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29 December 2015

The Honorable Bobby Powell
The Florida House of Representatives
1302 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: HB 587 Exemption/Office of Inspector General – Home Addresses

Dear Representative Powell:

We are writing to express our concerns regarding HB 587, creating an exemption for the home addresses and other public record information of current and former personnel of an agency's office of inspector general. The proposed legislation is seemingly unsupported by evidence or fact, and we respectfully request anecdotal evidence to prove the merit of the exemption. Alternatively, we suggest HB 587 be withdrawn from further consideration.

Of particular concern is the potentially broad nature of the categories of employees encompassed by the exemption. The bill would exempt all personnel employed in an agency's office of inspector general, as well as any employee whose duties include conducting an internal audit. This opens the door to unnecessarily including employees who have no involvement in conducting audits and thus do not need the protection of this exemption. Furthermore, defining exempt personnel by the duties he or she may perform would needlessly bring personnel who have but a tangential relationship to conducting internal audits – such as assistants or supervisors – within the scope of the exemption. Accordingly, the consequences of this legislation and the number of staff it could affect are unknown. As a result, the public is not fully aware of the breadth and effect of the bill.

Additionally, the constitutionally required statement of public necessity is critically flawed, based on mere speculation rather than fact. It hypothesizes future harms that have yet to arise and provides no evidence supporting the current need for this exemption. The statement of public necessity must be factually specific; a potential threat of harm is conjectural at best, and does not meet the constitutional standard for the creation of new exemptions.

29 December 2015

For these reasons, Representative Powell, we respectfully request additional information be provided to sufficiently justify the exemption proposed in HB 587. If such evidence doesn't exist, we ask that the bill be withdrawn from consideration. Thank you for your attention to our concerns. If we may be of any assistance, please do not hesitate to contact us.

Sincerely,

A square box containing a handwritten signature in blue ink. The signature is stylized and appears to be 'B.A.P.'.

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