

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** H 251 Library Records/Confidentiality  
**SPONSOR(S):** Patterson  
**TIED BILLS:** **IDEN./SIM. BILLS:**

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Tourism (Sub)</u>	<u>5 Y, 0 N</u>	<u>McDonald</u>	<u>Whitfield</u>
2) <u>Commerce</u>	<u>13 Y, 0 N w/CS</u>	<u>McDonald</u>	<u>Whitfield</u>
3) <u>Local Affairs (Sub)</u>	<u>(W/D)</u>		
4) <u>Local Government &amp; Veterans' Affairs</u>		<u>Nelson</u>	<u>Highsmith-Smith</u>
5) <u>Transportation &amp; Economic Development App</u>			
6) <u>Appropriations</u>			

---

### SUMMARY ANALYSIS

This bill amends the public records exemption for library registration and circulation records to allow the parent or guardian of a public library patron under 16 to have access to that patron's library records for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill does not allow access for any other reason. The bill also restructures the exemption language to make it easier to read and it clarifies that a library patron has access to his or her own records.

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

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0251.lgv.doc  
**DATE:** March 31, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

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

#### B. EFFECT OF PROPOSED CHANGES:

In 1978, the Florida Legislature enacted ch. 78-81, Laws of Florida. This act created a public records exemption for library registration records and circulation records. The only exception to the exemption was for judicial orders. Additionally, the act made any violation a second degree misdemeanor.

In 1996, the Florida Legislature amended the law to include additional exceptions. Currently, a municipal or county law enforcement official or a judicial official may have access to such records for the purpose of collecting fines on overdue books, documents, films, or other items or materials owned or otherwise belonging to the library, or to recover these items. Any confidential and exempt information regarding a library patron under the age of 16 may not be released. A public library may only release information relating to the parent or guardian of such patron.

House Bill 251 amends the public records exemption to allow the parent or guardian of a public library patron, under the age of 16, to have access to that patron's library records for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill does not allow a parent or guardian of the patron to have access to that patron's library records for any other reason. The bill also clarifies that a library patron has access to his or her own records. Additionally, the bill restructures s. 257.261, F.S., to make it easier to read.

#### C. SECTION DIRECTORY:

Section 1: Amends s. 257.261, F.S., relating to library registration and circulation records, to revise provisions relating to confidentiality of such records. The bill allows disclosure of registration and circulation records for the purpose of collecting fines or recovering overdue books, documents, films or other items or materials owned by the library to: the library patron named in the records, and the parent or guardian of the patron named in the records (in the case of a library patron less than 16 years of age).

Section 2: Provides an effective date of July 1, 2003.

### 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.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

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

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

2. Other: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 17, 2003, the Committee on Commerce passed HB 251 with CS. The committee substitute restructures s. 257.261, F.S., to conform it to its Senate companion measure and to make the section easier to read. It also clarifies that a library patron can have access to his or her own records.