

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 Fiscal Policy

BILL: CS/SB 864

INTRODUCER: Health Policy Committee and Senator Sharief

SUBJECT: Public Records/Uterine Fibroid Research Database

DATE: February 23, 2026 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|------------------|-----------------|------------|------------------|
| 1. | <u>Smith</u> | <u>Brown</u> | <u>HP</u> | Fav/CS |
| 2. | <u>Gerbrandt</u> | <u>McKnight</u> | <u>AHS</u> | Favorable |
| 3. | <u>Smith</u> | <u>Siples</u> | <u>FP</u> | Favorable |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 864 makes confidential and exempt from public records requirements personal identifying information relating to women diagnosed with or treated for uterine fibroids that are submitted to the Department of Health (DOH) for inclusion in the Uterine Fibroid Research Database under s. 381.9312, F.S. Current law prohibits the database from including personal identifying information, which limits the DOH's ability to analyze and understand uterine fibroids in Florida's population.

This exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2031, unless saved by the Legislature from repeal.

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

The bill's provisions that require personal identifying information to be held confidential and exempt from public records do not have a fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Uterine Fibroids¹

Uterine fibroids are tumors inside the uterus that grow on the muscular walls of the uterus. They are almost always benign (not cancerous). Fibroids can grow as a single tumor, or there can be multiple tumors: as small as an apple seed, or as big as a grapefruit. Between 20 and 80 percent of women will have uterine fibroids before they turn 50 years of age. The Department of Health (DOH) reports, “Black women are three times more likely to be diagnosed with fibroids than white women. They are also more likely to get them at a younger age, and experience more severe symptoms.”

Most fibroids happen in women of reproductive age, and they can complicate getting or staying pregnant. The exact cause of uterine fibroids is unknown, but the hormones estrogen and progesterone play a role. Many people never have symptoms, but some do. Symptoms include abnormal bleeding, pelvic discomfort, pelvic pain, bladder problems, and bowel problems.

Fibroids are treated depending on the impact they have on the woman’s life. Treatment may include hormonal contraceptives or surgeries removing fibroids themselves (myomectomy) or the whole uterus (hysterectomy). Additionally, a uterine artery embolization (UAE) can be an alternative to major surgery for some women, stopping blood flow to the fibroids, which causes them to die (and shrink) over time.

Uterine Fibroid Research Database

Section 381.9312, F.S., requires the DOH to develop and maintain an electronic uterine fibroid research database to encourage research on the diagnosis and treatment of uterine fibroids and to ensure women are provided relevant information and health care necessary to prevent and treat uterine fibroids.² The statute requires the database to include, at a minimum, the incidence and prevalence of women diagnosed with uterine fibroids in the state; demographic attributes of women diagnosed with uterine fibroids; and treatments and procedures used by health care providers.³ Health care providers who diagnose or treat a woman with uterine fibroids must submit information to the DOH for inclusion in the database in a form and manner adopted by rule.⁴ No such rule has been adopted and the database remains only partially implemented.

Current law prohibits the database from including any personal identifying information of women diagnosed with or treated for uterine fibroids.⁵ As a result, the DOH cannot collect personal health information for purposes such as deduplication and matching.⁶ Without the ability to collect personal health information to deduplicate records and match individuals across submissions, the DOH indicates that accurately analyzing and understanding uterine fibroids in

¹ Department of Health, *Diseases & Conditions: Uterine Fibroids*, available at <http://floridahealth.gov/diseases-and-conditions/disease/uterine-fibroids/> (last visited Jan. 28, 2026).

² Section 381.9312(2)(a), F.S.

³ *Id.*

⁴ Section 381.9312(2)(b), F.S.

⁵ Section 381.9312(2)(c), F.S.

⁶ Department of Health, *HB 196 Legislative Bill Analysis* (received Jan. 28, 2026) (on file with the Senate Committee on Health Policy).

Florida's population is not achievable.⁷ The DOH cannot presently reliably determine the number of women with the condition or assess treatment outcomes.⁸

Notwithstanding the statutory restriction on personal identifying information in the database, the DOH reports it employs a defense-in-depth security approach with multiple security layers to protect the deidentified data in the uterine fibroid research database.⁹

In Fiscal Year 2022-2023, the DOH was appropriated \$122,852 in recurring funds and \$681,048 in nonrecurring funds from the General Revenue Fund, and one full-time equivalent position for the purpose of implementing the uterine fibroid research database.¹⁰

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.¹¹ 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.¹²

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.¹³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.¹⁴ 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.¹⁵

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

⁷ Department of Health, HB 196 Legislative Bill Analysis (received Jan. 28, 2026) (on file with the Senate Committee on Health Policy).

