

# 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.*

<b>BILL #:</b> <a href="#">CS/HB 21</a>	<b>COMPANION BILL:</b> <a href="#">SB 258</a> (Burgess)
<b>TITLE:</b> Pub. Rec./Agency Employees	<b>LINKED BILLS:</b> None
<b>SPONSOR(S):</b> Kendall and Partington	<b>RELATED BILLS:</b> None

### Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill creates a public record exemption for certain identifying and location information of current and former agency employees and their spouses and children when such information is held by the employing agency. The bill provides for repeal of the exemption on October 2, 2031, unless reviewed and saved from repeal by the Legislature, and provides a statement of public necessity.

### Fiscal or Economic Impact:

The bill will likely have an insignificant, negative fiscal impact on the state and local governments, which can be absorbed within existing resources.

### 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 creates a [public record](#) exemption for certain identifying and location information of current and former agency<sup>1</sup> employees and their spouses and children when such information is held by the employing agency. Specifically, the bill exempts from public disclosure the following information of current and former agency employees:

- Home addresses.<sup>2</sup>
- Personal telephone numbers.
- Personal email addresses.
- Dates of birth. (Section [1](#))

The bill also protects the same identifying and location information of the spouses and children of such employees, as well as their names and places of employment. The names and locations of schools and daycares attended by children of agency employees is also exempt from public disclosure. The exemption applies to such information held by an agency before, on, or after the effective date of the exemption and expressly provides that its protections do not limit the application of other [public record exemptions for agency personnel](#). (Section [1](#))

<sup>1</sup> "Agency" means 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 purposes of the Public Records Act, 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. [S. 119.011\(2\), F.S.](#)

<sup>2</sup> The bill defines "home addresses" to mean the dwelling location at which an individual resides and includes the physical, mailing, and street addresses.

**STORAGE NAME:** h0021a.SAC

**DATE:** 1/30/2026

The bill provides a public necessity statement, as required by the Florida Constitution, which explains that agency employees and their families may be targets of harassment, stalking, intimidation, threats, or other forms of harm due to the nature of their public duties and that protecting certain identifying and location information from public disclosure reduces the risk of unwanted contact and privacy invasions. (Section [6](#))

The bill provides for repeal of the exemption on October 2, 2031, pursuant to the [Open Government Sunset Review Act](#), unless reviewed and saved from repeal through reenactment by the Legislature. (Section [1](#))

[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 bill makes conforming changes. (Multiple Sections)

The effective date of the bill is upon becoming a law. (Section [7](#))

## **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 implementing the public record exemption. In addition, agencies could incur costs associated with redacting the 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 local governments because staff responsible for complying with public record requests may require training related to implementing the public record exemption. In addition, local governments could incur costs associated with redacting the exempt information before releasing a record. The costs, however, would be absorbed as they are part of the day-to-day responsibilities of local governments.

## **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>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> Furthermore, the [Open Government Sunset Review Act](#)<sup>6</sup> (OGSR 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

<sup>3</sup> [Art. I, s. 24\(a\), FLA. CONST.](#)

<sup>4</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>5</sup> [S. 119.01\(1\), F.S.](#)

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

without the exemption.<sup>7</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, 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.<sup>8</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>9</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>10</sup>

### Public Record Exemptions for Agency Personnel

Current law provides public record exemptions for the identification and location information of certain public employees, along with their spouses and children, held by the employing agency.<sup>11</sup> These exemptions protect information such as home addresses, dates of birth, photographs, and telephone numbers, as well as a spouse's workplace and the names and locations of schools or daycares attended by the employee's children. The exemptions apply to a wide range of personnel, including law enforcement officers, firefighters, judges, state attorneys, public defenders, magistrates, code enforcement officers, certain agency investigators, tax collectors, emergency medical technicians, paramedics, county and city attorneys, clerks of court, congressional members, and public officers.<sup>12</sup>

Current law also allows such employees to request a custodial agency that is not the employing agency to protect their identification and location information. To claim an exemption for information held by an agency that is not the employer, the individual or his or her employing agency must submit a written, notarized request to each custodial agency.<sup>13</sup> The request must include an oath affirming eligibility for the exemption. A protected individual's home address loses its exempt status once the individual no longer resides at the address or upon his or her death.<sup>14</sup>

<sup>7</sup> [S. 119.15\(6\)\(b\), F.S.](#)

<sup>8</sup> *Id.*

<sup>9</sup> [S. 119.15\(3\), F.S.](#)

<sup>10</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); Op. Att'y Gen. Fla. 04- 09 (2004).

