

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: October 28, 1997 Revised: _____

Subject: Public Records

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	Crosby	Whiddon	CF	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 116 exempts from the public records law those participants in the Address Confidentiality Program for Victims of Domestic Violence, a program which provides an alternative address for victims of domestic violence.

This bill creates section 741.465, Florida Statutes.

II. Present Situation:

Section 119.07(1), F.S., and s. 24(a), Art. I, Florida Constitution, provide that public records which are not exempt are open and available for inspection.

Section 119.07(3)(s), F.S. (1996 Supp.), exempts from public record any document revealing the identity, address, telephone number or personal assets of an actual victim of crime, including domestic violence, but only upon request of the victim and upon verification that a crime has occurred.

Finally, s. 119.19(2), F.S., allows for legislative review of exemptions to the public records act to include those instances when the record is of a "sensitive, personal nature concerning individuals" or "the exemption is necessary for the effective and efficient administration of a governmental program."

III. Effect of Proposed Changes:

In order to protect victims of domestic violence from the threat of further violence, SB 118 creates a program for victims of domestic violence who wish to have and use an alternative

address rather than their actual physical address. This companion bill, SB 116, creates s. 741.465, F.S., providing for the exemption of the address, telephone number, and social security number of participants in the program created in SB 118. Senate Bill 116 specifies that this information is exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, Fla. Const. For purposes of this section, the term “address” includes a residential street address, school address, or work address, as specified in the participant’s initial application for participation in the program.

This bill includes legislative findings to justify the creation of the public record exemption. The exemption is subject to the Open Government Sunset Review Act of 1995 and is repealed on October 2, 2003, unless reviewed and reenacted by the Legislature.

This act shall take effect upon the effective date of the companion bill, SB 118, or similar legislation enacted during the 1998 Regular Session.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Senate Bill 116 would exempt from public review specified records associated with a program assigning an alternative address to victims of domestic violence. A statement of the public necessity justifying the exemption is included and the language is not broader than that which is necessary. For this reason, the provisions of this bill conform with the requirements of s. 24(c), Art. I, Fla. Const.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be a cost to the office of the Attorney General, the entity charged with administering the Address Confidentiality Program for Victims of Domestic Violence, in developing and maintaining a system to protect the confidentiality of the information specified in this bill. No data, however, is available at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.