

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 627](#)

TITLE: Pub. Rec./Law Enforcement Officers Actively Engaged in Official Duty

SPONSOR(S): Berfield

COMPANION BILL: [SB 744](#) (Yarborough)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

13 Y, 0 N, As CS

[Government Operations](#)

18 Y, 0 N

[Judiciary](#)

SUMMARY

Effect of the Bill:

The bill authorizes a law enforcement officer (officer) who is actively engaged in the performance of an official duty, as determined by the officer, to decline to accept or process a public records request. Under the bill, an officer who declines accept or process a public records request must verbally inform the requestor that he or she cannot accept or process the request and direct such person to a records custodian or online public records request portal, if available.

Under the bill, if an officer informs a person that he or she cannot accept or process a public records request and such person knowingly and willfully persists in attempting to compel an officer to accept or process such a request while the officer is actively engaged in the performance of an official duty, the person commits the offense of resisting an officer without violence, a violation of which is punishable as a first degree misdemeanor.

Fiscal or Economic Impact:

The bill may have an indeterminate positive jail bed impact.

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ANALYSIS

EFFECT OF THE BILL:

The bill authorizes a [law enforcement officer](#) (officer) who is actively engaged in the lawful performance of an official duty to decline to accept or process a public records request. The bill specifies that the performance of an official duty includes, but is not limited to, a call for service, an investigation, a case-related activity, or any other official law enforcement activity. Under the bill, the determination of whether a law enforcement officer is actively engaged in the performance of an official duty is made by the officer. (Section 1)

If the officer declines to accept a public records request because he or she is actively engaged in the performance of an official duty, the bill requires the officer to verbally inform the person requesting the record that he or she cannot process the request and direct the person to contact:

- The [custodian](#) of records for the officer's employing agency; or
- An official public records request portal, if available. (Section 1)

Under the bill, if a person requesting a public record has been informed that an officer cannot process a public records request but he or she persists in attempting to compel an officer to accept or process such a request while the officer is actively engaged in the performance of an official duty, the person commits the crime of [resisting an](#)

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officer without violence under [s. 843.02, F.S.](#), a violation of which is punishable as a first degree misdemeanor.¹ (Section 1)

The effective date of the bill is July 1, 2026. (Section 2)

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill may have an indeterminate positive jail bed impact by creating an additional circumstance for which a person may be charged with the offense of resisting an officer without violence, a violation of which is punishable as a first degree misdemeanor.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Constitutional Right of Access to Public Records

The Florida Constitution guarantees every person the right to inspect or copy any public record made or received in connection with the official business of a public body, officer, or employee of the state.² The Constitution authorizes the Legislature to create exemptions from public record requirements only by general law passed by a two-thirds vote of each house. Any such exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish its stated purpose.

Public Records Act

Custodian

The Public Records Act (Act)³ requires custodians of public records⁴ to permit inspection and copying of public records at reasonable times and under reasonable conditions.⁵ Custodians must promptly acknowledge public record requests and respond in good faith, including by making reasonable efforts to determine whether responsive records exist and where they may be assessed.⁶

If a custodian contends that all or part of a record is exempt from public record requirements, the custodian must redact exempt portions, produce any nonexempt portions, and state the basis for the exemption, including the applicable statutory citation.⁷ Upon request, the custodian must provide a written explanation stating with particularity the reasons a record is exempt or confidential.⁸

Costs, Fees, and Electronic Records

The Act authorizes agencies to provide access to public records by remote electronic means.⁹ Agencies may charge fees for such access when provided under a contractual arrangement, including the direct and indirect costs of providing such access.¹⁰ When remote electronic access is provided to the general public, any fees assessed must be in accordance with the general fee framework governing public records.

¹ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

² [Art. I, s. 24, Fla. Const.](#)

³ See [ch. 119, F.S.](#)

⁴ "Custodian of public records" means the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee. [S. 119.011\(5\), F.S.](#)

⁵ [S. 119.07\(1\)\(a\), F.S.](#)

⁶ [S. 119.07\(1\)\(c\), F.S.](#)

⁷ [S. 119.07\(1\)\(d\)-\(e\), F.S.](#)

⁸ [S. 119.07\(1\)\(f\), F.S.](#)

⁹ [S. 119.07\(2\)\(a\), F.S.](#)

¹⁰ [S. 119.07\(2\)\(c\), F.S.](#) In addition, current law separately authorizes the Department of Management Services to collect transaction-based or subscription fees for remote electronic access to public records, with revenues deposited into the appropriate program trust fund. [S. 282.711, F.S.](#)

When no specific fee is prescribed by law, agencies may charge per-page copy fees for standard paper records, including up to 15 cents per one-sided page and an additional five cent charge for two-sided copies.¹¹ For nonstandard copies, agencies may charge the actual cost of duplication.¹² In addition, agencies may assess a special service charge when the nature or volume of a public record request requires extensive clerical or supervisory assistance or extensive use of information technology resources,¹³ provided the charge is reasonable and based on the actual labor or technology costs incurred by the agency in responding to the request.¹⁴

