

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1686

INTRODUCER: Health Policy Committee and Senator Calatayud

SUBJECT: Public Records/Parkinson's Disease Registry

DATE: February 23, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brown</u>	<u>Brown</u>	<u>HP</u>	Fav/CS
2. <u>Gerbrandt</u>	<u>McKnight</u>	<u>AHS</u>	Favorable
3. <u>Brown</u>	<u>Siples</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1686 creates a public records exemption for personal identifying information and records submitted to the Parkinson's Disease Registry, with exceptions.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect on the same date that SB 1684, or other similar legislation, takes effect if such legislation is adopted in the same legislative session or extension thereof.

II. Present Situation:

Access to Public Records - Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ 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.²

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

¹⁰ FLA. CONST. art. I, s. 24(c). *See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Parkinson's Disease Research Act

In 2025, the Legislature enacted CS/CS/HB 1545, Engrossed 1,²⁷ which may be cited as the Parkinson's Disease Research Act, thereby creating s. 1004.4353, F.S., to establish within the University of South Florida (USF), the Florida Institute for Parkinson's Disease (Institute) as a statewide resource for Parkinson's disease research and clinical care. The purpose of the Institute is to find a cure for Parkinson's disease and to improve the quality of life and health outcomes for those affected by Parkinson's disease by advancing knowledge, diagnosis, and treatment of Parkinson's disease through research, clinical care, education, and advocacy.

The 2025 law also created s. 1004.4352, F.S., to establish the Consortium for Parkinson's Disease Research (Consortium) within USF to consist of public and private universities and academic medical centers. The purpose of the Consortium is to conduct rigorous scientific research and disseminate such research.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Chapter 2025-188, Laws of Florida.

CS/SB 1684, if enacted, will, among other provisions, add a new subsection (5) to s. 1004.4352, F.S., to require the Institute to establish and maintain a Parkinson's Disease Registry to ensure that the Parkinson's disease performance measures required to be submitted to the Registry are maintained and available for use to improve or modify the Parkinson's disease care system, ensure compliance with standards and nationally recognized guidelines, and monitor Parkinson's disease patient outcomes.

See the staff analysis of CS/SB 1684 for more details about the Parkinson's Disease Research Act and the proposed Parkinson's Disease Registry.

III. Effect of Proposed Changes:

The bill provides that all records and personal identifying information relating to persons diagnosed with or treated for Parkinson's disease which are submitted to the Parkinson's Disease Registry under statutory provisions to be created under SB 1684, are confidential and exempt from the public records requirements of s. 119.07(1), F.S., and s. 24(a), Article I, of the State Constitution, with the following exceptions:

- Release of such registry data may be made with the written consent of persons to whom the information applies.
- The Department of Health (DOH) or the Consortium may contact individuals for the purpose of epidemiological investigation and monitoring, provided information that is confidential under the bill is not further disclosed.
- The DOH may enter into a data-sharing agreement with any other governmental agency or entity for the purpose of medical or scientific research, provided such governmental agency or entity does not further disclose information that is confidential under the bill.

The bill provides legislative findings that the public records exemption it creates is a public necessity. The bill specifies that its provisions are subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and that such provisions shall stand repealed on Oct. 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides that it takes effect on the same date that SB 1684, or other similar legislation, takes effect if such legislation is adopted in the same legislative session or extension thereof.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. This bill enacts a new exemption for certain records and personal identifying information relating to persons diagnosed with or treated for Parkinson's disease which is submitted to the Parkinson's Disease Registry and, thus, the bill requires a two-thirds vote of each house of the Legislature to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that the DOH and the Consortium are unable to effectively implement the legislative purpose of the Parkinson's Disease Registry without access to these records and information, which include personal medical information, the disclosure of which would violate federal patient privacy laws. The statement further provides a legislative finding that it is a public necessity to make such records and information held by the DOH confidential and exempt to protect the privacy rights of persons diagnosed with and treated for Parkinson's disease in this state and to promote the effective administration of the department's epidemiological research and tracking activities.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the proposed law is to protect personal medical information, the disclosure of which would violate federal patient privacy laws. This bill exempts records and personal identifying information relating to persons diagnosed with or treated for Parkinson's disease which is submitted to the Parkinson's Disease Registry. The records exempted in the bill are narrowly tailored to the most relevant information for accomplishing the bill's stated goals. Thus, the exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The private sector may be subject to the cost associated with a custodian's review and potential redactions of exempt records in response to a public records request.

C. Government Sector Impact:

The bill has no fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

The bill adds a new paragraph (f) to s. 1004.4352(5), F.S. Subsection (5) of that statute does not currently exist and would be created by CS/SB 1684, if the latter bill is enacted. On two occasions in this bill's new paragraph (f), the language refers to "the department" as a custodian of personal information in the Registry. Those references were originally designed for the Department of Health (DOH), according to the provisions of SB 1684 as filed. However, SB 1684 was amended to exclude the DOH from any of the bill's provisions, which is reflected in CS/SB 1684. As such, this bill's references to "the department" are now inconsistent with CS/SB 1684.

Likewise, this bill's new paragraph (f) refers to "the consortium" as a custodian of personal information in the Registry. This reference is also a relic of SB 1684 as filed and is inconsistent with CS/SB 1684 because CS/SB 1684 gives the duty to create and maintain the Registry to the Institute, not to the DOH and the Consortium as did the bill as filed.

Therefore, CS/SB 1686 should be amended to replace its reference to "the department or the consortium" and its later reference to "the department" in the bill's new paragraph (f) with "the institute."

Lastly, this bill's public necessity statement also makes reference to the DOH and the Consortium as custodians of public information in the Registry. Those references should also be replaced with references to the Institute.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1004.4352 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on February 11, 2026:

The CS correctly links the bill to SB 1684 by specifying that the bill takes effect on the same date that SB 1684, or other similar legislation, takes effect if such legislation is adopted in the same legislative session or extension thereof.

- B. **Amendments:**

None.