

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 1087](#)

TITLE: Pub. Rec./State Retirement Plans

SPONSOR(S): Grow and Blanco

COMPANION BILL: [SB 520](#) (Simon)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Government Operations](#)

18 Y, 0 N, As CS

[State Affairs](#)



SUMMARY

Effect of the Bill:

The bill provides a public record exemption for personal identifying information of a member or payee of the Florida Retirement System pension plan or any other state-administered retirement system held by the Division of Retirement (division) or State Board of Administration (SBA). The bill authorizes the disclosure of exempt information when necessary to carry out the official duties and responsibilities of the division or the SBA.

The bill provides for repeal of the exemption on October 2, 2031, unless reviewed and saved from repeal by the Legislature, and includes a statement of public necessity.

Fiscal or Economic Impact:

The bill will likely have an insignificant, negative fiscal impact on state government expenditures, which is anticipated to be absorbed within existing resources.

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.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill expands the existing Florida Retirement System (FRS) public record exemption, which protected aggregated lists containing the names and addresses of retirees, by exempting personal identifying information of a member or payee of the FRS pension plan or any other state-administered retirement system held by the Division of Retirement (division) or State Board of Administration (SBA). (Section 1)

The bill authorizes disclosure of exempt information to another governmental agency in the furtherance of official duties and responsibilities of the division or SBA. The exemption applies to information held by the division before, on, or after the effective date of the exemption. (Section 1)

The bill provides a public necessity statement as required by the State Constitution, which explains that the release of personal identifying information may allow predatory individuals or organizations to target retirement plan members and payees for financial exploitation or fraud. The statement further notes that personal identifying information of FRS investment plan members is already exempt from public record requirements and that the bill provides uniform treatment of such information across the FRS. (Section 2)

The bill provides for repeal of the exemption on October 2, 2031, pursuant to the [Open Government Sunset Review Act](#), unless reviewed and saved from repeal through reenactment by the Legislature.

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DATE: 2/11/2026

[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 newly created or expanded public record exemption. The bill expands a public record exemption; thus, it requires a two-thirds vote for final passage.

The effective date of the bill is July 1, 2026. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill could have an insignificant fiscal impact on state government expenditures because division and SBA staff responsible for complying with public record requests may require training related to implementing the public record exemption. In addition, the division or SBA 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.

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.¹ 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.²

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.³ Furthermore, the [Open Government Sunset Review Act](#)⁴ (OGSR Act) 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.⁵ 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;
- 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.⁶

Pursuant to the OGSR Act, a new public record exemption, or the substantial amendment of an existing public record exemption, is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁷

¹ [Art. I, s. 24\(a\), Fla. Const.](#)

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

³ [S. 119.07\(1\), F.S.](#)

⁴ [S. 119.15, F.S.](#)

⁵ [S. 119.15\(6\)\(b\), F.S.](#)

⁶ *Id.*

⁷ [S. 119.15\(3\), F.S.](#)

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.⁸

Florida Retirement System

The Florida Retirement System (FRS) is a multiple-employer, contributory plan.⁹ As of June 30, 2025, the FRS had 664,159 active members,¹⁰ 462,506 retired members and beneficiaries, 13,824 disabled retirees, and 30,800 members in the Deferred Retirement Option Program.¹¹ It is the primary retirement plan for employees of state and county government agencies, district school boards, state colleges, and state universities. The FRS also serves as the retirement plan for the employees of the 186 cities, 151 special districts, and two independent hospitals.¹²

The membership of the FRS is divided into five membership classes:

- The Regular Class¹³ has 562,840 active members and 9,932 in renewed membership.
- The Special Risk Class¹⁴ has 79,529 active members and 1,379 in renewed membership.
- The Special Risk Administrative Support Class¹⁵ has 97 active members and three in renewed membership.
- The Elected Officers' Class¹⁶ has 2,148 active members and 105 in renewed membership.
- The Senior Management Service Class (SMSC)¹⁷ has 7,871 active members and 253 in renewed membership.¹⁸

Members of the FRS have two primary plan options available for participation:

- The defined benefit plan, also known as the pension plan.
- The defined contribution plan, also known as the investment plan.

FRS Investment Plan

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.¹⁹ The SBA is composed of the Governor as chair, the Chief Financial Officer, and the Attorney General.²⁰ A member vests

⁸ 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).

⁹ Before 1975, members of the FRS were required to make employee contributions of either four percent of their salaries for Regular Class members or six percent for Special Risk Class members. Members were again required to contribute to the system after June 30, 2011, at three percent of their salary regardless of membership class.

¹⁰ As of June 30, 2025, the FRS Pension Plan, which is a defined benefit plan, had 414,327 members, and the investment plan, which is a defined contribution plan, had 249,832 members. Department of Management Services, [Florida Retirement System Pension Plan and Other State Administered Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2025](#) (last visited Feb. 7, 2026).

