



19 July 2012

The Honorable Jimmy T. Patronis, Chair  
House Government Operations Subcommittee  
Florida House of Representatives  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

The Honorable Jeremy Ring, Chair  
The Committee on Governmental Oversight and Accountability  
The Florida Senate  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

RE: 2013 Open Government Sunset Reviews

Dear Representative Patronis and Senator Ring:

The First Amendment Foundation has conducted its initial review of the exemptions from public records and meetings requirements subject to review and repeal under the Open Government Sunset Review Act during the 2013 legislative session. Our comments on each follow below:

**Section 119.071(2)(g), F.S.** – Provides an exemption for records relating to discrimination complaints held by an agency until a finding is made relating to probable cause. The exemption, limited in terms of time, is sufficiently narrow and the Foundation is not opposed to its reenactment in its current form.

**Section 119.071(5)(h), F.S.** – This exemption for personal identifying information of applicants for or recipients of paratransit services held by an agency is sufficiently narrow and the Foundation is not opposed to its reenactment as currently drafted.

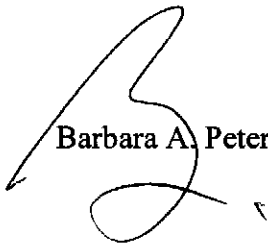
**Section 292.055(9), F.S.** – This exemption for the identity of donors or prospective donors to the direct-support organization of the Department of Veterans' Affairs is drafted narrowly, and the Foundation is not opposed to reenactment in its current form. However, we suggest that this provision could be used to create a uniform exemption for the identity of donors to other direct support organizations.

**Section 741.313(7)(a), F.S.** – This exemption for personal identifying information contained in written requests for employee leave that document acts of domestic or sexual violence is sufficiently narrow and the Foundation does not oppose its reenactment.

**Section 765.51551, F.S.** – This is a narrow exemption protecting information identifying donors contained in the state’s organ and tissue donor registry. The Foundation is not opposed to reenactment of the exemption.

We appreciate the opportunity to comment on the exemptions under review, and are pleased there are so few. If we can provide additional information or answer any questions, please don’t hesitate to contact us.

Sincerely,



Barbara A. Petersen, President

cc: Heather Williamson, Policy Chief, H. Government Operations Subcommittee  
Dawn Roberts, Staff Director, S. Governmental Oversight & Accountability Committee  
Jon Kaney, FAF General Counsel, Kaney and Olivari, P.A.  
Sandy D’Alemberte, Palmer and D’Alemberte, P.A.  
Sam Morley, General Counsel, Florida Press Association