



First Amendment FOUNDATION

March 9, 2021

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The House Judiciary Committee
417 House Office Building
402 S. Monroe Street
Tallahassee, FL 32399-1300

Open Government Bills before the House Judiciary Committee

The First Amendment Foundation writes to express our opposition to House Bill 1 and House Bill 35, which will be considered by the House Judiciary Committee on Wednesday, March 10, 2021. Both proposals limit Floridians' ability to exercise their First Amendment rights and participate in government.

House Bill 1 creates a new broad definition of committing a riot and increases penalties for offenses that occur at riots. Participants may be unsure whether simply being in the vicinity of or associating with others could make them criminally liable for other demonstrators' actions. This broad definition of riot may deter protestors fearing criminal sanctions for the mere participation in a riot that becomes a public disturbance. This will undoubtedly have a chilling effect on free speech.

Moreover, charges already exist to prosecute violence at protests; there is no need to expand the definition of riot, especially at the expense of citizens' right of speech and assembly.

House Bill 35 moves notices from newspapers to a website created by government entities. By moving notices from papers and newspapers' websites to less trafficked government sites, fewer people will be aware of proposed ordinances, tax increases, and rezoning proposals. Under House Bill 35, only those who seek out a government website will be aware of legal notices and have an opportunity to weigh in on government decisions affecting the public.

In addition, publication of notices in newspapers ensures that government entities expected to provide notice are not in control of dissemination. A government entity may not consider openness to be in its self-interest. The current method of providing notice removes control from a government entity to an objective third party.

This bill limits who sees legal notices and restricts public participation and government oversight. Accordingly, FAF opposes House Bill 35.

Please don't hesitate to contact us if you have any questions or concerns.

With best regards,



Pamela C. Marsh
President

cc: The Honorable Chris Sprowls, Speaker, Florida House
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