

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 Rules

BILL: SB 292

INTRODUCER: Senator Rouson

SUBJECT: Public Records/Appellate Court Clerks

DATE: January 26, 2026 **REVISED:** _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Collazo	Cibula	JU	Favorable
2. Collazo	Kruse	RC	Pre-meeting

I. Summary:

SB 292 exempts, from public records copying and inspection requirements, certain identifying information of current appellate court clerks and their spouses and children. The exemption restricts access to information in the public records which may identify or locate them.

Specifically, the bill exempts from public disclosure requirements the following information:

- The home addresses, dates of birth, and telephone numbers of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names and locations of schools and day care facilities attended by the children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.

The exemption applies to information held by an agency before, on, or after July 1, 2026. However, it does not apply once an appellate court clerk is no longer employed in such position.

The exemption is new and subject to the Open Government Sunset Review Act. It will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends by 3 years, from October 2, 2028 to October 2, 2031, the repeal date for the existing exemption applicable to current or former Florida Supreme Court justices, district court of appeal judges, circuit and county court judges, and current judicial assistants.

The bill provides a statement of public necessity as required by the State Constitution. Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill may minimally increase costs for state and local agencies. It takes effect July 1, 2026.

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

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 connection 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

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).

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rules 14.1 and 14.2, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

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).

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 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

Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4), F.S.)

Section 119.071(4), F.S., exempts from public record disclosure the personal information of specific government employees when held by government agencies. In paragraph (d), “home addresses” is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, “telephone numbers” is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

⁷ Section 119.071(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).

¹⁰ *Id. 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).

Section 119.071(4)(d)2., F.S., generally exempts from public disclosure the home addresses, dates of birth, photographs, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include current clerk, deputy clerks and other personnel of each circuit court.¹⁶

Records that include exempt information relating to the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers¹⁷ and county tax collectors¹⁸ holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.¹⁹

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide, under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.²⁰

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.²¹ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling²² or upon his or her death.²³

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²⁴ (the Act), prescribe a legislative review process for newly created or substantially amended²⁵ public

¹⁶ Section 119.071(4)(d)2.y., F.S. Circuit court clerks' exemption from public records under this statute is set to repeal on October 2, 2029, unless saved by the Legislature.

¹⁷ See s. 192.001(3), F.S.

¹⁸ See s. 192.001(4), F.S.

¹⁹ Section 119.071(4)(d)4., F.S.

²⁰ Section 119.071(4)(d)3., F.S.

²¹ Section 119.071(4)(d)6., F.S.

²² The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

²³ A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." See s. 28.222(2), F.S.

²⁴ Section 119.15, F.S.

²⁵ 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.

records or open meetings exemptions, with specified exceptions.²⁶ 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.²⁷

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.²⁸ 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:

- 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;²⁹
- 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;³⁰ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³¹

The Act also requires specified questions to be considered during the review process.³² 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.³³ 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.³⁴

²⁶ 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.

²⁷ Section 119.15(3), F.S.

²⁸ Section 119.15(6)(b), F.S.

²⁹ Section 119.15(6)(b)1., F.S.

³⁰ Section 119.15(6)(b)2., F.S.

³¹ Section 119.15(6)(b)3., F.S.

³² 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?

³³ See generally s. 119.15, F.S.

³⁴ Section 119.15(7), F.S.

Clerks of the Appellate Court

The Florida Supreme Court³⁵ and each district court of appeal³⁶ are required to appoint a clerk who holds office at the pleasure of the respective courts. The office of the clerk of the Supreme Court is located in the Supreme Court Building.³⁷ The office of the clerk of the district court of appeal is in the headquarters of each district court.³⁸

The clerk of the Supreme Court³⁹ and the clerks of the district courts of appeal⁴⁰ are required to perform such duties as the courts direct. All books, papers, records, files, and seals must be kept in the clerks' offices and in their custody.⁴¹

Additionally, the clerk of each court is required to:

- Keep a docket or equivalent electronic record of all cases that are brought for review to or that originate in the court.⁴²
- Issue such mandates or processes as may be directed by the court and notify attorneys of record of such issuance or of the rendition of any final judgment.⁴³
- Return to the clerk of the lower court the original papers or files transmitted to the court for use in the cause.⁴⁴