¹¹ *Id.*

¹² *Id.*

¹³ The Regular Class is for all members who are not assigned to another class. [S. 121.021\(12\), F.S.](#)

¹⁴ The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency medical technicians, among others. [S. 121.0515, F.S.](#)

¹⁵ The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the FRS. [S. 121.0515\(8\), F.S.](#)

¹⁶ The Elected Officers' Class is for elected state and county officers, and for those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. [S. 121.052, F.S.](#)

¹⁷ The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. [S. 121.055, F.S.](#)

¹⁸ Department of Management Services, [Florida Retirement System Pension Plan and Other State Administered Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2025](#) (last visited Feb. 7, 2026).

¹⁹ [S. 121.4501\(8\), F.S.](#)

²⁰ [Art. IV, s. 4\(e\), FLA. CONST.](#)

immediately in all employee contributions paid to the investment plan.²¹ With respect to the employer contributions, a member vests after completing one work year with an FRS employer.²² Vested benefits are payable upon termination of employment with the FRS employer or death, as a lump-sum distribution, direct rollover distribution, or periodic distribution.²³

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and investment earnings. Benefits are provided through employee-directed investments offered by approved investment providers.²⁴ The amount of money contributed to each member's account varies by class.²⁵

FRS Investment Plan – Public Record Exemption

Current law exempts from public record requirements the personal identifying information of a member of the FRS investment plan contained in records held by the SBA or Department of Management Services (DMS).²⁶

FRS Pension Plan

The pension plan is a defined benefit plan that is administered by the secretary of the Department of Management Services (DMS) through the Division of Retirement (division).²⁷ Investment management is handled by the SBA.²⁸

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.²⁹ For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.³⁰ A member vests immediately in all employee contributions paid to the pension plan.

Statute sets the calculation used to determine a member's benefit. A member earns a set percentage for years of service, depending on class.³¹ Pension plan benefits are calculated as a product of a statutorily set percent and creditable years of service. The product of the percent and creditable years of service is applied to the member's average compensation.³²

FRS – Public Record Exemption

Current law provides that the names and addresses of FRS retirees are confidential and exempt from public record requirements and may not be released in aggregate, compiled, or list form.³³ Information relating to an individual, however, remains subject to disclosure. State and local agencies may also share confidential and exempt retiree names and addresses in an aggregated format with other public agencies, employee organizations, or retiree organizations for official business purposes.³⁴

State-Administered Retirement Systems

²¹ [S. 121.4501\(6\)\(a\), F.S.](#)

²² If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employer within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. [S. 121.4501\(6\)\(b\)–\(d\), F.S.](#)

²³ [S. 121.591, F.S.](#)

²⁴ See [s. 121.4501\(9\), F.S.](#)

²⁵ See [s. 121.72, F.S.](#)

²⁶ [S. 121.4501\(19\), F.S.](#)

²⁷ [S. 121.025, F.S.](#)

²⁸ [S. 215.44, F.S.](#)

²⁹ [S. 121.021\(45\)\(a\), F.S.](#)

³⁰ [S. 121.021\(45\)\(b\), F.S.](#)

³¹ [S. 121.091\(1\), F.S.](#)

³² [S. 121.091\(1\)\(a\), F.S.](#)

³³ [S. 121.031\(5\), F.S.](#)

³⁴ *Id.*

In addition to the FRS Pension Plan, the division administers several other retirement programs, including the:³⁵

- Retiree Health Insurance Subsidy (HIS) Program.³⁶
- State University System Optional Retirement Program (SUSORP).³⁷
- Senior Management Service Optional Annuity Program (SMSOAP).³⁸
- Florida National Guard Supplemental Retirement (National Guard) Plan.³⁹
- Various General Revenue funded pension programs.⁴⁰

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|--|---|-----------|---------------------------------|-------------------------|
| Government Operations Subcommittee | 18 Y, 0 N, As CS | 2/11/2026 | Toliver | Villa |
| THE CHANGES ADOPTED BY THE COMMITTEE: | <ul style="list-style-type: none"> • Included records held by the SBA within the exemption. • Revised the public necessity statement to reflect the inclusion of the SBA and to specify that the release of personal identifying information could allow retirement plan members and payees to be targeted for fraud. • Made other conforming and technical changes. | | | |
| State Affairs Committee | | | | |

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

³⁵ DMS, [Florida Retirement System Pension Plan and Other State Administered Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2025](#) (last visited Feb. 7, 2026).

³⁶ See [s. 112.363, F.S.](#) The HIS Program is a defined benefit program that provides a monthly subsidy to eligible retirees and surviving beneficiaries of state-administered retirement systems to assist with health insurance costs.

³⁷ See [s. 121.35, F.S.](#) The SUSORP is a defined contribution plan for eligible State University System employees that provides immediate vesting of employer and employee contributions and allows participants to direct the investment of their accounts.

³⁸ See [s. 121.055\(6\), F.S.](#) The SMSOAP is a defined contribution plan available to eligible employees in the Senior Management Service Class as an alternative to participation in the FRS. The plan provides immediate vesting of contributions and allows members to direct the investments in their accounts. The SMSOAP is closed to new members as of July 1, 2017.

³⁹ See [s. 250.22, F.S.](#) The National Guard Plan is a defined benefit plan that provides a monthly supplemental benefit to eligible Florida National Guard retirees based on years of service and federal military retirement benefits.

⁴⁰ These programs are generally closed to new participants and include legacy retirement benefit obligations.