



January 6, 2020

The Honorable Clovis Watson
Florida House of Representatives
402 S. Monroe Street, Room 200 HOB
Tallahassee, FL 32399-1300

Re: HB 893 Exemption/Home Addresses – Commission on Offender Review

Dear Representative Watson:

I am writing to express the concerns of the First Amendment Foundation regarding HB 893, which would create a public record exemption for the home addresses and other public record information of commissioners and personnel of the Commission on Offender Review. 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 893 does not provide any information justifying the exemption. Rather, the statement of public necessity merely asserts that release of this information *could* pose a danger of physical or emotional harm to subject commissioners and other Commission personnel. 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We respectfully request HB 893 be withdrawn from further consideration.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

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