



January 6, 2020

The Honorable Keith Perry
The Florida Senate
404 S. Monroe Street, Room 316 SOB
Tallahassee, FL 32399-1100

Re: SB 872 Exemption/Home Addresses – Florida Commission on
Offender Review and School Administrators

Dear Senator Perry:

I am writing to express the First Amendment Foundation's objection to SB 872, which would create public record exemptions for the home addresses and other public record information of commissioners and personnel of the Florida Commission on Offender Review, as well as for certain school administrators. 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.

It is our position that SB 872 violates the standard for the creation of new exemptions under Article I, section 24(c), of the Florida Constitution, and we respectfully suggest the bill be withdrawn from further consideration.

Specifically, SB 872 would create two separate and distinct public record exemptions – one for the home addresses of those who work for the Florida Commission on Offender Review and a second for the home addresses of school administration – in violation of the strict single subject requirement under Article 1, section 24(c). There is no connection between those who work for the Florida Commission on Offender Review and school administrators, and access to their personnel files is treated differently under the law. Section 1012.31(2)(f), F.S., requires all public School Boards to retain a record of who is requesting access to a school employee's personnel file. This requirement applies to public school personnel files only.

In addition, while this legislation is clearly based upon existing exemptions for law enforcement personnel and others, the constitutionally required statements of public necessity in the bill do not provide any information justifying SB 872. The statements of public necessity merely assert that release of this information *might* put

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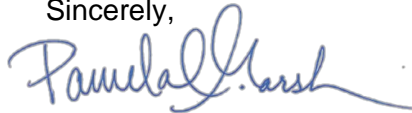
DAVE WILSON

Senior Editor, *The Miami Herald*

Commission personnel and school administrators in danger of physical or emotional harm by disgruntled persons. 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.

Thus, we respectfully request SB 872 be withdrawn from further consideration. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Pamela C. Marsh". The signature is fluid and cursive, with a long horizontal flourish at the end.

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