Penalties for Violations

The Act establishes both civil and criminal penalties for violations of public record requirements. A public officer who violates any provision of the Act commits a noncriminal infraction punishable by a fine of up to \$500.¹⁵ A public officer who knowingly violates response requirements commits a first degree misdemeanor¹⁶ and is subject to suspension, removal, or impeachment.¹⁷

Any other person who willfully and knowingly violates the Act commits a first degree misdemeanor.¹⁸ More severe penalties apply to certain misconduct involving exempt or confidential information contained in police reports; specifically, a person who willfully and knowingly uses or discloses such information for prohibited commercial solicitation purposes commits a third degree felony¹⁹ while the information remains exempt or confidential.²⁰ These restrictions do not apply to lawful publication by news media or to permissible data collection or analysis by authorized persons.

Attorney Fees

Courts are required to assess and award reasonable enforcement costs, including reasonable attorney fees, against an agency when the court determines that the agency unlawfully refused to permit a public record to be inspected or copied.²¹ As a general rule, a requester must provide written notice identifying the public record request to the agency's custodian of public records at least five business days before filing suit in order to be eligible for an award of attorney fees.²² This notice requirement does not apply if the agency fails to prominently post contact information for its custodian of public records in the agency's primary administrative building and on the agency's website.²³

Current law also requires courts to evaluate whether a public record request or related civil action was brought for an improper purpose. If the court determines that a requester acted primarily to cause a violation of the Act or for a frivolous purpose, the court may not award attorney fees and costs to the requester and must instead award the agency its reasonable attorney fees and costs incurred in responding to the action.

¹¹ [S. 119.07\(4\)\(a\)1.-2., F.S.](#) Agencies may also charge up to one dollar per page for certified copies of public records. [S. 119.07\(4\)\(c\), F.S.](#)

¹² [S. 119.07\(4\)\(a\)3., F.S.](#) "Actual cost of duplication" means the cost of the material and supplies used to duplicate the public record, but does not include labor cost or overhead cost associated with such duplication. [S. 119.011\(1\), F.S.](#)

¹³ "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training. [S. 119.011\(9\), F.S.](#)

¹⁴ [S. 119.07\(4\)\(d\), F.S.](#)

¹⁵ [S. 119.10\(1\)\(a\), F.S.](#)

¹⁶ A first-degree misdemeanor is punishable by up to one year of imprisonment and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

¹⁷ [S. 119.10\(1\)\(b\), F.S.](#)

¹⁸ [S. 119.10\(2\)\(a\), F.S.](#)

¹⁹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

²⁰ [S. 119.10\(2\)\(b\), F.S.](#) *See also* [s. 119.105, F.S.](#)

²¹ [S. 119.12\(1\)\(a\), F.S.](#) Public record enforcement actions do not create a private right of action for monetary damages and recoverable payments are limited to reasonable enforcement costs, including attorney fees, directly attributable to the civil action. [S. 119.12\(4\), F.S.](#)

²² [S. 119.12\(1\)\(b\), F.S.](#)

²³ [S. 119.12\(2\), F.S.](#)

Resisting an Officer Without Violence

Section 843.02, F.S., prohibits a person from resisting, obstructing, or opposing any of the following persons without offering or doing violence to such person, including a: [law enforcement officer](#),²⁴ correctional officer,²⁵ correctional probation officer,²⁶ part-time law enforcement officer,²⁷ part-time correctional officer,²⁸ auxiliary law enforcement officer,²⁹ auxiliary correctional officer,³⁰ member of the Florida Commission on Offender Review (FCOR) or any administrative aide or supervisor employed by FCOR, county probation officer, parole and probation supervisor, personnel or representative of the Department of Law Enforcement, or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty. A violation of the prohibition is punishable as a first degree misdemeanor.

²⁴ "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to [S. 354.01, F.S. S. 943.10\(1\), F.S.](#)

²⁵ "Correctional officer" means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel. [S. 943.10\(2\), F.S.](#)

²⁶ "Correctional probation officer" means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. [S. 943.10\(3\), F.S.](#)

²⁷ "Part-time law enforcement officer" means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. [S. 943.10\(6\), F.S.](#)

²⁸ "Part-time correctional officer" means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution. [S. 943.10\(7\), F.S.](#)

²⁹ "Auxiliary law enforcement officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions. [S. 943.10\(8\), F.S.](#)

³⁰ "Auxiliary correctional officer" means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility. [S. 943.10\(9\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	13 Y, 0 N, As CS	2/5/2026	Hall	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Authorized a law enforcement officer to decline to accept or process a public records request in specified circumstances, rather than prohibiting an officer from accepting or processing such a request. • Made technical changes. 			
Government Operations Subcommittee	18 Y, 0 N	2/11/2026	Toliver	Lines
Judiciary Committee				

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