

November 29, 2021



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The Senate Judiciary Committee
510 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: Senate Bill 432 Public Records Exemption for Judicial Assistants

Dear Senators:

The First Amendment Foundation writes to express our opposition to Senate Bill 432, which would exempt the home addresses and identifying and location information of current and former judicial assistants and their spouses and children.

The Florida Constitution requires that an exemption bill state with specificity the public necessity justifying the law and be no broader than necessary to accomplish the stated purpose of the law. The statement of public necessity suggests that identifying and location information "can" be used to perpetrate fraud and that, while assisting judges, judicial assistants "may possibly" engender ill will with litigants. The statement of public necessity is based on hypothetical circumstances. The bill provides no information or evidence that current and former judicial assistants have been victims of fraud or targets of revenge.

Thus, this bill that would exempt information pertaining to current and former judicial assistants fails both prongs of Florida's constitutional requirement. Certainly, there are more tailored and effective means to provide effective protections for judicial staff by court security officers and law enforcement posted at courthouses.

There are now more than thirty home address and personal information exemptions for certain privileged professions under the laws of Florida. It is our position that these exemptions create unequal privacy protections for certain professions in this state. This results in unconstitutional unequal protection of the laws.

In addition, the increase in these profession-based exemptions places heavy burdens on government employees who must redact thousands of documents. For example, property appraisers must carefully redact thousands of property records when requests are filed by covered professionals. When this occurs, the cost of staff hours spent redacting is often passed onto the citizen taxpayer as fees for their public record request.

Finally, these exemptions hold out a false sense of security. Taking limited information out of publicly held government records does nothing about the abundance of existing information readily available via social media and the internet. The genie is already out of the bottle. Piling on more and more exemptions for certain identified professions only places heavier burdens on government workers, results in higher fees on citizens, and fails miserably to provide the security they promise for the hypothetical threats they describe.

If you have any questions, please do not hesitate to ask.

With best regards,

FIRST AMENDMENT FOUNDATION



Pamela C. Marsh
President

cc: The Honorable Wilton Simpson, President, Florida Senate
Amy Hollyfield, Tampa Bay Times, Chair, First Amendment Foundation
Samuel Morley, General Counsel, Florida Press Association
Dana Banker, President, Florida Society of News Editors

