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Protecting Your Right to Know for 30 Years!

7 May 2015

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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/SB 7040 Public Records/Email Addresses/Department of Highway
Safety and Motor Vehicles

Dear Governor Scott:

We are writing to request that you veto CS/CS/SB 7040, which creates a public record exemption for email addresses collected by the Department of Highway Safety and Motor Vehicles for the purposes of conducting motor vehicle record and drivers license transactions. It is our position that the bill is unwarranted and sets a dangerous precedent.

We do not dispute that email addresses can be used for nefarious and illegal purposes. The same can be said, however, of telephone numbers and home addresses – information that is readily available from a wide variety of public sources. For example, local law enforcement agencies around the state are warning of a widespread telephone scam – people are told that their utilities will be shut off unless they provide a credit card number over the phone. According to the website scam-detector.com, the utility scam is only one of 101 telephone scams.

Our point is this: Creating a public record exemption for email addresses held by the DHSMV will not protect people from those intent on defrauding them, and may well give them a false sense of security. The only way to truly protect taxpayers and consumers from those who would cause them harm is through increased consumer education.

We believe the focus should be on the crime committed – punish those who commit fraud rather than denying access to public record information. There are existing state and federal laws already in place – laws that should be aggressively enforced – to protect the public from unwanted emails including the Can-Spam Act and the Electronic Mail Communications Act.

We have a constitutional right of access to public records and every exemption created by the Legislature is an exception to that right. Email is arguably the most common form of communication in today's technology-centric world, and people routinely provide their email addresses willingly and voluntarily through a wide variety of publicly available sources. Requiring DHSMV to redact email addresses in response to a public record request, will create an unwarranted barrier to the public's ability to obtain public record emails in a timely and cost effective manner, and will hamper our ability to oversee government and hold it accountable.

For these reasons, we respectfully request that you veto CS/SB 7040. If you have any questions or would like additional information, Governor Scott, please do not hesitate to contact us.

Sincerely,



Barbara A. Petersen

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