

# 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 661](#)

**TITLE:** Pub. Rec./Private Investigators

**SPONSOR(S):** Stark

**COMPANION BILL:** [CS/SB 410](#) (Truenow)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Industries & Professional](#)

[Activities](#)

16 Y, 0 N, As CS

[Government Operations](#)

[Commerce](#)

## SUMMARY

### Effect of the Bill:

- The bill creates a public records exemption for personally identifying information related to current and former private investigators licensed by the Department of Agriculture and Consumer Services (DACS), and their spouses and children. Protects from release the private investigators' home addresses, telephone numbers, dates of birth, and photographs.
- Protects from release the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former private investigators.
- Protects from release the names and locations of schools and day care facilities attended by the children of current or former private investigators.
- States the public policy behind the creation of the exemption.

### Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state and local governments.

### 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:

HB 661 creates a [public records exemption](#) for personally identifying information for current and former [private investigators licensed by the Department of Agriculture and Consumer Services](#) (DACS). Specifically, the following personal identifying and location information will be exempt from public record requirements under the bill: Protects from release the private investigators' home addresses, telephone numbers, dates of birth, and photographs.

- Protects from release the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former private investigators.
- Protects from release the names and locations of schools and day care facilities attended by the children of current or former private investigators. (Section [1](#))

Pursuant to the [Open Government Sunset Review Act](#), this expanded exemption will be automatically repealed on October 2, 2031, unless reviewed and reenacted by the Legislature. (Section [1](#))

The bill also provides a statement of public necessity for the personal identifying information to be made exempt due to private investigators' work with sensitive issues such as uncovering fraud, locating missing persons, or

**STORAGE NAME:** h0661a.IPA

**DATE:** 1/15/2026

assisting in criminal or civil matters, which causes them to come in contact with people who might have motives to retaliate or cause harm. (Section 2)

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill may have an insignificant negative fiscal impact on state agencies holding records that contain the personal identifying and location information of current and former private investigators licensed by DACS, and their families, as staff responsible for complying with public record requests may require training related to the expanded public record exemption. Additionally, state agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

### LOCAL GOVERNMENT:

The bill may have an insignificant negative fiscal impact on local government entities holding records that contain the personal identifying and location information of current and former private investigators licensed by DACS, and their families, as staff responsible for complying with public record requests may require training related to the public record exemption. Additionally, local agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Public Records

Article 1, section 24(a) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person the right to inspect or copy any public record of the legislative, executive, and judicial branches of government<sup>1</sup>. The Legislature, however, may provide by general law for exemption<sup>2</sup> from public records 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>3</sup>

The Florida Statutes also address the public policy regarding access to government records. Section 119.017(1), F.S. guarantees every person the right to inspect and copy any state, county, or municipal record, unless the record is exempt.<sup>4</sup> Furthermore, the Open Government Sunset Review Act<sup>5</sup> 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:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.

<sup>1</sup> Art. 1, s. 24(a), Fla. Const.

<sup>2</sup> A public record exemption means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of s. 11907(1), F.S., or s. 24, art. I of the Florida Constitution. See s. 119.011(8), F.S.

<sup>3</sup> Art. 1, s. 24(c), Fla. Const.

<sup>4</sup> See S. 119.01, F.S.

<sup>5</sup> S. 119.15, F.S.

<sup>6</sup> S. 119.15(6)(b), F.S.

- Protects 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
- Protects trade or business secrets.<sup>7</sup>

Pursuant to the Open Government Sunset Review Act, a new public record exemption or 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>8</sup>

Furthermore, there is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. However, 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>9</sup>

### **Licensing of Private Investigators**

A “private investigator” is defined as any individual who, for consideration, advertises as providing or performs private investigation.<sup>10</sup> To qualify for a license an applicant must be at least 18 years old, must be a citizen or legal resident or have authority to work in the US.<sup>11</sup> Additionally, the applicant must have two years of lawfully gained, verifiable, full-time experience and pass an examination.<sup>12</sup> DACS provides the license application and instructions on its website.<sup>13</sup>

## **BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Industries &amp; Professional Activities Subcommittee</a>	16 Y, 0 N, As CS	1/14/2026	Anstead	Miralia
THE CHANGES ADOPTED BY THE COMMITTEE:	The amendment moved the location of the public records exemption from subsection (4) of <a href="#">S. 119.071, F.S.</a> to subsection (5).			
<a href="#">Government Operations Subcommittee</a>				
<a href="#">Commerce Committee</a>				

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

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

<sup>8</sup> [S. 119.15\(3\), F.S.](#)

<sup>9</sup> See WFTV, Inc. v. the School Board of Seminole, 874 So 2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So. 2d 1015 (Fla. 2004); City of Riviera Beach v. Barfield, 642 So. 2d 1135 (Fla. 4th DCA 1994); Williams v. City of Minneola, 575 So. 2d 687 (Fla. 5th DCA 1991); See Attorney General Opinion 85-62 (August 1, 1985).

<sup>10</sup> [S. 493.6101\(16\), F.S.](#)

<sup>11</sup> [S. 493.6106\(1\), F.S.](#)

<sup>12</sup> [S. 493.6203\(4\), F.S.](#)

<sup>13</sup> [Class "C" Private Investigator License Requirements / Private Investigation Licenses / Business Services / Home - Florida Department of Agriculture & Consumer Services](#), last viewed December 17, 2025.