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Protecting Your Right to Know for 30 Years!

13 May 2014

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The Honorable Rick Scott
Office of the Governor
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Re: CS/CS/CS SB 1320 Public Records/OFR – Family Trust Companies

Dear Governor Scott:

We are writing to request that you veto CS/CS/CS SB 1320, creating a public record exemption for virtually all information relating to family trust companies held by the Office of Financial Regulation. We believe this exemption is overbroad and antithetical to the public interest and would have grave implications for public oversight and the constitutional right of access enjoyed by Floridians.

The Foundation does not object to legislation exempting public record information when there is a sound and justifiable public necessity. This bill exempts critical information about family trust companies, allowing access to only the most basic information such as the name of the trust company and its registered agent. Furthermore, the constitutionally-required statement of public necessity is woefully insufficient, asserting, hypothetically, the exemption is needed to protect the safety of "families with a high net worth who are frequently the targets of criminal predators." There is no factual basis or substantiated evidence supporting this assertion. In fact, Florida has historically allowed public access to other similar records, such as probate records.

This bill creates an overbroad exemption denying the people a constitutionally protected right of access with an exceedingly broad and specious claim of public necessity. As such, the legislation fails to meet the standard required to create an exception to the constitutional right of access to public records under Article I, section 24, Fla. Con.

For these reasons we respectfully request a veto of CS/CS/CS SB 1320. We appreciate your attention to our concerns, Governor Scott. If you have any questions or would like additional information, please don't hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

cc: Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association