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February 18, 2019

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The Honorable Clay Yarborough
Florida House of Representatives
402 South Monroe Street, Room 222 Cap
Tallahassee, FL 32399-1300

Re: HB 591 Exemption/Public Utility Customer Information and Data

Dear Representative Yarborough:

We are writing in response to HB 591 which is scheduled for consideration by the House Energy and Utilities Subcommittee on Wednesday, February 20.

House Bill 591 would create a public record exemption for smart meter data and billing information of public utility customers in increments less than one billing cycle. The Foundation is not opposed to the purpose of the exemption, Rep. Yarborough, but we do have some concerns regarding the constitutionally-required statement of public necessity in Section 2 of the legislation.

Specifically, the federal Freedom of Information Act does not apply to public records wholly held by a Florida agency subject to the state's public records law. Secondly, there is no right to privacy to information contained in a public record. *See* Art. I, s. 23, Fla. Con. We suggest, therefore, that HB 591 be amended to strike the reference to FOIA and basing the need for the exemption on data protection rather than privacy.

We appreciate your attention to our concerns. If you or staff any questions, please don't hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Charlie Stone, Chair, House Energy and Utilities
Subcommittee