<sup>11</sup> See [s. 119.071\(4\)\(d\), F.S.](#)

<sup>12</sup> For congressional members and public officers, the full home address is not exempt; the city and zip code remain publicly available. [S. 119.071\(4\)\(d\)3., F.S.](#)

<sup>13</sup> [S. 119.071\(4\)\(d\)3., F.S.](#)

<sup>14</sup> See [s. 119.071\(4\)\(d\)8. and 9., F.S.](#)

**RECENT LEGISLATION:**

<b>YEAR</b>	<b>BILL #/SUBJECT</b>	<b>HOUSE/SENATE SPONSOR(S)</b>	<b>OTHER INFORMATION</b>
2025	<a href="#">CS/CS/SB 268</a> - Public Records/Congressional Members and Public Officers	Valdés, Duggan/ <i>Jones</i>	The bill became law on July 1, 2025.
2025	<a href="#">CS/SB 300</a> - Public Records/Appellate Court Clerks and their Spouses and Children	Gottlieb/ <i>Rouson</i>	The bill passed the Senate, but died in the House.
2025	<a href="#">SB 302</a> - Public Records/Judicial Qualifications Commission	Maney/ <i>Rouson</i>	The bill passed the Senate, but died in the House.
2025	<a href="#">CS/SB 342</a> - Public Records/Agency for Health Care Administration	Trabulsy/ <i>Harrell</i>	The bill passed the Senate, but died in the House.
2025	<a href="#">CS/SB 710</a> - Public Records/Crime Stoppers Organizations	Chambliss/ <i>Osgood</i>	The bill passed the Senate, but died in the House.
2024	<a href="#">CS/HB 103</a> - Pub. Rec./County and City Attorneys	Arrington/ <i>Powell</i>	The bill became law on July 1, 2024.
2024	<a href="#">SB 548</a> - Public Records/Military Personnel and their Spouses and Dependents	Holcomb, Rudman/ <i>Collins</i>	The bill became law on April 26, 2024.
2024	<a href="#">CS/SB 692</a> - Public Records/Florida Gaming Control Commission	<i>Hutson</i>	The bill became law on July 1, 2024.
2024	<a href="#">CS/HB 983</a> - Pub. Rec./Clerks of the Circuit Court, Deputy Clerks, and Clerk Personnel	Daley, Harris/ <i>Yarborough</i>	The bill became law on July 1, 2024.
2023	<a href="#">CS/SB 50</a> - Public Records/Judicial Assistants	Smith/ <i>Wright</i>	The bill became law on July 1, 2023.
2023	<a href="#">CS/SB 216</a> - Public Records/Current and Former County and City Attorneys	Arrington/ <i>Burgess</i>	The bill passed the Senate, but died in the House.
2023	<a href="#">CS/CS/HB 313</a> - Pub. Rec./Military Personnel and Their Families	Rudman, Holcomb/ <i>Trumbull</i>	The bill passed the House, but died in the Senate.
2023	<a href="#">CS/HB 1215</a> - Pub. Rec./Inspectors and Investigators/DACS	Maggard/ <i>Collins</i>	The bill became law on July 1, 2023.
2021	<a href="#">CS/SB 68</a> - Public Records/Staff and Domestic Violence Advocates of Domestic Violence Centers	Borrero/ <i>Garcia</i>	The bill became law on June 4, 2021.

**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Criminal Justice Subcommittee</a>	16 Y, 0 N, As CS	1/14/2026	Hall	Villa
THE CHANGES ADOPTED BY THE COMMITTEE:	Expanded the public records exemption to exempt specified identifying and location information held by the employing agency for all current and former agency employees and their spouses and children from disclosure, rather than just medical examiners.			
<a href="#">State Affairs Committee</a>			Williamson	Villa

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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