

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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

BILL #: CS/CS/HB 1473	COMPANION BILL: CS/CS/SB 1634 (Grall)
TITLE: Pub. Rec./Terrorist Organizations	LINKED BILLS: CS/CS/HB 1471 Cassel
SPONSOR(S): Cassel	RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 80 Y's 26 N's **GOVERNOR'S ACTION:** Pending

SUMMARY

Effect of the Bill:

CS/CS/HB 1473 creates a public record exemption tied to 2026 HB 1471 for certain information which the tied bill would require Florida's Chief of Domestic Security to provide to the Governor and Cabinet in certain circumstances. Specifically, under the bill, where the Chief of Domestic Security intends to designate an organization as either a "domestic terrorist organization" or a "foreign domestic terrorist organization," as authorized in 2026 HB 1471, by providing to the Governor and Cabinet written notice of his or her intent to make such designation, any portion of the information provided to the Governor and Cabinet which would reveal information critical to state or national security is exempt from public disclosure. Further, the bill:

- Specifies that it is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless reviewed and saved from repeal through Legislative reenactment.
- Provides a public necessity statement as required by the State Constitution.
- Specifies that it will take effect on the same date that 2026 HB 1471 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

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:

CS/CS/HB 1473 creates a [public record](#) exemption tied to [2026 HB 1471](#) for certain information which the tied bill would require Florida's [Chief of Domestic Security](#) to provide to the Governor and Cabinet in certain circumstances. Specifically, under the bill, where the Chief of Domestic Security intends to designate an organization as either a "domestic terrorist organization" or a "foreign domestic terrorist organization" as authorized in 2026 HB 1471 by providing to the Governor and the [Florida Cabinet](#) written notice of his or her intent to make such designation, any portion of the information provided to the Governor and Cabinet which would reveal information critical to state or national security is [exempt](#) from [s. 119.07\(1\), F.S.](#), and [article I, section 24\(a\) of the State Constitution](#). (Section [1](#)).

Further, the bill:

- Specifies that it is subject to the [Open Government Sunset Review Act](#) and will stand repealed on October 2, 2031, unless reviewed and saved from repeal through Legislative reenactment. (Section [1](#)).
- Provides a [public necessity](#) statement pursuant to the requirements of [article I, section 24\(c\) of the State Constitution](#). (Section [2](#)).

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- Specifies that it will take effect on the same date that 2026 HB 1471 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law. (Section [3](#)).
- Requires a two-thirds vote of the members present and voting in both houses for final passage pursuant to the requirements of [article I, section 24\(c\) of the State Constitution](#).

Subject to the Governor’s veto powers, the effective date of the bill is the date the linked bill, HB 1471, takes effect. (Section [3](#)).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Florida Cabinet](#)

[Article IV, section 4 of the State Constitution](#) directs the establishment of a Cabinet composed of the State Attorney General,¹ the State Chief Financial Officer,² and the State Commissioner of Agriculture,³ with the State Governor⁴ serving as Chair thereof. Among other duties, the Cabinet manages various state departments, including the Florida Department of Law Enforcement, for which it serves collectively as agency head.⁵

[Chief of Domestic Security](#)

[Article IV, section 4 of the State Constitution](#) creates the Office of Domestic Security and Counterterrorism within FDLE to provide support for prosecutors and federal, state, and local law enforcement agencies that investigate or analyze information relating to attempts or acts of terrorism or that prosecute terrorism. Further, Florida law directs the FDLE to coordinate and direct the law enforcement, initial emergency, and other initial responses with respect to counter-terrorism efforts; responses to acts of terrorism within or affecting Florida; coordinating with and providing assistance to the Federal Government in the enforcement of federal immigration laws; responses to immigration enforcement incidents within or affecting Florida; and other matters related to the domestic security of Florida as it relates to terrorism and immigration enforcement incidents.⁶ To facilitate the direction and coordination of such efforts, Florida law directs FDLE’s Executive Director, or another FDLE member designated thereby, to serve as Florida’s “Chief of Domestic Security.”⁷

[2026 CS/HB 1471](#)

2026 HB 1471, in pertinent part, authorizes the Chief of Domestic Security to designate an organization as either a “domestic terrorist organization” or a “foreign terrorist organization” in specified circumstances. In connection with this authorization, the bill requires the Chief of Domestic Security to provide written notice to the Florida Governor and Cabinet of his or her intent to do so, which notice must be accompanied by a summary of the findings regarding the basis for the designation.

[Public Records](#)

[Article I, section 24 of the State Constitution](#) establishes 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

¹ The State Attorney General serves as the State’s chief legal officer. [Art. IV, s. 4, Fla. Const.](#)

² The State Chief Financial Officer serves as the State’s chief fiscal officer. *Id.*

³ The State Commissioner of Agriculture has supervision of matters pertaining to agriculture, except as otherwise provided by law. *Id.*

⁴ The State Constitution vests the supreme executive power in the Governor, who is commander-in-chief of all state military forces not in active service of the United States. [Art. IV, s. 1, Fla. Const.](#)

⁵ [Art. IV, s. 4, Fla. Const.](#)

⁶ [S. 943.03, F.S.](#)

⁷ *Id.*

judicial branches of government.⁸ However, the Legislature may, by general law, provide 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.⁹ Florida law also addresses the State's 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 from disclosure.¹⁰

Open Government Sunset Review Act

The Open Government Sunset Review Act¹¹ 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.¹² An identifiable public purpose is served if the exemption meets one or more 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.¹³

However, pursuant to the 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.¹⁴

"Exempt" vs. "Confidential and Exempt"

Under Florida law, there is a difference between records the Legislature designates as "exempt" from public record requirements and those the Legislature designates as "confidential and exempt" therefrom. Specifically, a record designated as "**exempt**" from public disclosure may be disclosed under certain circumstances; however, a record designated as "confidential and exempt" from public disclosure may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute.¹⁵

⁸ [Art. I, s. 24, Fla. Const.](#)

⁹ *Id.*

¹⁰ [S. 119.01\(1\), F.S.](#)

¹¹ [S. 119.15, F.S.](#)

¹² *Id.*

¹³ *Id.*

¹⁴ [S. 119.15\(3\), F.S.](#)

¹⁵ 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).