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January 6, 2020

The Honorable Ed Hooper  
The Florida Senate  
404 S. Monroe Street, Room 326 SOB  
Tallahassee, FL 32399-1100

Re: SB 248 Exemption/Home Addresses – County Attorneys and Assistant County Attorneys

Dear Senator Hooper:

I am writing to express the concerns of the First Amendment Foundation regarding SB 248, which would create a public record exemption for the home addresses and other public record information of 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 SB 248 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We respectfully request SB 248 be withdrawn from further consideration.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, The 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