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January 11, 2016

The Honorable Travis Hutson
The Florida Senate
312 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: CS/SB 578 Exemption - State Boxing Commission

Dear Senator Hutson:

We are writing to express our opposition to CS/SB 578, expanding the public record exemption in s. 548.062, F.S., to include all proprietary confidential business information provided by a promoter to the State Boxing Commission. It is our position that this legislation is grossly overreaching and lacks sufficient justification to warrant creating an exception to the public's constitutional right of access.

Of primary offense is the purpose of the legislation, as evidenced by statements made during the November 18th meeting of the Senate Regulated Industries Committee. According to your statements, Florida currently plays host to the filming of UFC's television series "The Ultimate Fighter," and because of a delay between the filming and broadcast of the matches, a public record exemption is needed to protect the result of matches from early public disclosure. Yet, Senator Hutson, it is hardly guaranteed an expanded exemption will ensure the secrecy of the information, given a) the spectators present at the filming, and b) the prevalence of smart phones and social media capable of disseminating the results of matches within seconds.

More importantly, this bill defies the constitutional requirement that an exception to citizens' right of access must only be created for instances of demonstrable need and significance. Attempting to amend the constitution to protect the outcome of a fighting match, particularly when other externalities can easily result in release of that information, diminishes the

integrity of the State Constitution and our constitutionally protected right of access.

Instilled in our constitution is a presumption of openness that cannot, and should not, be eroded to accommodate trivial interests. For these reasons, Senator Huston, we ask CS/SB 578 be withdrawn from further consideration. Thank you for your attention to our concerns. If we may be of any assistance, please do not hesitate to contact us.

Sincerely,



Barbara A. Petersen, President

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