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12 January 2016

The Honorable Aaron Bean
The Florida Senate
Room 302, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: SB 564 Exemption/Cold Case Task Force Records and Meetings

Dear Senator Bean:

We are writing to express our concerns regarding the proposed exemptions for the Cold Case Task Force under SB 564. While we aren't opposed to the purpose of the legislation, we do suggest that the bill be amended to narrow the exemptions and track current law.

Of specific concern is the public record exemption for portions of records generated by the Task Force which contain active criminal intelligence and investigative information as those terms are defined in s. 119.011(3), F.S. Under current law, criminal intelligence and criminal investigative information is exempt only so long as an investigation is active; once an investigation is complete or no longer active, such information is generally subject to public disclosure. We suggest that SB 564 be amended to specifically reference s. 119.011(3)(d) which defines "active" for the purposes of the public record exemption for criminal intelligence and investigative information.

Our second concern relates to the exemption for portions of Task Force meetings during which exempt information is discussed. The vast majority of meetings exemptions created in the past ten years include a requirement that closed portions of meetings are recorded and that the record of the meeting is subject to disclosure at a specific point in time. We suggest that the meeting exemption be amended to (1) require that a recording of the closed meeting be made, and (2) that such a recording is subject to disclosure once the criminal investigative or criminal intelligence

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information discussed at the closed meeting is no longer active.

We greatly appreciate your attention to our concerns, Senator. If you have any questions or if we can provide additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to be 'B.A.' with a stylized flourish.

Barbara A. Petersen, President

Cc: The Honorable Andy Gardiner, President, The Florida Senate
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association