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29 December 2015

The Honorable Joseph Abruzzo  
222 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Re: SB 752 Exemption/Office of Inspector General – Home Addresses

Dear Senator Abruzzo:

We are writing to express our concerns regarding SB 752, 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 Alternatively, we suggest SB 752 be withdrawn from further consideration.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, Senator Abruzzo, we respectfully request additional information be provided to sufficiently justify the exemption proposed in SB 752. If such evidence doesn't exist, we ask that the bill be withdrawn from further consideration.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 handwritten signature in blue ink, appearing to be 'B.A.P.', enclosed in a thin black rectangular border.

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