

# 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 #:** [CS/HB 251](#)

**TITLE:** Pub. Rec./Emergency Physicians

**SPONSOR(S):** Esposito

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

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Health Professions & Programs](#)

15 Y, 0 N, As CS

[Government Operations](#)

[Health & Human Services](#)

## SUMMARY

### Effect of the Bill:

HB 251 creates a public records exemption for personal identifying information of current allopathic physicians licensed under ch. 458, F.S. and osteopathic physicians licensed under ch. 459, F.S., (emergency physicians), and their families, whose duties are performed in a licensed hospital emergency department.

The bill requires emergency physicians and their family members to request the exemption of the records custodian and to withdraw the request when the exemption no longer applies.

The bill specifies that the public records exemption is subject to the Open Government Sunset Review Act and shall be repealed on October 2, 2031, unless reenacted by the Legislature.

### Fiscal or Economic Impact:

The bill may have indeterminate, negative fiscal impact to the Department of Health to update public records procedures and manage public records, which can be absorbed within current 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 records](#) exemption for the:

- Home addresses, telephone numbers, and dates of birth current allopathic physicians licensed under ch. 458, F.S. and osteopathic physicians licensed under ch. 459, F.S., (emergency physicians) whose duties are performed in a licensed hospital [emergency department](#);
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children, under age 26, of such emergency physicians; and
- Names and locations of schools and day care facilities attended by the children under age 26 of such emergency physicians. (Section 1)

The exemption is subject to an existing requirement under [s. 119.071\(4\)\(d\)3., F.S.](#), which requires that if exempt information is held by an agency that is not the employer of the protected employee, then the protected employee must submit to that agency a written request to maintain the public records exemption. The bill requires individuals who are eligible for the public records exemption to request the exemption from the records custodian and withdraw the request when the exemption no longer applies. (Section 1)

**STORAGE NAME:** h0251a.HPP

**DATE:** 2/11/2026

In support of this exemption, the bill provides a public necessity statement as required by the State Constitution. Specifically, the bill states that emergency physicians, by nature of their duties, are often placed in circumstances in which loss of life or severe bodily injury has occurred. Additionally, the bill states that emergency physicians are vulnerable to physical violence, harassment, and intimidation by patients or their relatives who may be violent, angry, or mentally unstable. As such, the release of identifying and location information of emergency physicians and the spouses and children thereof may place such individuals in danger of being physically or emotionally harmed or stalked by a person who has a hostile reaction to an encounter with such emergency physician. (Section [2](#))

The bill specifies that the public record exemption is subject to the [Open Government Sunset Review Act](#) and will stand repealed on October 2, 2031, unless saved from repeal by reenactment by the Legislature. (Section [1](#))

The effective date of the bill is July 1, 2026. (Section [3](#))

[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.

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill may have an indeterminate, negative fiscal impact to the Department of Health. According to DOH, implementing the bill requires additional training for staff, establishing new internal processes, and updating public records procedures, including verification processes used by staff to determine whether emergency physicians and their spouses and children qualify for the exemption. The impact of these processes and procedures can be absorbed within current resources.<sup>1</sup>

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Public Records](#)

The Florida Constitution sets forth the state's public policy regarding access to government records. Every person is guaranteed a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.<sup>2</sup> The Legislature, however, 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>

<sup>1</sup> Department of Health, Agency Analysis of 2026 House Bill 251, p. 3 (Nov. 19, 2025).

<sup>2</sup> [Art. I, s. 24\(a\), Fla. Const.](#)

<sup>3</sup> A public record exemption means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), [s. 286.011, F.S.](#), or [s. 24, Art. I](#) of the Florida Constitution. See [s. 119.011\(8\), F.S.](#) 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. 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 Riviera 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). 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. See *Op. Att'y Gen. Fla.* 04-09 (2004).

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

Current law 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 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."<sup>6</sup> An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.<sup>7</sup>

Pursuant to the [Open Government Sunset Review Act](#),<sup>8</sup> a new public record or meeting exemption or substantial amendment of an existing exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.<sup>9</sup>

### [Health Care Practitioner Regulation](#)

Health care practitioners are regulated by the Division of Medical Quality Assurance (MQA) under the Department of Health (DOH), in conjunction with profession-specific licensure boards, in the interest of preserving the health, safety, and welfare of the public.<sup>10</sup> This includes allopathic physicians licensed under ch. [458](#), F.S., and osteopathic physicians licensed under ch. [459](#), F.S. As part of DOH's licensure and enforcement responsibilities, DOH collects information and investigates complaints against health care practitioners, some of which perform their professional duties in a hospital emergency department.

