



January 6, 2020

The Honorable Elizabeth Fetterhoff
Florida House of Representatives
402 S. Monroe Street, Room 1401 CAP
Tallahassee, FL 32399-1300

Re: HB 479 Exemption/Home Addresses – Judicial Assistants

Dear Representative Fetterhoff:

I am writing to express the concerns of the First Amendment Foundation regarding HB 479, which would create a public record exemption for the home addresses and other public record information regarding current and former judicial assistants 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 officials and other 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 479 provides no information justifying the exemption. The statement of public necessity merely asserts that release of this information might subject current or former judicial assistants to fraud or other financial harm or could threaten the safety of the judicial assistants and their families. 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We respectfully request HB 479 be withdrawn from further consideration.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 Representative
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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