



January 6, 2020

The Honorable Gayle Harrell
The Florida Senate
404 S. Monroe Street, Room 310 SOB
Tallahassee, FL 32399-1100

Re: SB 878 Exemption/Home Addresses – Emergency Room Health Care Practitioners

Dear Senator Harrell:

I am writing to express the concerns of the First Amendment Foundation regarding SB 878, which would create a public record exemption for the home addresses and other public record information of current and former emergency room health care practitioners 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 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 878 provides no information justifying the exemption. The statement of public necessity merely asserts that release of this information *might* subject current or former emergency room health care practitioners and their families to physical or emotional harm or stalking. 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We respectfully request SB 878 be withdrawn from further consideration.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 Nellessen Savage, Chair, Florida Society of News Editors

BOARD OF TRUSTEES

JIM BALTZELLE, CHAIRMAN

Director Local Media, Southeast,
The Associated Press

GARY GREEN, VICE CHAIRMAN

Deputy News Editor and Digital Director,
Innovation News Center

FRANK DENTON, TREASURER

Retired Editor, *Florida Times-Union*

PETE WEITZEL

Founder and Director Emeritus

ANA-KLARA ANDERSON

Counsel, *NBC Sports – NBCUniversal Media*

FARHOOD BASIRI

Co-Founder, Bellwether Software Development

DICK BATCHELOR

Founder and President,

Dick Batchelor Management Group, Inc.

MIKE DEESON

Deeson Media

TRIMMEL GOMES

President, Gomes Media Strategies

THOMAS D. HALL

President, TLH Consulting Group LLC

AMY HOLLYFIELD

Senior Deputy Editor, *Tampa Bay Times*

CAROL JEAN LOCICERO, CHAIRWOMAN

Thomas & LoCicero

CINDY McCURRY-ROSS

Executive Editor & VP of Content, *The News-Press*

SAMUEL J. MORLEY

General Counsel, Florida Press Association

MATT PARCELL

News Director, Cox Media Group Orlando

PATRICK RICE

Editor, *Daytona Beach News-Journal*

DEAN RIDINGS

President & CEO, Intersect Media Solutions

BOB SHAW

Retired Editor, *Orlando Sentinel*

CAITIE SWITALSKI

Reporter, *WLRN Public Media*

CHARLEY WILLIAMS

Past State Board,

League of Women Voters of Florida

Director, Business Development, GEC

DAVE WILSON

Senior Editor, *The Miami Herald*