

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 830

INTRODUCER: Senator Leek

SUBJECT: Public Records/County Administrators and City Managers

DATE: February 23, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Tolmich</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	<u>Tolmich</u>	<u>Kruse</u>	<u>RC</u>	Favorable

I. Summary:

SB 830 creates a public records exemption for certain personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers. Specifically, the bill exempts from public records inspection and copying requirements the home addresses, telephone numbers, and dates of birth of these personnel.

Additionally, the bill exempts from public records inspection and copying requirements the following personal information of the spouses and children of such personnel:

- Names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

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

Although the bill may increase the workload on state and local agencies relating to the redaction of the exempt information, the bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect July 1, 2026.

II. Present Situation:

County Administrators

A county administrator is an appointee of the board of county commissioners (board) who serves as the administrative head of the county.¹ The county administrator is responsible for advising the board and does not hold separate governmental power.² County administrators are granted a variety of administrative powers to carry out, enforce, and report on the board's directives and policies.³ Such powers include hiring, suspending, and removing county employees; providing the board with data or information concerning county government; and negotiating leases and contracts.⁴ Furthermore, the county administrator prepares and submits annual operating and capital budgets to the board for consideration and adoption, establishes budgetary procedures, and submits annual financial reports and recommendations to the board.⁵

City Managers

City councils or commissions may appoint a city manager to serve as the chief administrative officer of the city.⁶ City managers are responsible for overseeing the day-to-day operations and providing direction for all city departments.⁷ City managers also prepare annual budgets and submit annual reports on the finances and administrative activities of the city.⁸ Other responsibilities of a city manager may include enforcement of rules, regulations, and policies and the management and monitoring of contracts.⁹

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.¹⁰ 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.¹¹

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

¹ Section 125.73, F.S.

² Section 125.74(2), F.S.

³ Section 125.74(1), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ See e.g., City of Brooksville, *City Manager*, available at <https://www.cityofbrooksville.us/194/City-Manager> (last visited January 14, 2026).

⁷ See e.g., City of Fort Myers, *City Manager*, available at <https://www.fortmyers.gov/1169/City-Manager> (last visited January 14, 2026).

⁸ See e.g., Polk City, *City Manager Responsibilities*, available at <https://www.mypolkcity.org/city-manager> (last visited January 14, 2026).

⁹ See e.g., City of Newberry, *City Manager*, available at <https://www.newberryfl.gov/cm> (last visited January 16, 2026).

¹⁰ Article I, s. 24(a), FLA CONST.

¹¹ *Id.*

s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.¹² Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.¹³ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by 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.¹⁴

Section 119.011(12), F.S., defines “public records” to include:

All 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.”¹⁵

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 record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.¹⁶ A violation of the Public Records Act may result in civil or criminal liability.¹⁷

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.¹⁸ 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.¹⁹

¹² 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).

¹³ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

¹⁴ 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 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.

¹⁵ *Shevin v. Byron, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹⁶ Section 119.07(1)(a), F.S.

¹⁷ Section 119.10, F.S. Public record laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁸ Article I, s. 24(c), FLA CONST.

¹⁹ *Id.*

General exemptions from public record requirements are contained in the Public Records Act.²⁰ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.²¹

When creating a public record 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*.²² 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.²³ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.²⁴

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

Provisions in s. 119.071(4)(d), F.S., exempt from public records inspection and copying requirements the personal information of specific government employees when held by government agencies. In paragraph (d), the term “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, the term “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.

Section 119.071(4)(d)2., F.S., generally exempts from public records inspection and copying requirements the home addresses, dates of birth, 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, in relevant part:

- Active or former sworn or civilian law enforcement personnel employed by a law enforcement agency;²⁵
- Certain current or former nonsworn investigative personnel of the Department of Financial Services;²⁶
- Certain current or former nonsworn investigative personnel of the Office of Financial Regulation’s Bureau of Financial Investigations;²⁷
- Current or former certified firefighters;²⁸

²⁰ See s. 119.071, F.S.

²¹ 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).

²² *WFTV, Inc. v. The Sch. Bd. Of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

²³ *Id.*

²⁴ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

²⁵ Section 119.071(4)(d)2.a., F.S.

²⁶ Section 119.071(4)(d)2.b., F.S.

²⁷ Section 119.071(4)(d)2.c., F.S.

²⁸ Section 119.071(4)(d)2.d., F.S.

