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January 6, 2016

The Honorable Mike La Rosa
The Florida House of Representatives
405 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: HB 267 Exemption/State Infrastructure Bank

Dear Representative La Rosa:

We are writing to express our opposition to HB 267, creating a public record exemption for the financial statement or other financial information of a private entity required by the Department of Transportation as part of an application for assistance from the State Infrastructure Bank. It is our position that HB 267 is unwarranted and unfairly compromises public oversight and government accountability.

Though the proposed exemption would apply to "private" entities, those entities are applying to use public funds. As such, the public has a right to know how that money will be used and whether the requesting entity is financially sound. Without access to this information, the public cannot know whether the private companies have the financial wherewithal to take on Department of Transportation projects.

Additionally, the stated purpose for the legislation is undermined by the specification that the exemption ceases if the private entity goes into default. Why, exactly, does the financial information provided no longer need protection at this point? It is unclear what the value is of providing public access to the financial information only after a private entity recipient goes into default.

Furthermore, the constitutionally required statement of public necessity is critically flawed, based on speculation rather than fact. The bill broadly conjectures that release of financial information could create an opportunity

for illegal activity and private entities might be less likely to apply for funding via the SIB. But the statement of public necessity must be factually specific – hypothetical future harms do not meet the constitutional standard for the creation of new exemptions. More importantly, access to the financial information of private entities seeking use of public funds greatly outweighs the unsubstantiated harm alleged in the bill.

For these reasons, Representative La Rosa, we respectfully request HB 267 be withdrawn from further consideration. Thank you for addressing our concerns; if we may be of any assistance, please do not hesitate to contact us.

Sincerely,



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