

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: March 11, 1998 Revised: 03/24/98 _____

Subject: Public Records/Graduates Program

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Chasteen</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/1 amendment</u>
2.	<u>_____</u>	<u>_____</u>	<u>GO</u>	<u>_____</u>
3.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
4.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

I. Summary:

This bill creates an exemption from existing public records requirements for the identity of donors to the Florida Endowment Foundation for Florida's Graduates. It provides for future review and exemption.

This bill amends section 446.609, Florida Statutes, to be created by SB 1736 or a similar House bill, if such legislation passes.

II. Present Situation:

Section 119.07, F.S., specifies that public records held by a public agency are subject to inspection and copying by the public, unless otherwise excepted.

Article 1, Section 24 of the Florida Constitution provides that every person has the right to inspect or copy any public record unless expressly made confidential by the Constitution. The Legislature may provide additional exemptions from disclosure by general law, provided that such law states with specificity the public necessity justifying the exemption, and is no broader than necessary to accomplish the stated purpose of the law.

III. Effect of Proposed Changes:

This bill would amend a section of Florida Statutes which is to be created by language in separate proposed legislation. The new section would create the Jobs for Florida's Graduates Program, a school-to-work program to be funded through an endowment fund and to be supported by the Florida Endowment Foundation for Florida's Graduates, a direct-support organization of the Florida Department of Education.

This bill would specify that all records of the foundation constitute public records and would be available for public review, with the exception of confidential records of applicants and clients. In addition, the identity of donors who wish to remain anonymous would be kept confidential and would be exempted from the public records disclosure provisions in s. 119.07, F.S. The bill states a finding by the Legislature that the exemption from disclosure of donor information, as it relates to the Florida Endowment Foundation for Florida's Graduates, is a public necessity because release of such information could result in numerous unwanted solicitations and could seriously undermine fund raising efforts.

The subsection would be subject to the Open Government Sunset Review Act of 1995 and would be repealed on October 2, 2002 unless reviewed and reenacted by the Legislature.

The bill provides an effective date of the same day on which legislation creating s. 446.609, F.S. takes effect.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Education:

Changes a reference from HB _____ to SB 1736.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
