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January 27, 2020

The Honorable Lauren Book  
The Florida Senate  
404 South Monroe Street, Room 202 SOB  
Tallahassee, FL 32399

RE: SB 1620 – Public Records/Court Records

Dear Senator Book:

I am writing on behalf of the First Amendment Foundation to express our concerns regarding Senate Bill 1620. 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.

Senate Bill 1620 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bill precludes public oversight of judicial assignment to treatment programs, we respectfully request that SB 1620 be withdrawn from further consideration.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 Bill Galvano, President, Florida Senate  
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