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Protecting Your Right to Know for 30 Years!

February 20, 2015

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The Honorable Dane Eagle  
The Florida House of Representatives  
Room 303, House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399-1300

Re: HB 179 Public Record Exemption/Email Addresses

Dear Representative Eagle:

We are writing to express our concerns regarding HB 179, creating a public record exemption for email addresses obtained by tax collectors for the purpose of providing electronic tax notices. We believe that this exemption is unwarranted, and respectfully suggest that HB 179 be withdrawn from further consideration.

Specifically, the statement of public necessity asserts the exemption is necessary to prevent identity theft, yet there is no factual evidence to support this assertion. In fact, the bill acknowledges email, rather than traditional postal mail, is increasingly used as a means for communicating and conducting business, including official state business. Thus, with such a widespread use and availability of email, there is no anecdotal evidence that email addresses are, in fact, a significant factor contributing to the crime of identity theft. Additionally, there are existing state and federal laws already in place to protect the public from unwanted emails, including the Can-Spam Act and the Electronic Mail Communications Act. With other protective laws in place to accomplish your stated objective, this bill only serves to detract from our constitutional right of access to public records.

Furthermore, there are serious implications associated with passage of this bill. While this particular legislation protects only those email addresses obtained by tax collectors, it will provoke similarly unnecessary exemptions, effectively reaching all government business conducted electronically. This bill is not just an unwarranted infringement on our constitutionally protected right of access—it sets a dangerous precedent of arbitrarily restricting the public's statutory and constitutional rights.

For these reasons, we respectfully ask this bill be withdrawn, Representative Eagle. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to be 'B.A. Petersen', with a stylized flourish.

Barbara A. Petersen, President

cc: The Honorable Steve Crisafulli, Speaker, Florida House of Representatives  
Jon Kaney, General Counsel, First Amendment Foundation  
Sam Morley, General Counsel, Florida Press Association