



January 27, 2020

The Honorable Sharon Pritchett
Florida House of Representatives
402 South Monroe Street, Room 300 CAP
Tallahassee, FL 32399

RE: HB 1313 – Public Record/Mental Health and Substance Use Disorders

Dear Representative Pritchett:

I am writing on behalf of the First Amendment Foundation to express our concerns regarding House Bill 1313. Specifically, we are concerned that this exemption is neither necessary, nor justified. The public necessity statement explains that mental health and substance abuse impairments should be protected. Such information contained in petitions is already exempt and confidential under current law.

House Bill 1313 also deals with involuntary treatment requiring judicial intervention. This measure would limit access to information in court records, which are subject to the common law right of access. *See Barron v. Florida Freedom Newspapers*, 531 So. 2d 113, 116 (Fla. 1988). In addition, this bill would prevent oversight of certain treatment programs ordered by the judiciary. For example, by exempting respondents' names from petitions for substance abuse treatment, there is no way to determine whether the respondent has undergone treatment before or whether a substance abuse treatment program was successful.

Because this bill precludes public oversight of judicial assignment to treatment programs, we respectfully request that HB 1313 be withdrawn from further consideration. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

Pamela C. Marsh, President

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

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