

STORAGE NAME: h0449a.cp

DATE: April 5, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME AND PUNISHMENT
ANALYSIS**

BILL #: HB 449

RELATING TO: Interference With Custody

SPONSOR(S): Representative A. Greene

TIED BILL(S): HB 447

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

- (1) CRIME AND PUNISHMENT YEAS 6 NAYS 0
 - (2) FAMILY LAW AND CHILDREN
 - (3) GOVERNMENTAL OPERATIONS
 - (4) CRIMINAL JUSTICE APPROPRIATIONS
 - (5)
-

I. SUMMARY:

HB 449 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.

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 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."

C. EFFECT OF PROPOSED CHANGES:

HB 449 provides that information provided to a sheriff or state attorney pursuant to s. 787.03(6)(b), F.S., as that section would be amended by tied bill HB 447, is exempt from the public records law. This section is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2005 unless reenacted by the Legislature.

The bill also provides 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. The bill further provides that such information is of a sensitive, personal nature and concerns individuals who are under threat of physical and psychological harm if their whereabouts are revealed.

D. SECTION-BY-SECTION ANALYSIS:

See, Effects of Proposed Changes.

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:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill is exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

HB 449 exempts from public review specified information provided to the sheriff or state attorney under s. 787.03(6)(b), F.S. A narrow statement of the public necessity justifying the exemption is included in the bill to comply with the requirements of s. 24(c), Art. I, Fla. Const.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON CRIME AND PUNISHMENT:

Prepared by:

Staff Director:

David M. De La Paz

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