



04 December 2015

The Honorable Travis Hutson  
The Florida Senate  
312 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Re: SB 592 Exemption/Unsworn DFS Investigative Personnel – Home Addresses

Dear Senator Hutson:

We are writing to express our concerns regarding Senate Bill 592, creating an exemption for the home addresses and other public record information of unsworn investigative personnel of the Department of Financial Services. It is our position that the proposed legislation is unwarranted and we respectfully suggest it be withdrawn from further consideration.

Of particular concern is the vague and potentially broad nature of the term “investigative personnel.” The proposed bill describes the exempt personnel by the duties he or she may perform or be involved in; this opens the door to unnecessarily including assistants, or supervisors who have but a tangential relationship to investigating agency matters within the scope of the exemption. Because it is unknown how broadly or narrowly the title is to be construed, the consequences of this legislation and the number of staff it could affect are similarly unknown. As a result, the public is not fully aware of the breadth and effect of the bill.

In addition, 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.

For these reasons, Senator Hutson, we respectfully request SB 592 be withdrawn. Thank you for your attention to our concerns; if we may be of any assistance, please do not hesitate to contact us.

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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