

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.)

BILL: SB 1172

SPONSOR: Senator Rossin

SUBJECT: Public Records

DATE: March 18, 1999

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosby</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1172 provides an exemption for public records disclosure of that information which is reported to the state attorneys and sheriffs by persons who take their minor children with them when fleeing domestic violence.

This bill creates new sections of the Florida Statutes.

II. Present Situation:

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

Section 119.07(3)(s), F.S., 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. 119.15(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:

Section 1 provides that information provided to a state attorney or sheriff pursuant to s. 787.03(6)(b), F.S., as amended by SB 1174 or similar legislation, is exempt from the public records law. This section is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2004 unless reenacted by the Legislature.

Section 2 states that the Legislature finds that exempting information which is reported to the state attorneys and sheriffs by persons who take their minor children with them when fleeing domestic violence is a public necessity.

Section 3 provides an effective date of July 1, 1999 and is subject to successful passage of SB 1174 or other, similar legislation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

SB 1172 would exempt from public review specified information provided to the state attorney or sheriff under s. 787.03(6)(b), F.S. 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
