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January 14, 2020

The Honorable Erin Grall
Florida House of Representatives
402 S. Monroe Street, Room 209 Cap
Tallahassee, FL 32399-1300

Re: HB 1191 Exemption/Home Addresses – Legislators and Cabinet Members

Dear Representative Grall:

I am writing to express the concerns of the First Amendment Foundation regarding House Bill 1191, which would create a public record exemption for the home addresses and other public record information of current legislators and members of the Cabinet.

While the bill is clearly based upon existing exemptions for law enforcement personnel and others, the constitutionally required statement of public necessity in HB 1191 provides no information justifying the exemption. The statement of public necessity merely asserts that release of this information may subject current legislators and Cabinet members and their families to threats, harassment, and intimidation. We have seen no evidence that a threat of harm exists to these individuals or that such harm has, in fact, occurred. Further, the statement of public necessity does not identify examples of such harm, either threatened or actual.

The statement of public necessity is speculative at best and demonstrates a lack of compelling evidentiary support. Because the statement does not justify the exemption, the exemption does not meet the constitutional standard for public record exemptions under Article I, section 24, of the Florida Constitution.

In addition, legislators are legally required to live within the boundaries of the districts they are elected to represent. While it is true that the Department of State will verify that a home address is within the boundaries of a legislator's district, the DOS does not take steps to verify that a legislator is actually living at that address. House Bill 1191 would also protect the names of a legislator's spouse and adult children, making it virtually impossible for the public to assure themselves that a legislator does not have a conflict of interest arising from family connections.

We respectfully request that HB 1191 be withdrawn from further consideration. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Pamela C. Marsh". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Pamela C. Marsh, President

Cc: The Honorable Jose Olivia, Speaker of the House, Florida House of Representatives
Mr. Jim Baltzelle, Associated Press, Chair, First Amendment Foundation
Mr. Samuel Morley, General Counsel, Florida Press Association
Ms. Lisa Nellessen Savage, Chair, Florida Society of News Editors