DOH is currently required to collect and compile information for health care practitioner profiles, which are publicly accessible through the DOH website.<sup>11</sup> These health care practitioner profiles provide certain information on all DOH-licensed health care practitioners in this state, not just allopathic and osteopathic physicians. Specifically, the information which is made public in a practitioner profile, as applicable, includes the practitioner's primary business name, each hospital where the practitioner has privileges, each institution where the practitioner has a faculty appointment, and the address of such places.<sup>12</sup>

As of February 5, 2026, there are 89,771 licensed allopathic physicians and 13,300 licensed osteopathic physicians in the state.<sup>13</sup>

### [Emergency Departments](#)

Hospitals are licensed and regulated by the Agency for Health Care Administration (AHCA) under [part I of ch. 395](#), F.S. In Florida, emergency departments (EDs) are either located in a hospital or on separate premises of a licensed hospital. Any licensed hospital which has a dedicated ED may provide emergency services in a location separate from the hospital's main premises, known as a hospital-based off-campus emergency department.<sup>14</sup>

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<sup>5</sup> See [s. 119.01](#), F.S.

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

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

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

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

<sup>10</sup> S. [456.003\(2\)](#), F.S.

<sup>11</sup> S. [456.039](#), F.S. and s. [456.041](#), F.S.

<sup>12</sup> *Supra*, note 1 at p. 5.

<sup>13</sup> Department of Health Division of Medical Quality Assurance, *License Verification*, available at <https://mqa-internet.doh.state.fl.us/mqasearchservices/healthcareproviders> (last visited Feb. 5, 2026).

<sup>14</sup> S. [395.002\(13\)](#), F.S.

As of February 5, 2026, there are 345 hospitals licensed by AHCA in this state, 224 of which provide have an emergency department.<sup>15</sup> Of the 224 hospitals with an emergency department, 79 also have a hospital-based off-campus emergency department.<sup>16</sup>

## Workplace Violence

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening behavior that occurs at the work site.<sup>17</sup> It ranges from threats and verbal abuse to physical assaults and homicide.<sup>18</sup>

The most recent data published by the Bureau of Labor Statistics shows that the health care and social assistance industry experiences the highest rate of injuries caused by workplace violence, accounting for 57,610 nonfatal cases of workplace violence over the 2021-2022 period.<sup>19</sup> Of such cases, 69% required days away from work and 30.9% required days of job transfer or restriction.<sup>20</sup>

A study published in the National Library of Medicine shows hospital emergency departments are the most common site for violence in the health care setting.<sup>21</sup> Violence in the emergency department is most common after standard working hours and the most frequent exposure to violence is in examination rooms, observation areas, and triage areas.<sup>22</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Health Professions &amp; Programs Subcommittee</a>	15 Y, 0 N, As CS	2/11/2026	McElroy	Morris
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Narrowed the exemption to current, not former, emergency department physicians, their spouses, and children up to age 26.</li> <li>• Removed the emergency physician's place of employment and photographs from the exemption, but maintains the exemption for workplaces of spouses and children.</li> <li>• Maintained the exemption for personal identifying information of the emergency physician and their spouse and children.</li> <li>• Required emergency physicians and family members to request the exemption and to withdraw the request when the exemption no longer applies.</li> </ul>			
<a href="#">Government Operations Subcommittee</a>				
<a href="#">Health &amp; Human Services Committee</a>				

<sup>15</sup> Agency for Health Care Administration, *Facility/Provider Location Search*, available at: <https://quality.healthfinder.fl.gov/Facility-Search/FacilityLocateSearch> (last visited Feb. 5, 2026).

<sup>16</sup> *Id.*

<sup>17</sup> Occupational Safety and Health Administration, *Workplace Violence*, <https://www.osha.gov/workplace-violence#:~:text=Workplace%20violence%20is%20any%20act,for%20employers%20and%20employees%20nationwide>. (last visited Feb. 5, 2026).

<sup>18</sup> *Id.*

<sup>19</sup> U.S. Bureau of Labor Statistics, *Workplace Violence 2021-2022*, available at: <https://www.bls.gov/iif/factsheets/workplace-violence-2021-2022.htm> (last visited Feb. 5, 2026). There were 3,379,220 cases of workplace violence across the U.S. in private industry in 2021-2022.

<sup>20</sup> *Id.*

<sup>21</sup> Ayse Dilara Oztermeli, *Violence in the Emergency Department: What Can We Do?* (July 14, 2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10423942/> (last visited Feb. 5, 2026).

<sup>22</sup> *Id.*

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

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