

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 623](#)

**TITLE:** Pub. Rec./County and City Administrators and Managers

**SPONSOR(S):** Gerwig, Cassel

**COMPANION BILL:** [SB 842](#) (Arrington)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Intergovernmental Affairs](#)

15 Y, 0 N



[Government Operations](#)



[State Affairs](#)

## SUMMARY

### **Effect of the Bill:**

The bill creates a public records exemption for certain personal identifying and location information for county administrators and city managers, including deputy and assistant county administrators and city managers, and for the spouses and children of these officials.

The bill specifies that the public records exemption is subject to the Open Government Sunset Review Act and shall be repealed on October 2, 2030, unless reenacted by the Legislature.

### **Fiscal or Economic Impact:**

The bill may have an indeterminate insignificant fiscal impact on state and local government agencies holding records that contain personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, assistant city managers and their spouses and children.

### **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.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### **EFFECT OF THE BILL:**

The bill creates a [public records](#) exemption for certain personal identifying and location information for [county administrators](#), deputy county administrators, assistant county administrators, [city managers](#), deputy city managers, assistant city managers, and the spouses and children of these officials. Specifically, the bill exempts the public disclosure of:

- the home addresses, telephone numbers, and dates of birth for county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, assistant city managers;
- the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, assistant city managers; and
- the names and locations of schools and day care facilities attended by the children of county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, assistant city managers. (Section [1](#))

**STORAGE NAME:** h0623a.IAS

**DATE:** 3/6/2025

The bill provides that the exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. (Section [1](#))

The bill provides a statement of public necessity as required by the State Constitution. (Section [2](#))

The bill provides an effective date of July 1, 2025. (Section [3](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill may have an indeterminate insignificant fiscal impact on state agencies holding records that contain personal identifying and location information of county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, assistant city managers, and their spouses and children, because staff responsible for complying with public record requests may require training related to the public record exemption. Additionally, 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 indeterminate insignificant fiscal impact on local governments holding records that contain personal identifying and location information of county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, assistant city managers, and their spouses and children, because staff responsible for complying with public record requests may require training related to the public record exemption. Additionally, local governments 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](#)**

The Florida Constitution sets forth the state’s public policy regarding access to government records, guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.<sup>1</sup> 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.<sup>2</sup>

The Legislature may provide by general law an exemption<sup>3</sup> 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.<sup>4</sup> Furthermore, the Open Government Sunset Review (OGSR) Act<sup>5</sup> 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

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<sup>1</sup> [Article I, s. 24\(a\), Fla. Const.](#) See also [s. 119.01, F.S.](#)

<sup>2</sup> *Id.*

<sup>3</sup> 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.](#)

<sup>4</sup> [Article I, s. 24\(c\), Fla. Const.](#)

<sup>5</sup> S. [119.15, F.S.](#)

override the strong public policy of open government and cannot be accomplished without the exemption.”<sup>6</sup> 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, the administration of which would be significantly impaired without the exemption,
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual’s safety, or
- Protects trade or business secrets.<sup>7</sup>

Pursuant to the OGSR Act, a new public record exemption, or the substantial amendment of an existing public record exemption, is repealed on October 2<sup>nd</sup> of the fifth year following enactment, unless the Legislature reenacts the exemption.<sup>8</sup>

Furthermore, there is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. 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.<sup>9</sup>

### [County Administrators](#)

A county administrator is an appointee of the board of county commissioners (board) who serves as the chief administrative officer of the county.<sup>10</sup> The county administrator is responsible for advising the board and does not hold separate governmental power.<sup>11</sup> County administrators are granted a variety of administrative powers to carry out, enforce, and report on the board’s directives and policies.<sup>12</sup> In addition, the county administrator prepares and submits annual operating and capital budgets to the board for consideration and adoption, establishes budgetary procedures, and submits annual financial reports and recommendations to the board.<sup>13</sup>

### [City Managers](#)

City councils or commissions may appoint a city manager to supervise municipal departments.<sup>14</sup> The city manager role is analogous to the county administrator role, but at the municipal level. A city manager serves as the city’s executive officer and is responsible for administering the government of the city,<sup>15</sup> including directing and supervising municipal departments.<sup>16</sup> City managers also help prepare annual budgets, monitor capital programs implemented by the city, and make annual financial reports to the city council.<sup>17</sup>

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<sup>6</sup> S. [119.15\(6\)\(b\), F.S.](#)

<sup>7</sup> *Id.* at 6

<sup>8</sup> S. [119.15\(3\), F.S.](#)

<sup>9</sup> See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991); See Op. Att’y Gen. Fla. 04- 09 (2004).

<sup>10</sup> S. [125.73\(2\), F.S.](#)

<sup>11</sup> S. [125.74\(2\), F.S.](#)

<sup>12</sup> S. [125.74\(1\), F.S.](#)

<sup>13</sup> *Id.*

<sup>14</sup> Florida League of Cities, [ABCs of City Government](#) (last visited Mar. 3, 2025).

<sup>15</sup> See e.g., City of Deland, [City Manager](#) (last visited Mar. 3, 2025).

<sup>16</sup> See e.g., City of Tallahassee, [Charter Laws of the City of Tallahassee](#) (last visited Mar. 3, 2025).

<sup>17</sup> See e.g., Polk City, [City Manager Responsibilities](#) (last visited Mar. 3, 2025).

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Intergovernmental Affairs Subcommittee</a>	15 Y, 0 N	3/6/2025	Darden	Jones
<a href="#">Government Operations Subcommittee</a>				
<a href="#">State Affairs Committee</a>				