Care Facilities & Systems Subcommittee).

⁹ Art. I, s. 24(a), FLA. CONST.

¹⁰ Art. I, s. 24(b), FLA. CONST.

¹¹ A public record exemption means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of s. 119.07(1), F.S., s. 286.011, F.S., or s. 24, Art. I of the Florida Constitution. *See* s. 119.011(8), F.S.

¹² Art. I, s. 24(c), FLA. CONST.

¹³ Section 119.15, F.S.

¹⁴ Section 119.15(3), F.S.

¹⁵ *See* s. 119.01, F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ *Id.*

Current law provides many public records exemptions for the personal information of government employees and their families. Examples include:

- Department of Children and Families personnel who investigate abuse, neglect, exploitation, fraud, theft, or other criminal activities.¹⁸
- Department of Health personnel who support the investigation of child abuse or neglect.
- Department of Revenue or local government personnel who enforce and collect revenue or enforce child support.¹⁹
- Nonsworn investigative personnel of the Department of Financial Services who investigate fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations.²⁰
- Nonsworn investigation personnel of the Office of Financial Regulation's Bureau of Financial Investigations who investigate fraud, theft, other related criminal activities, or state regulatory requirement violations.²¹

In order for such personnel within an exempt category to have their information protected from public record requirements by an agency that is not their employer, such personnel must submit, under oath, a written and notarized request for the information to be kept exempt.²² The request must confirm that the individual is eligible for the exemption and state the statutory basis for the exemption.²³

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Health Care Facilities & Systems Subcommittee	17 Y, 0 N	3/4/2025	Calamas	Aderibigbe
Government Operations Subcommittee				
Health & Human Services Committee				

¹⁸ S. 119.071(4)2a, F. S.

¹⁹ *Id.*

²⁰ S. 119.071(4)2b, F. S.

²¹ S. 119.071(4)2c, F. S.

²² S. 119.071(4)(d)3., F.S.

²³ *Id.*