



BOARD OF TRUSTEES

DAVE WILSON, CHAIRMAN

Senior Editor, *The Miami Herald*

BOB SHAW, VICE CHAIRMAN

Retired Editor

MIKE VASILINDA, SECRETARY

& TREASURER

President, Capitol News Service

JON KANEY, GENERAL COUNSEL

Kaney & Olivari

DAN AUTREY

President & Publisher, Tampa Bay Newspapers

JIM BALTZELLE

Director of Digital Media, Southeast,

The Associated Press

DICK BATCHELOR

Founder and President,

Dick Batchelor Management Group, Inc.

BRIAN CROWLEY

Principal, Immediacy Public Relations

MIKE DEESON

Senior Reporter, WTSP-TV

FRANK DENTON

Editor, *Florida Times-Union*

GARY GREEN

Deputy News Editor and Digital Director,

Innovation News Center

CAROL JEAN LOCICERO

Thomas & LoCicero

SAMUEL J. MORLEY

General Counsel, Florida Press Association

TIM NICKENS

Editor of Editorials, *Tampa Bay Times*

ROSEMARY O'HARA

Editorial Page Editor, *Sun Sentinel*

PATRICK RICE

Editor, *Daytona Beach News-Journal*

DEAN RIDINGS

President & CEO, Intersect Media Solutions

APRIL SALTER

President & Chief Operating Officer,

Salter Mitchell

PETE WEITZEL

Director Emeritus

CHARLEY WILLIAMS

Past State Board,

League of Women Voters of Florida

Director, Business Development, GEC

January 6, 2016

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

Re: CS/SB 196 Exemption - State Infrastructure Bank

Dear Senator Hutson:

We are writing to express our opposition to CS/SB 196, 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 process for assistance from the State Infrastructure Bank. It is our position that CS/SB 196 is unwarranted and unfairly compromises our constitutional right of 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 statement 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, public 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, Senator Hutson, we respectfully request SB 196 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 Andy Gardiner, President, Florida Senate
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association