

January 6, 2020



Protecting Your Right to Know Since 1985

The Honorable Kelli Stargel
The Florida Senate
404 S. Monroe Street, Room 408 SOB
Tallahassee, FL 32399-1100

Re: SB 832 Exemption/Home Addresses – Legislators and Cabinet Members

Dear Senator Stargel:

I am writing to express the concerns of the First Amendment Foundation regarding SB 832, which would create a public record exemption for the home addresses and other public record information regarding current legislators and members of the Cabinet. 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 832 provides no information justifying the exemption. The statement of public necessity merely asserts that release of this information may subject current legislators and Cabinet members and their families to threats, harassment, and intimidation. 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.

In addition, legislators are legally required to live within the boundaries of the districts they are elected to represent. While it is true that the Department of State will verify that a home address is within the boundaries of a legislator's district, the DOS does not take steps to verify that a legislator is actually living at that address. Senate Bill 832 would also protect the names of a legislator's spouse and adult children, making it virtually impossible to ensure that a legislator does not have a conflict of interest arising from family connections.

We respectfully request SB 832 be withdrawn from further consideration.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

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