



January 26, 2021

Senate Governmental Oversight
& Accountability Committee
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: Open Government Bills before the Senate Governmental
Oversight and Accountability Committee

The First Amendment Foundation writes to express our support for Senate Bill 400, which will be heard by the Senate Governmental Oversight and Accountability Committee on Wednesday, January 27, 2021.

SB 400 prevents an agency from filing a declaratory action to determine the status of the records as exempt or confidential. The declaratory action would be filed by the agency (as plaintiff) against the person who initially sought public records (as the defendant). Declaratory actions stall requests and force requestors to pay legal costs to defend their constitutional right of access to records.

Section 119.01(1), F.S. provides a right of access to *any* person. This legislation ensures that records are not limited to individuals with the time and resources to defend a declaratory action brought by the government.

Please let us know if you have any further questions.

With best regards,

FIRST AMENDMENT FOUNDATION

Pamela C. Marsh
President

cc: The Honorable Wilton Simpson, President, Florida Senate
Jim Baltzelle, Associated Press, Chair, First Amendment Foundation
Samuel Morley, General Counsel, Florida Press Association
Lisa Nellesen Savage, Chair, Florida Society of News Editors

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