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January 6, 2020

The Honorable George Gainer
The Florida Senate
404 S. Monroe Street, Room 302 SOB
Tallahassee, FL 32399-1100

Re: SB 966 Exemption/Disaster Recovery Assistance

Dear Senator Gainer:

I am writing on behalf of the First Amendment Foundation in response to SB 966, which would create a limited public record exemption for records and information related to property photographs, financial documents, or financial information provided to certain government agencies for disaster recovery assistance. While we do not object to the proposed exemptions, we do have two concerns that can easily be addressed by a minor amendment.

First, we suggest that the bill be amended to clarify that the personal identifying information of those seeking assistance is not included within the scope of the exemption. Access to personal identifying information is critical to the public's ability to oversee the disaster recovery assistance program and to make sure that only those qualified for assistance are actually receiving it.

Second, the bill makes property photographs and financial records confidential and exempt but does not provide for an exception to the exemption. In contrast, the House companion, HB 1035, allows access by other government agencies for the purposes of auditing and administration. Without that exception, the information made exempt by SB 966 could not be shared with anyone, including other governmental entities.

If you have any questions, or if we can be of assistance in drafting the suggested amendment, please do not hesitate to contact us. Thank you for your attention to our concerns.

Sincerely,

Pamela C. Marsh, President

Cc: The Honorable Bill Galvano, President, The Florida Senate
Mr. Jim Baltzelle, Associated Press, First Amendment Foundation
Mr. Samuel Morley, General Counsel, Florida Press Association
Ms. Lisa Nellesen Savage, Chair, Florida Society of News Editors