

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/SB 2772

INTRODUCER: Community Affairs Committee and Senator Bullard

SUBJECT: Public Records/U.S. Department of the Interior/Historic Landmark

DATE: April 24, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Molloy	Yeatman	CA	Fav/CS
2.			GO	
3.			RC	
4.				
5.				
6.				

I. Summary:

The committee substitute (bill) creates a public records exemption for information that would identify a donor or prospective donor, who desires to remain anonymous, to a publicly owned museum designated by the U.S. Department of the Interior as a National Historic Landmark.

This bill creates section 267.076 of the Florida Statutes.

II. Present Situation:

National Historic Landmarks – National Historic Landmarks are buildings, sites, districts, structures and objects that have been determined by the Secretary of the Interior to be nationally significant in American history and culture. The National Park Service identifies some potential landmark sites, and other nominations are offered by other federal agencies, state historic preservation offices, and even individuals. Applications are evaluated by the National Park Service and the National Park System Advisory Board twice a year at public meetings. Florida has more than 35 National Historic Landmarks, including the Mary McLeod Bethune Home in Daytona Beach, the Marjorie Kinnan Rawlings House and Farm Yard in Cross Creek, the Ybor City Historic District, the St. Augustine Town Plan Historic District, and the Zora Neale Hurston House in Ft. Pierce.

Section 24, Art. I, State Constitution – The Florida Constitution establishes the state’s public policy regarding access to government records. It guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Florida Constitution also sets forth the state’s public policy regarding access to government

meetings by requiring that all meetings of the executive branch and local government be open and noticed to the public.

The State Constitution provides that the Legislature may provide by general law passed by a two-thirds vote of each house a public records or a public meeting exemption. The general law must state with specificity the public necessity of justifying the exemption and the exemption must be no broader than necessary to achieve its purpose.

Public Records Act and Public Meetings Law – Section 119.07, F.S., guarantees every person a right to inspect and copy any state, county, or municipal records. Under s. 286.011, F.S., all state, county, or municipal meetings are required to be open and noticed to the public.

Open Government Sunset Review Act – Section 119.15, F.S., the Open Government Sunset Review Act, provides for the systematic review, through a 5-year cycle ending October 2nd of the 5th year following enactment, of an exemption from the Public Records Act or Public Meetings Law. Each year, by June 1, the Division of Statutory Revision of the Office of Legislative Services is required to certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.

III. Effect of Proposed Changes:

Section 1 creates s. 267.076, F.S., to provide that information that would identify a donor or prospective donor, who desires to remain anonymous, to a publicly owned house museum designated by the U.S. Department of the Interior as a National Historic Landmark, is exempt from the public records requirements of s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.

The exemption is subject to the Open Government Sunset Review Act under s. 199.15, F.S., and is repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides a statement of public necessity for the exemptions.

Section 3 provides that the act shall take effect July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not require cities and counties to expend funds or limit their authority to raise revenues or receive state-shared revenues as specified by s. 18, Art. VII, State Constitution.

B. Public Records/Open Meetings Issues:

This bill creates a public records exemption and is, therefore, subject to the two-thirds vote requirement of s. 24, Art. I, State Constitution. The bill contains the required statement of public necessity to justify the exemption.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the bill on publicly owned museums designated as National Historic Landmarks is expected to be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
