

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1005 Public Records and Public Meetings Exemptions
SPONSOR(S): Llorente and others
TIED BILLS: HB 1003 **IDEN./SIM. BILLS:** SB 2082

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Committee</u>	<u>8 Y, 0 N</u>	<u>Beagle</u>	<u>Mizereck</u>
2) <u>Civil Justice Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Governmental Operations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Education Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

House bill 1005 creates a public records exemption for student athlete steroid test results generated by the anabolic steroids random testing pilot program created by House bill 1003. Similarly, an open meetings exemption is created for the challenge and appeal proceedings required by House bill 1003.

The bill provides a statement of public necessity.

This bill does not appear to have a fiscal impact.

The bill takes effect upon the passage of House bill 1003.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill decreases public access to records and meetings concerning the Florida High School Athletic Association (FHSAA) anabolic steroid testing program for high school athletes.

Safeguard individual liberty – The bill prevents the release of sensitive, personal information regarding the anabolic steroid testing of student athletes.

B. EFFECT OF PROPOSED CHANGES:

Background:

As part of administering the random anabolic steroids testing program for high school athletes established in House bill 1003, the FHSAA and its member schools must collect a variety of personal data from student athletes subject to the testing program including:

- Personally identifying data on each student athlete; and
- Test results for required steroids testing procedures.

FHSAA is also required to hold challenge and appeal proceedings that enable student athletes or member schools to contest positive test results and penalties levied against student athletes.

Effect of Bill:

This bill creates a public records exemption for individual records of student athlete steroid test results. Records of the results of each steroid test are made confidential and exempt.

Proceedings held for the purposes of challenging or appealing test results and penalties against student athletes are exempt from the requirement for open meetings provided in Florida law.

C. SECTION DIRECTORY:

Section 1. Amends s. 1006.20, F.S.; creating public records exemption for test results; providing that challenge and appeal proceedings are not open meetings.

Section 2. Provides a statement of public necessity.

Section 3. Provides that this act shall take effect upon the passage of House bill 1003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

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 spend funds or to take any action requiring the expenditure of funds.

2. Other:

Section 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for passage of a newly created public records or public meetings exemption. Thus, this bill requires a two-thirds vote for passage.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Public Records Law

Section 24(a) of Article I, Florida Constitution, sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature may, however, provide by general law for the exemption of records from the requirements of Section 24(a) of Article I of the Florida Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose. Public policy regarding access to government records is also addressed section 119.07(1), Florida Statutes.

Open Meetings

Section 24(b) of Article I, Florida Constitution provides that all meetings held by a government body for the purposes of conducting official acts or public business must be open and noticed to the public, unless exempt. Public policy regarding access to government meetings is also addressed in section 286.011, Florida Statutes.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES