



29 December 2015

The Honorable Alan Hays
The Florida Senate
320 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: SB 1004, Exemption/Security Camera Recordings

Dear Senator Hays:

We are writing to express our grave concerns regarding SB 1004, expanding the public record exemption in s. 119.071(3), F.S., for security system plans to include video or audio recordings captured by security cameras. We believe this exemption is unconstitutionally overbroad and unwarranted. As such, we respectfully suggest it be withdrawn from further consideration.

Exemptions to Florida's Public Records Law must be narrowly tailored and no broader than necessary to achieve their specified purpose. Under your proposal, any and all recordings taken by an agency's security cameras would be exempt from public disclosure. This legislation is incomprehensibly broad, Senator Hays, and makes no attempt to meaningfully distinguish among recordings.

Moreover, the constitutionally required statement of public necessity is virtually non-existent, based on vague generalization rather than fact. The statement merely alleges that *some* information captured by the recordings *may* be "sensitive," but provides no further justification as to why all recordings should be exempt. The law requires proposed exemptions be specific and address a demonstrable need, and this bill fails on both accounts. We can conceive of no plausible justification for this exemption, and exceptions to the public's constitutional right of access should not be based on vague speculation.

We appreciate your attention to our concerns, Senator. If you have any questions, please do not hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Andy Gardiner, President, Florida Senate
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association

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