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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/SB 200 Public Records/Email Addresses - Tax Notices

Dear Governor Scott:

We are writing to request that you veto CS/SB 200, which creates a public record exemption for email addresses obtained by a tax collector for the purpose of electronically sending certain tax notices or obtaining the consent of a taxpayer for electronic transmission of certain tax notices. It is our position that the proposed exemption is unwarranted and will create a dangerous precedent.

We don't dispute that email addresses can be used for nefarious and illegal purposes. The same can be said, however, of telephone numbers and home addresses obtained by a tax collector, yet this information remains subject to disclosure.

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. Even a quick review of the website scam-detector.com is frightening – auto scams (85), face-to-face scams (93), social networking scams (162), travel scams (138). According to the website, the utility scam is one of 101 telephone scams.

Our point is this: Creating a public record exemption for email addresses held by a county tax collector will not protect people from those intent on defrauding them. 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. In requiring tax collectors to redact email addresses in response to a public record request, CS/SB 200 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 200. If you have any questions or would like additional information, 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