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09 March 2015

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The Honorable Dana Young
The Florida House of Representatives
322 Capitol Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: HB 1235 Exemption/Department of Gaming Control

Dear Representative Young:

We are writing to express our concerns regarding HB 1235, which provides an exemption from public records requirements for information held by the Department of Gaming Control that would reveal investigation techniques and procedures used by the Department.

Upon review, we question the clarity of subsection (2)(c), lines 68 - 71. As currently drafted, the bill could be read to exclude from public disclosure information that would reveal not only "investigation techniques and procedures," but also "investigation information."

It is our position that "investigation information," such as final reports and all data collected in the investigation that do not reveal "investigation techniques and procedures," should be disclosed after the investigation is concluded or is no longer active. The Florida Statutes are replete with instances in which information relating to an investigation is disclosed once the investigation is complete or no longer active. See, for example, sections 517.2015, 520.9965, and 17.0401.

We do not object to the substance of the bill, Representative Young, but are concerned about ambiguity created by the wording of the bill. Thus, we suggest the bill be amended to clarify the proposed exemption in section (2)(c). "Investigation techniques and procedures" should be separated from "investigation information," and any amendment should make clear that "investigation information" shall be open to public inspection once the investigation is complete or no longer active. This would achieve the purpose of maintaining the confidentiality of "investigation techniques and procedures" while providing for the disclosure of "investigation information" as is customary in governmental investigations.

Thank you for your attention to our concerns, Representative Young. Should you need any additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B.A.P.', with a stylized flourish above the letters.

Barbara A. Petersen
President

Cc: The Honorable Steve Crisafulli, Speaker, Florida House of Representatives
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association