

STORAGE NAME: h1099a.er

DATE: March 8, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELECTION REFORM
ANALYSIS**

BILL #: HB 1099

RELATING TO: Public Records

SPONSOR(S): Representative Flanagan

TIED BILL(S): HB 1097

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ELECTION REFORM (PRC) YEAS 9 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS (PRC)
 - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (FRC)
 - (4)
 - (5)
-

I. SUMMARY:

HB 1099 provides an exemption to the requirements of public records inspection provided by s. 24(a), Art. I of the State Constitution and s. 119.07(1), Florida Statutes. The exemption is necessary to provide confidentiality with respect to personal identification numbers and algorithms necessary to maintain the security of information submitted or received through the Division of Elections' Internet web site by campaign treasurers as required by HB 1097.

This bill does not have a significant fiscal impact on state or local governments.

This bill will be effective upon become a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 24(a) of Article I. of the Florida Constitution generally provides that all governmental records (See Generally, Ch. 119, F.S.) and meetings (See, s. 286.011, F.S.) shall be open to the public for inspection and scrutiny. However, constitutional authority exists to exempt any record or meeting containing information deemed to be confidential by the Legislature. Exemptions can be granted if the record or meeting meets the following criteria:

- The record or meeting is of a sensitive, personal nature concerning individuals;
- The exemption is necessary for the effective and efficient administration of a governmental program; or
- The exemption affects confidential information concerning an entity.

Examples include records pertaining to criminal or agency investigations, names or identifying information regarding victims of crime, and information which may identify law enforcement or other officers exercising the sovereign power of the state.

C. EFFECT OF PROPOSED CHANGES:

HB 1099 exempts personal identification numbers and computer algorithms needed to access the Division of Elections' computer servers by campaign treasurers from the requirements of the public records laws.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

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III. 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.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

See response above.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

See response above.

V. COMMENTS:

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A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

Staff Director:

R. Michael Paredes

Dawn K. Roberts