

January 17, 2022



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The Honorable Danny Burgess
308 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: SB 1420 Public Records/County and City Attorneys

The First Amendment Foundation writes to express its opposition to SB 1420, which would exempt the home addresses and identifying and location information of current and former county and city attorneys and their spouses and children.

This exemption would add to the 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 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 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.

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 threats they describe.

Finally, the public necessity statement fails to justify the need to exempt the photographs of government attorneys and their family members. Existing exemptions for photographs of law

enforcement officers may be justified because photographs could reveal the identity of undercover agents. This danger does not exist for county and city attorneys who regularly attend meetings open to the public. Their image is already readily obtainable by attending public meetings. No interest is served by withholding photographs of county and city attorneys. If a city or county attorney, their spouse or child, were arrested, the mugshot could be withheld. Other government employees – or their adult children – could be arrested for the same crimes and their booking photos would be public. This is a further example of how these exemptions create inequalities. At the very least, FAF suggest removing the exemption for photographs.

Thank you for your consideration. Please don't hesitate to contact the Foundation if you have any questions or concerns.

With best regards,

FIRST AMENDMENT FOUNDATION



Pamela C. Marsh
Executive Director

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