The clerk of the Supreme Court can appoint a deputy clerk. The deputy has the same powers as the clerk, except for the power to appoint a deputy or deputies.⁴⁵

Florida State Courts System Classification Specification

Florida court employee class codes are specific numerical codes assigned to different positions within the State Courts System. These codes are part of the state government's classification and pay plan system and help define roles and compensation.⁴⁶

Class code 2610 is the code for "Chief Deputy Clerk – District Court," and class code 2620 is the code for "Chief Deputy Clerk – Supreme Court."⁴⁷

III. Effect of Proposed Changes:

Section 1 exempts from public records disclosure requirements certain information relating to current appellate court clerks. For purposes of the bill, an "appellate court clerk" means:

³⁵ FLA. CONST. art V, s. 3(c).

³⁶ FLA. CONST. art V, s. 4(c).

³⁷ Section 25.211, F.S.

³⁸ Section 35.23, F.S.

³⁹ FLA. CONST. art V, s. 3(c).

⁴⁰ FLA. CONST. art V, s. 4(c).

⁴¹ Sections 25.221 and 35.24, F.S.

⁴² Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(3); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(2).

⁴³ Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(5); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(4).

⁴⁴ Fla. R. Gen. Prac. & Jud. Admin. 2.205(b)(6); Fla. R. Gen. Prac. & Jud. Admin. 2.210(b)(5).

⁴⁵ Section 25.201, F.S.

⁴⁶ See State of Florida, *Florida Has a Right to Know: Holding Government Accountable*, <https://salaries.myflorida.com/> (last visited Nov. 20, 2025).

⁴⁷ *Id.*

- A person appointed as a clerk of the Florida Supreme Court pursuant to s. 3(c), Art. V, of the State Constitution;
- A person appointed as a clerk of a district court of appeal pursuant to s. 4(c), Art. V of the State Constitution; or
- A court employee assigned to the 2610 class code (chief deputy clerks of the District Courts of Appeal) or the 2620 class code (chief deputy clerks of the Florida Supreme Court).⁴⁸

The following information will be exempt from public disclosure requirements:

- The home addresses, dates of birth, and telephone numbers of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.
- The names and locations of schools and day care facilities attended by the children of current clerks and chief deputy clerks of the Florida Supreme Court and the district courts of appeal.

Pursuant to s. 119.071(4)(d)6., F.S., the exemption applies to information held by an agency before, on, or after July 1, 2026. However, the exemption does not apply once an appellate court clerk is no longer employed in such position.

Consistent with s. 119.15, F.S., the new exemption is subject to the Open Government Sunset Review Act⁴⁹ and will be repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also extends by 3 years, from October 2, 2028 to October 2, 2031, the repeal date for the existing exemption applicable to current or former Florida Supreme Court justices, district court of appeal judges, circuit and county court judges, and current judicial assistants.

Section 2 updates a cross-reference relating to the definition of “telephone numbers.”

Section 3 provides the constitutionally required public necessity statement. The public necessity statement provides that while performing their duties to issue court orders, maintain case dockets, answer telephone calls, respond to correspondence, and interact with visitors to the courthouse, appellate court clerks may incur the ill will of litigants and their associates and families. As a result, current appellate court clerks and their spouses and children may be targets for acts of revenge. If such identifying and location information is released, the safety of current appellate court clerks and their spouses and children could be seriously jeopardized. For this reason, the bill provides that it is a public necessity that such information be made exempt from public records requirements.

Section 4 provides that the bill takes effect July 1, 2026.

⁴⁸ *Id.*

⁴⁹ See s. 119.15, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

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

Article I, section 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 current appellate court clerks and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 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 3 of the bill contains a statement of public necessity for current appellate court clerks and their spouses and children.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the bill is to protect current appellate court clerks and their spouses and children. This bill only exempts records pertaining to current appellate court clerks and their spouses and children from the public records requirements. Therefore, the bill 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 identified.

B. Private Sector Impact:

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

C. Government Sector Impact:

This bill may increase costs minimally for agencies holding records that contain personal identifying information of current appellate court clerks and their spouses and children, because staff responsible for complying with public records requests may require training related to the new public record exemption. Additionally, agencies may incur costs associated with redacting the exempt information prior to releasing a record. However, the costs should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 119.071 and 744.21031.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.