- Current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants;²⁹
- Current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors;³⁰
- Current or former code enforcement officers;³¹
- Current or former guardians ad litem;³²
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;³³
- Current or former investigators or inspectors of the Department of Business and Professional Regulation;³⁴
- County tax collectors;³⁵
- Current or former certified emergency medical technicians and paramedics;³⁶
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;³⁷
- Current or former directors, managers, supervisors, and clinical employees of certain child advocacy centers;³⁸ and
- Current or former staff of domestic violence centers, including domestic violence advocates.³⁹

Records that include exempt information about 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 appraisers⁴⁰ and county tax collectors⁴¹ 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.⁴²

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,

²⁹ Section 119.071(4)(d)2.e., F.S.

³⁰ Section 119.071(4)(d)2.f., F.S.

³¹ Section 119.071(4)(d)2.i., F.S.

³² Section 119.071(4)(d)2.j., F.S.

³³ Section 119.071(4)(d)2.l., F.S.

³⁴ Section 119.071(4)(d)2.m., F.S.

³⁵ Section 119.071(4)(d)2.n., F.S.

³⁶ Section 119.071(4)(d)2.q., F.S.

³⁷ Section 119.071(4)(d)2.s., F.S.

³⁸ Section 119.071(4)(d)2.t., F.S.

³⁹ Section 119.071(4)(d)2.u., F.S.

⁴⁰ See s. 192.001(3), F.S.

⁴¹ See s. 192.001(4), F.S.

⁴² Section 119.071(4)(d)4., F.S.

under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.⁴³

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.⁴⁴ Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling⁴⁵ or upon his or her death.⁴⁶

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act⁴⁷ (the Act), prescribe a legislative review process for newly created or substantially amended⁴⁸ public record or open meeting exemptions, with specified exceptions.⁴⁹ 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.⁵⁰

The Act provides that a public record or open meeting exemption may be created and maintained only if it serves an identifiable public purpose and is no broader than is necessary.⁵¹ 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;⁵²
- 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 kept exempt;⁵³ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.⁵⁴

⁴³ Section 119.071(4)(d)3., F.S.

⁴⁴ Section 119.071(4)(d)6., F.S.

⁴⁵ The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.

⁴⁶ 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.

⁴⁷ Section 119.15, F.S.

⁴⁸ 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.

⁴⁹ 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.

⁵⁰ Section 119.15(3), F.S.

⁵¹ Section 119.15(6)(b), F.S.

⁵² Section 119.15(6)(b)1., F.S.

⁵³ Section 119.15(6)(b)2., F.S.

⁵⁴ Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.⁵⁵ 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 required.⁵⁶ 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.⁵⁷

III. Effect of Proposed Changes:

The bill exempts from public records inspection and copying requirements certain personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers. Specifically, the bill exempts the home addresses, telephone numbers, and dates of birth of these personnel from public records inspection and copying requirements.

Additionally, the bill exempts from public records inspection and copying requirements the following personal information of the spouses and children of such personnel:

- Names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill provides a public necessity statement as required by the State Constitution. The statement provides that responsibilities of the identified personnel may include making decisions and determination that may upset members of the public and may incur the ill will of those residents. As a result, the identified personnel and their spouses and children may become targets for revenge and the release of the information protected in the bill could seriously jeopardize the safety of the identified personnel and their spouses and families.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill takes effect July 1, 2026.

⁵⁵ 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?

⁵⁶ See generally s. 119.15, F.S.

⁵⁷ Section 119.15(7), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by article VII, section 18 of the State Constitution.

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. The bill enacts a new exemption for the personal identifying and location information of current county administrators and city managers 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 record disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption, which provides that it is necessary to exempt the identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers and their spouses and children from public disclosure requirements in order to protect such individuals from becoming victims of fraud and to prevent the release of sensitive personal, financial, medical, or familial information, which could cause great financial or professional harm to the individual. It further provides that current county administrators and city managers may make decisions and determinations that upset members of the public and may incur the ill will of those residents, making such individuals and their spouses and children targets for acts of revenge. Therefore, if such identifying and location information is released, the safety of current county administrators and city managers and their spouses and children could be seriously jeopardized.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption from public record requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the law is to protect the safety and the sensitive personal, financial, medical, and familial information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers, as well as their spouses and children. The bill exempts only certain personal identifying information from public disclosure requirements, consistent

with other exemptions in current law. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector may 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:

The bill may minimally increase the workload of local governments holding records that contain the exempt information. This workload is associated with redacting the exempt information prior to releasing a record. However, the workload should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
