



# First Amendment FOUNDATION

Protecting Your Right to Know Since 1985

## BOARD OF TRUSTEES

### JIM BALTZELLE, CHAIRMAN

Director Local Media, Southeast,  
*The Associated Press*

### GARY GREEN, VICE CHAIRMAN

Deputy News Editor and Digital Director,  
Innovation News Center

### FRANK DENTON, TREASURER

Retired Editor, *Florida Times-Union*

### PETE WEITZEL

Founder and Director Emeritus

### 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

### THOMAS D. HALL

President, TLH Consulting Group LLC

### AMY HOLLYFIELD

Senior Deputy Editor, *Tampa Bay Times*

### CAROL JEAN LOCICERO, CHAIRWOMAN

Thomas & LoCicero

### 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*

### CHARLEY WILLIAMS

Past State Board,

League of Women Voters of Florida

Director, Business Development, GEC

### DAVE WILSON

Senior Editor, *The Miami Herald*

January 6, 2020

The Honorable Randy Maggard  
Florida House of Representatives  
402 S. Monroe Street, Room 1101 Cap  
Tallahassee, FL 32399-1300

Re: HB 63 Exemption/Home Addresses – County Attorneys and Assistant  
County Attorneys

Dear Representative Maggard:

I am writing to express the concerns of the First Amendment Foundation regarding HB 63, which would create a public record exemption for the home addresses and other public record information regarding county attorneys and assistant county attorneys 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 63 provides no information justifying the exemption. The statement of public necessity merely asserts that release of this information *might* result in disgruntled defendants or other persons trying to harm or stalk county attorneys and assistant county attorneys or their spouses and children. 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 63 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 Nellessen Savage, Chair, Florida Society of News Editors