



January 26, 2021

Senate Health Policy Committee  
530 Knott Building  
4040 S. Monroe Street  
Tallahassee, FL 32399-1100

Re: Open Government Bills before the Senate Health Policy Committee

The First Amendment Foundation writes in regard to two bills scheduled to be heard by the Senate Health Policy committee on Wednesday, January 27, 2021.

FAF has no objection to Senate Bill 7000. However, we do suggest that the bill be amended to provide some sort of record of those portions of meetings that would be closed under the exemption. Records of closed meetings are vitally important, allowing for oversight of the commission in the event that questions arise whether the commission limited discussions to those topics permitted to be private. We suggest an amendment requiring all exempt portions of meetings to be recorded and transcribed, so that a court could determine that the meeting was not restricted to a discussion of the exempt information. Otherwise, if there is no challenge to the closed meeting, the recording and transcript would also be exempt from disclosure. We can provide sample language. Last year's SB 1170, lines 278-292, provides an example of language for recording exempt portions of meetings.

FAF opposes Senate Bill 7002. This bill is one of more than 20 trade secret exemption bills up for review this session; now is an opportune time to let the myriad of trade secret exemptions sunset and enact a uniform definition and process to exclude trade secret. The misapplication and overuse of trade secret exemptions allows information about government contractors and private entities regulated by the state to be withheld.

With dozens of trade secret exemptions subject to the Open Government Sunset Review this session, FAF is calling on the

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legislature to pass legislation like last year's HB 799 and HB 801, sponsored by Representative Tommy Gregory, which would have repealed most trade secret exemptions and provided a uniform trade secret exemption and process to remove trade secrets from public records.

Please let us know whether we can provide any further information.

Best regards,



Pamela C. Marsh, President

cc: The Honorable Wilton Simpson, President, Florida Senate  
The Honorable Tommy Gregory, Florida House of Representatives  
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

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