

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 7015 (SB 810)	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Government Operations Subcommittee; Moraitis (Environmental Preservation and Conservation)	115 Y's	0 N's
COMPANION BILLS:	SB 810	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

HB 7015 passed the House on February 23, 2012, and subsequently passed the Senate on March 7, 2012.

The bill saves from repeal the public record exemption for information that identifies a donor or prospective donor to a publicly owned house museum designated by the United States Department of the Interior as a National Historic Landmark.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

Current law provides a public record exemption for information that identifies a donor or prospective donor to a publicly owned house museum designated by the United States Department of the Interior as a National Historic Landmark. The exemption is applicable only if the donor or prospective donor wishes to remain anonymous.

The bill reenacts this public record exemption, which will repeal on October 2, 2012, if this bill does not become law.

The bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on May 4, 2012, ch. 2012-217, Laws of Florida. The effective date of the bill is October 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Open Government Sunset Review Act

The Open Government Sunset Review Act¹ sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.

The Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet 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 the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded (essentially creating a new exemption), then a public necessity statement and a two-thirds vote for passage are required.² If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created³ then a public necessity statement and a two-thirds vote for passage are not required.

Publicly Owned House Museums Designated as National Historic Landmarks

The purpose of the National Historic Landmarks Program is to identify and designate National Historic Landmarks, and to encourage the long range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. The National Park Service administers the National Historic Landmarks Program on behalf of the Secretary of the Interior.⁴

Currently, there are two publicly owned house museums in Florida that are designated by the United States Department of the Interior as National Historic Landmarks.⁵ The two houses are the Marjorie Kinnan Rawlings Historic State Park (Park) in Cross Creek, which is owned by the Florida Department of Environmental Protection, and the Vizcaya Museum and Gardens (Museum), which is owned by Miami-Dade County.

Public Record Exemption under Review

In 2007, the Legislature created a public record exemption for information that identifies a donor or prospective donor to a publicly owned house museum designated by the United States Department of the Interior as a National Historic Landmark. The exemption is applicable only if the donor or prospective donor wishes to remain anonymous.⁶

¹ See s. 119.15, F.S.

² Section 24(c), Art. I of the State Constitution

³ An example of an exception to a public record exemption would be allowing another agency access to confidential or exempt records.

⁴ See 36 C.F.R. 65.

⁵ Information received from Dr. Barbara Mattick, Ph.D., Survey & Registration Supervisor, National Register, National Historic Landmarks Coordinator, Bureau of Historic Preservation, Florida Department of State, on November 18, 2011.

⁶ Chapter 2007-213, L.O.F.; codified as s. 267.076, F.S.

Pursuant to the Open Government Sunset Review Act, the exemption will repeal on October 2, 2012, unless reenacted by the Legislature.

Effect of Bill

The bill removes the repeal date, thereby reenacting the public record exemption for information that identifies a donor or prospective donor to a publicly owned house museum designated by the United States Department of the Interior as a National Historic Landmark.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.