



# First Amendment FOUNDATION

Protecting Your Right to Know Since 1985

February 18, 2019

## BOARD OF TRUSTEES

### CAROL JEAN LOCICERO, CHAIRWOMAN

Thomas & LoCicero

### JIM BALTZELLE, VICE CHAIRMAN

Director Local Media, Southeast,  
*The Associated Press*

### FRANK DENTON, TREASURER

Retired Editor, *Florida Times-Union*

### ANA-KLARA ANDERSON

Counsel, *NBC Sports – NBCUniversal Media*

### FARHOOD BASIRI

Co-Founder, Bellwether Software Development

### DICK BATCHELOR

Founder and President,  
Dick Batchelor Management Group, Inc.

### MIKE DEESON

Deeson Media

### TRIMMEL GOMES

President, Gomes Media Strategies

### GARY GREEN

Deputy News Editor and Digital Director,  
Innovation News Center

### THOMAS D. HALL

President, TLH Consulting Group LLC

### AMY HOLLYFIELD

Senior Deputy Editor- News, *Tampa Bay Times*

### CINDY McCURRY-ROSS

Executive Editor & VP of Content, *The News-Press*

### SAMUEL J. MORLEY

General Counsel, Florida Press Association

### MATT PARCELL

News Director, Cox Media Group Orlando

### PATRICK RICE

Editor, *Daytona Beach News-Journal*

### DEAN RIDINGS

President & CEO, Intersect Media Solutions

### BOB SHAW

Retired Editor, *Orlando Sentinel*

### CAITIE SWITALSKI

Reporter, *WLRN Public Media*

### PETE WEITZEL

Director Emeritus

### CHARLEY WILLIAMS

Past State Board,

League of Women Voters of Florida

Director, Business Development, GEC

### DAVE WILSON

Senior Editor, *The Miami Herald*

The Honorable Audrey Gibson  
The Florida Senate  
404 South Monroe Street, Room 200 SOB  
Tallahassee, FL 32399-1100

## Re: SB 600, Exemption/Public Utility Customer Information and Data

Dear Senator Gibson:

We are writing in response to SB 600, creating 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, Senator, but we do have some concerns regarding the constitutionally-required statement of public necessity in Section 2 of the legislation.

Specifically, there is no right to privacy to information contained in a public record. *See* Art. I, s. 23, Fla. Con. We suggest, therefore, that SB 600 be amended to base the need for the exemption on data protection rather than privacy.

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

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Bill Galvano, President, The Florida Senate