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Protecting Your Right to Know Since 1985

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January 6, 2020

The Honorable Michael Grieco  
Florida House of Representatives  
402 S. Monroe Street, Room 1102 Cap  
Tallahassee, FL 32399-1300

Re: HB 145 Exemption/Home Addresses – Emergency Room Health Care Practitioners

Dear Representative Grieco:

I am writing to express the concerns of the First Amendment Foundation regarding HB 145, which would create a public record exemption for the home addresses and other public record information of current and former emergency room health care practitioners and their families. Of all bills proposing exemptions to the public records law in the 2020 legislative session, 24% provide for the non-disclosure of home addresses of additional categories of professionals.

While the bill is clearly based upon existing exemptions for law enforcement personnel and others, the constitutionally required statement of public necessity in HB 145 provides no information justifying the exemption. The statement of public necessity merely asserts that release of this information *could* subject current or former emergency room health care practitioners and their families to physical or emotional harm or stalking. 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 any 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.

We respectfully request HB 145 be withdrawn from further consideration. If you have 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 Nellessen Savage, Chair, Florida Society of News Editors