

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 789](#)

**TITLE:** Pub. Rec./Public Officers

**SPONSOR(S):** Valdés, Duggan

**COMPANION BILL:** [CS/CS/SB 268](#) (Jones)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 113 Y's

2 N's

**GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill creates a public record exemption for certain personal identifying and location information of current congressional members and public officers, as well as their spouses and children. The bill provides for repeal of the exemption on October 2, 2030, unless reviewed and saved from repeal by the Legislature.

#### Fiscal or Economic Impact:

The bill will likely have an insignificant, negative fiscal impact on the state and local governments.

### JUMP TO

### [SUMMARY](#)

### [ANALYSIS](#)

### [RELEVANT INFORMATION](#)

## ANALYSIS

### EFFECT OF THE BILL:

CS/HB 789 passed as [CS/CS/SB 268](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

The bill creates a [public record](#) exemption for certain personal identifying and location information of current congressional members and public officers, as well as their spouses and children. The bill defines “congressional member” to mean a person elected to the U.S. House of Representatives or the U.S. Senate. It also defines “public officer” to mean a person who holds one of the following offices: Governor, Lieutenant Governor, Chief Financial Officer, Attorney General, Agriculture Commissioner, state representative, state senator, property appraiser, supervisor of elections, school superintendent, school board member, mayor, or county or city commissioner. (Section 1)

The bill provides that the partial home addresses and telephone numbers of current congressional members and public officers, as well as their spouses, are exempt from public record requirements. The term “partial home addresses” includes detailed location information such as mailing and street addresses, legal property descriptions, GPS coordinates, and any other data that could reveal such home address. However, the city and zip code of current congressional members and public officers, as well as their spouses, remain public. (Section 1)

The bill provides two different levels of protection for the children of current public officers: one for minor children and another for adult children. For a minor child, the public record exemption extends to the child’s name, entire home address, telephone number, date of birth, and name and location of the child’s school or daycare. For an adult child, only his or her partial home address and telephone number are exempt from public record requirements. (Section 1)

An agency that is the custodian of the exempt information, but that is not the employer of the current congressional member, public officer, or the spouse or child of such member or officer, must maintain the exempt status of the identifying and location information if such member or officer submits a written and notarized request for the exemption. If the exemption is being claimed on behalf of a spouse or child of a current congressional member or public officer, the spouse or child must also submit, as part of the written and notarized request, the following information:

- The date the member or official was elected or appointed.
- When the member’s or official’s office is up for election.

**STORAGE NAME:** h0789z.GOS

**DATE:** 5/7/2025

- If relevant, when the minor child will become an adult. (Section 1)

The bill provides a public necessity statement as required by the Florida Constitution, specifying that congressional members and public officers are often confronted with making difficult and impactful policy decisions. As a result, such members and officers and their families may receive threats, harassment, and intimidation while carrying out their official duties. The public necessity statement also provides that “[v]ulnerability to such threats may discourage residents of this state from seeking elected office in order to protect themselves and their families.” Furthermore, the public necessity statement provides that the potential harm from disclosing this information outweighs any public benefit of making it accessible. (Section 2)

The bill provides for repeal of the exemption on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature. (Section 1)

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2025. (Section 3)

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill could have a minimal fiscal impact on agencies because agency staff responsible for complying with public record requests may require training related to the creation of the public record exemption. In addition, agencies could incur costs associated with redacting the exempt information before releasing a record. The costs, however, would be absorbed as they are part of the day-to-day responsibilities of agencies.

### **LOCAL GOVERNMENT:**

The bill could have a minimal fiscal impact on local governments because staff responsible for complying with public record requests may require training related to creation of the public record exemption. In addition, local governments could incur costs associated with redacting the exempt information before releasing a record. The costs, however, would be absorbed as they are part of the day-to-day responsibilities of local governments.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **Public Records**

The Florida Constitution sets forth the state’s public policy regarding access to government records, guaranteeing every person a 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 an exemption from public record 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>2</sup>

Current law also addresses the public policy regarding access to government records, guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.<sup>3</sup> Furthermore, the Open Government Sunset Review (OGSR) Act<sup>4</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>5</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. I, s. 24\(a\), FLA. CONST.](#)

<sup>2</sup> [Art. I, s. 24\(c\), Fla. Const.](#)

<sup>3</sup> [S. 119.01\(1\), F.S.](#)

<sup>4</sup> [S. 119.15, F.S.](#)

<sup>5</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 information that would identify the individual may be exempted under this provision; or
- Protects trade or business secrets.<sup>6</sup>

Pursuant to the OGSR Act, a new public record exemption, or the 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>7</sup>

Furthermore, there is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. 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>8</sup>

### Public Personnel Information

Current law provides public records exemptions for certain public employees, along with their spouses and children.<sup>9</sup> These exemptions protect personal information such as home addresses, dates of birth, photographs, and telephone numbers. The term "home address" is broadly defined to include not just physical addresses, but also related geographic identifiers such as parcel numbers, GPS coordinates, and neighborhood names.<sup>10</sup>

The exemptions apply to a wide range of personnel, including law enforcement officers, judges, state attorneys, public defenders, tax collectors, and court clerks.<sup>11</sup> Additional protections afforded to certain public employees include shielding a spouse's workplace and the names or locations of schools or daycares attended by the employee's children. Various agencies may hold this protected information—the employing agency, law enforcement agencies, school districts, property appraisers, and clerks of court. However, property appraisers and tax collectors are only required to remove names and identifying instrument numbers, not street addresses or legal property descriptions, as long as personally identifying information is not publicly associated with the property.<sup>12</sup>

To claim the exemption, the individual or his or her employing agency must submit a written, notarized request to each agency holding the information.<sup>13</sup> The request must include an oath affirming eligibility for the exemption. These protections apply retroactively, meaning they cover records held before, on, or after the effective date of the exemption.<sup>14</sup> However, home addresses lose their exempt status once the protected individual no longer resides at the address or upon his or her death.<sup>15</sup>

<sup>6</sup> *Id.*

<sup>7</sup> S. [119.15\(3\), F.S.](#)

<sup>8</sup> See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991); Op. Att'y Gen. Fla. 04- 09 (2004).

<sup>9</sup> S. [119.071\(4\)\(d\), F.S.](#)

<sup>10</sup> S. [119.071\(4\)\(d\)1.a., F.S.](#)

<sup>11</sup> See s. [119.071\(1\)\(d\)2., F.S.](#)

<sup>12</sup> S. [119.071\(4\)\(d\)4.a., F.S.](#)

<sup>13</sup> S. [119.071\(4\)\(d\)3., F.S.](#)

<sup>14</sup> S. [119.071\(4\)\(d\)6., F.S.](#)

<sup>15</sup> S. [119.071\(4\)\(d\)8. and 9., F.S.](#)