

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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

BILL #: [HB 789](#)

TITLE: Pub. Rec./Public Officers

SPONSOR(S): Valdés, Duggan

COMPANION BILL: [CS/CS/SB 268](#) (Jones)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Government Operations](#)

16 Y, 0 N



[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill exempts certain personal identifying and location information of current public officers and their families from public record requirements.

Fiscal or Economic Impact:

The bill will likely have an insignificant, negative fiscal impact on the state and local governments.

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 bill exempts certain personal identifying and location information of current public officers and their families from [public record](#) requirements. A public officer is defined under the bill to mean a person elected to state or local office. The exemption protects the home addresses of public officers and their families, including detailed location information such as mailing and street addresses legal property descriptions, GPS coordinates, and any other data that could reveal their home address. The city and zip code of the public officer and their family, however, remain public. The telephone numbers of a public officer's spouse are also protected from disclosure. (Section [1](#))

The bill provides two different levels of protection for the children of public officers: one for minor children and another for adult children. For a minor child, the exemption extends to the child's name, home address, phone number, date of birth, and the name and location of their school or daycare. Once the child reaches adulthood, only their partial home address and phone number remain exempt. The law allows exempt information to be shared with other governmental entities, when necessary, to carry out their responsibilities. (Section [1](#))

The bill provides a public necessity statement as required by the Florida Constitution, specifying that public officers often face threats, harassment, and intimidation due to the nature of their decisions. Protecting this information helps safeguard their families and may encourage more individuals to pursue public office. The Legislature concludes that the potential harm from disclosing this information outweighs any public benefit of making it accessible. (Section [2](#))

The bill provides for repeal of the exemption on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. (Section [1](#))

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[Article I, s. 24\(c\)](#) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

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

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill could have a minimal fiscal impact on agencies because agency staff responsible for complying with public record requests may require training related to creation of the public record exemption. In addition, agencies could incur costs associated with redacting the confidential and exempt information before releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of agencies.

LOCAL GOVERNMENT:

The bill could have a minimal fiscal impact on agencies because agency staff responsible for complying with public record requests may require training related to creation of the public record exemption. In addition, agencies could incur costs associated with redacting the confidential and exempt information before releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of agencies.

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.¹ The Legislature, however, may provide by general law an exemption 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.²

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.³ Furthermore, the Open Government Sunset Review (OGSR) Act⁴ 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.⁵ 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 information that would identify the individual may be exempted under this provision; or
- Protects trade or business secrets.⁶

Pursuant to the OGSR Act, a new public record exemption, or the 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.⁷

¹ [Art. I, s. 24\(a\), FLA. CONST.](#)

² [Art. I, s. 24\(c\), Fla. Const.](#)

³ [S. 119.01\(1\), F.S.](#)

⁴ [S. 119.15, F.S.](#)

⁵ [S. 119.15\(6\)\(b\), F.S.](#)

⁶ *Id.*

⁷ [S. 119.15\(3\), F.S.](#)

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.⁸

Public Personnel Information

Current law provides public records exemptions for certain public employees, along with their spouses and children.⁹ These exemptions protect personal information such as home addresses, dates of birth, photographs, and telephone numbers. The term “home address” is broadly defined to include not just physical addresses, but also related geographic identifiers such as parcel numbers, GPS coordinates, and neighborhood names.¹⁰

The exemptions apply to a wide range of personnel, including law enforcement officers, judges, state attorneys, public defenders, tax collectors, and court clerks.¹¹ Additional protections afforded to certain public employees include shielding a spouse’s workplace and the names or locations of schools or daycares attended by the employee’s children. Various agencies may hold this protected information—the employing agency, law enforcement agencies, school districts, property appraisers, and clerks of court. However, property appraisers and tax collectors are only required to remove names and identifying instrument numbers, not street addresses or legal property descriptions, as long as personally identifying information is not publicly associated with the property.¹²

To claim the exemption, the individual or their employing agency must submit a written, notarized request to each agency holding the information.¹³ The request must include an oath affirming eligibility for the exemption. These protections apply retroactively, meaning they cover records held before, on, or after the effective date of the exemption.¹⁴ However, home addresses lose their exempt status once the protected individual no longer resides at the address or upon their death.¹⁵

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF	ANALYSIS
			DIRECTOR/ POLICY CHIEF	PREPARED BY
Government Operations Subcommittee	16 Y, 0 N	4/1/2025	Toliver	Villa
State Affairs Committee				

⁸ 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); Op. Att’y Gen. Fla. 04- 09 (2004).

⁹ S. [119.071\(4\)\(d\), F.S.](#)

¹⁰ S. [119.071\(4\)\(d\)1.a., F.S.](#)

¹¹ See [119.071\(1\)\(d\)2., F.S.](#)

¹² S. [119.071\(4\)\(d\)4.a., F.S.](#)

¹³ S. [119.071\(4\)\(d\)3., F.S.](#)

¹⁴ S. [119.071\(4\)\(d\)6., F.S.](#)

¹⁵ S. [119.071\(4\)\(d\)8. and 9., F.S.](#)