⁸ *Id.*

⁹ *Id.*

¹⁰ Chapter 2022-50, s. 2, Laws of Fla.

¹¹ FLA. CONST. art. I, s. 24(a).

¹² *Id.* See also, *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

¹³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

¹⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

¹⁵ 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.”

[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 connections 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.”¹⁶

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.¹⁷ A violation of the Public Records Act may result in civil or criminal liability.¹⁸

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.¹⁹ 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.²⁰

General exemptions from the public records requirements are contained in the Public Records Act.²¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.²²

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*.²³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released

¹⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹⁷ Section 119.07(1)(a), F.S.

¹⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁹ FLA. CONST. art. I, s. 24(c).

²⁰ *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).

²¹ *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).

²² *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).

²³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

under the circumstances defined by statute.²⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.²⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act²⁶ (the Act), prescribe a legislative review process for newly created or substantially amended²⁷ public records or open meetings exemptions, with specified exceptions.²⁸ 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.²⁹

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.³⁰ 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;³¹
- 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;³² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³³

The Act also requires specified questions to be considered during the review process.³⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

²⁴ *Id.*

²⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

²⁶ Section 119.15, F.S.

²⁷ 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.

²⁸ 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.

²⁹ Section 119.15(3), F.S.

³⁰ Section 119.15(6)(b), F.S.

³¹ Section 119.15(6)(b)1., F.S.

³² Section 119.15(6)(b)2., F.S.

³³ Section 119.15(6)(b)3., F.S.

³⁴ 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?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.³⁵ 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.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 381.9312, F.S., relating to the Uterine Fibroid Research Database, to provide that all records and personal identifying information relating to women diagnosed with or treated for uterine fibroids which are submitted to the Department of Health (DOH) under that section, are confidential and exempt from s. 119.07(1), F.S. (public records inspection and copying) and s. 24(a), Art. I of the State Constitution (constitutional right of access to public records).

The exemption is subject to the Open Government Sunset Review Act under s. 119.15, F.S., and is repealed on October 2, 2031, unless reviewed and saved from repeal by the Legislature.

Section 2 provides the constitutionally required public necessity statement, finding that confidentiality is necessary to protect privacy interests associated with personal health information, including information that could implicate federal patient privacy laws like the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and to support the DOH's ability to administer the uterine fibroid research database and related epidemiological research and tracking activities.

Section 3 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 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. CS/SB 864 creates a new exemption by making all records and personal identifying information relating to women diagnosed with or treated for uterine fibroids that are submitted to the Department of Health (DOH) under s. 381.9312, F.S., confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. Accordingly, the bill requires a two-thirds vote for final passage.

³⁵ See generally s. 119.15, F.S.

³⁶ Section 119.15(7), F.S.

Public Necessity Statement

Article I, s. 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 2 of the bill contains a statement of public necessity finding, in part, that the DOH is unable to effectively implement the legislative purpose of the uterine fibroid research database without access to the records and information made confidential and exempt by the bill. The statement further explains that the records include personal medical information, the disclosure of which would violate federal patient privacy laws, including HIPAA, and that confidentiality is necessary to protect privacy rights and promote the DOH's epidemiological research and tracking activities.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. CS/SB 864 applies to a defined subset of information: records and personal identifying information relating to women diagnosed with or treated for uterine fibroids, only when such information is submitted to the DOH under s. 381.9312, F.S. The bill's stated purposes are to protect the privacy rights of women diagnosed with and treated for uterine fibroids and to promote the DOH's effective administration of its epidemiological research and tracking activities for the uterine fibroid research database. Based on these limitations and the stated purposes, the exemption 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:

None identified.

C. **Government Sector Impact:**

The bill's provisions that require personal identifying information to be held confidential and exempt from public records do not have a fiscal impact on state expenditures or revenues. According to the Department of Health, to fully implement the uterine fibroid research database including design and implementation of data collection, development of predictive models, and systems to monitor data integrity and accuracy would require \$994,502.³⁷ Currently, there is no recurring funding appropriated for the database. The database was originally funded with nonrecurring funds and one full-time equivalent position.³⁸

VI. **Technical Deficiencies:**

None identified.

VII. **Related Issues:**

None identified.

VIII. **Statutes Affected:**

This bill substantially amends section 381.9312 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on February 2, 2026:

The CS provides an effective date of July 1, 2026, replacing the contingent effective date in the underlying bill.

B. **Amendments:**

None.

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

³⁷ Florida Department of Health, *2026 Agency Legislative Bill Analysis*, (on file with the Senate Appropriations Committee on Health and Human Services).

³⁸ Chapter 2022-50, s. 2, Laws of Fla.