

April 13, 2021



House Commerce Committee
303 House Office Building
402 S. Monroe Street
Tallahassee, FL 32399-1300

HB 1311 Public Meetings/Public Service Commission

I write on behalf of the First Amendment Foundation to express concerns with House Bill 1311, which limits public access to meetings and minutes of the Public Service Commission ("the Commission"). This legislation protects utilities and private entities at the expense of the public's constitutional right of access and review, which is essential to ensuring that the Commission is making fair decisions.

Proprietary business information and trade secret exemptions have been widely used to withhold information across Florida. There is every reason to believe that utility companies will often use this exemption to seek closure of a meeting. This exemption also allows utilities companies to close meetings based on the business interests of third-party companies with whom the utilities may have business relationships. At the very least, if a third party contracting with a utility is concerned about the release of its proprietary business information, the burden to request confidentiality should be on the third party – not left to the utility to decide.

The public necessity statement asserts that revealing confidential business information could impair the ability of utilities regulated by the Commission to fairly compete in the marketplace. Utilities in Florida are regulated monopolies – there is no competitive marketplace. This argument is meritless.

The Sunshine Law exists in part so that the taxpayer is not "blindly led down the path of government." *Town of Palm Beach v. Gradison*, 296 So. 2d 473, 475 (Fla. 1947). HB 1311 undermines the purpose of the Sunshine Law. The ability of the public to watch the work of the Commission holds the entire process to a higher and more balanced standard of accountability. It matters that the public is watching.

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

Best regards,

A handwritten signature in blue ink that reads "Pamela C. Marsh".

Pamela C. Marsh, President

cc: The Honorable Chris Sprowls, Speaker, Florida House
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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