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# THE BRECHNER REPORT

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## Supreme Court upholds child pornography law

WASHINGTON – The U.S. Supreme Court ruled that offering or seeking child pornography is a federal crime, even where no such pornography exists.

In the 7-2 decision *U.S. v. Williams*, the Court upheld the 2003 PROTECT Act and rejected the notion that such claims are free speech.

In the majority opinion, Justice Antonin Scalia said, “We hold that offers to provide or requests to obtain child pornography are categorically excluded from the First Amendment.”

Opponents of the law argued that

### FIRST AMENDMENT

it could apply to movies that depict adolescent sex or the exchange of non-pornographic material. Scalia said the law applies when the purveyor of the material believes or wants someone else to believe he has pornographic images of real children. The law applies to simulated “sexually explicit conduct” where the actors involved are real children, and the “portrayal must cause a reasonable viewer to believe that the actors actually engaged in that conduct.”

Joan Bertin, the executive director of the National Coalition Against Censorship, said Scalia’s narrow holding should result in “considerably less

damage [to individuals’ First Amendment rights] than it might otherwise have done,” according to the *Pensacola News-Journal*. Bertin said, though, that prosecutors could still use the law to punish innocent people and put them “through a terrible ordeal,” according to the *Pensacola News-Journal*.

“Perhaps I am wrong, but without some demonstration that juries have been rendering exploitation of children unpunishable, there is no excuse for cutting back on the First Amendment,” said Justice David Souter, joined by Justice Ruth Bader Ginsburg, in dissent.

Source: *The Palm Beach Post and the Pensacola News-Journal*

## Judge orders Council members to turn over e-mails

VENICE – After an emergency hearing, a circuit judge ruled three Venice City Council members must allow a computer expert to obtain government business e-mails from their home computers.

Mayor Ed Martin and Council Members John Moore and John Simmonds must provide access to their home computers so that any public records can be saved. A lawsuit filed recently by a citizen claims that four council members violated the Open Meetings Law by discussing city business in private e-mails.

The Open Meetings Law requires

notice of meetings so interested citizens can attend.

The lawsuit could determine how the Sunshine Law deals with modern communication. The law “was written when we didn’t have the same kind of texting and e-mailing [as today],” said Sandra Chance, executive director of the Brechner Center for Freedom of Information, according to the *Sarasota Herald-Tribune*.

The council members’ business e-mails are commingled with personal e-mails on their home computers, which

are sometimes shared by other family members.

Judge Robert Bennett’s ruling means “personal information [and] medical stuff that’s nobody’s business” would be made public, said Simmonds, who admitted deleting business e-mails, according to the *Herald-Tribune*.

The Sunshine Law requires public records be maintained according to the agency’s retention schedule on file with the Division of Library and Information Services of the Department of State.

Source: *Sarasota Herald-Tribune*

## University posts student info online for four years

GAINESVILLE – University of Florida officials informed over 11,000 students their names, addresses, and Social Security numbers were posted online for over four years.

A routine systems audit revealed the breach of the system used by students in UF’s Office for Academic Support and Institutional Service between 2003 and 2005.

### PRIVACY

Student employees posted the personal information online to work remotely, but failed to secure it properly, said Joe

Glover, the interim dean of the College of Liberal Arts and Sciences, according to the *Sarasota Herald-Tribune*.

“The risk is very low that someone went in there and used the information inappropriately,” said UF spokesman

Steve Orlando, according to the *Herald-Tribune*. “But we don’t know that it didn’t happen.”

University officials were unable to locate the contact information for 570 former students to inform them their information was compromised.

The students’ information was removed from public view after discovery of the breach.

Source: *Sarasota Herald-Tribune*

## Terminated superintendent settles with district

NAPLES – A terminated Collier County school district superintendent settled his Open Meetings Law violation lawsuit with the district for \$555,000.

Ray Baker, a 34-year veteran, alleged that school board members violated the Open Meetings Law to meet and secretly terminate his contract by voiding it.

The board declared Baker's contract void a week after a report showed the

district failed to properly award credits to students in Advanced Placement classes. The voided contract meant Baker could not use the contract's provisions to keep his job, the board argued.

School Board Attorney Richard Withers advocated settling because the school board members chose a "weak" reason to terminate Baker, according to the *Naples Daily News*. Withers said, "[T]here is

not a jury on the planet that would be sympathetic to our position that you could fire someone who worked for you for 34 years on a technicality," according to the *News*.

Withers estimated that had the case gone to trial, the school district would have faced \$2.2 to \$2.67 million in exposure, according to the *News*.

Source: *Naples Daily News*

## ACCESS RECORDS

### Records overcharge lasts 20 years

JACKSONVILLE – Legal counsel for the Jacksonville Sheriff's Office disclosed that the office violated the Sunshine Law for over 20 years by overcharging for public records.

Counsel for the Sheriff's Office said the office incorrectly gave preference to a 1981 city ordinance setting higher fees for records over state law.

Florida law says the records custodian may charge copying fees, normally up to 15 cents per one-sided copy and \$1 for a copy of a certified record.

The Sheriff's Office had been charging \$3 per report regardless of the number of pages. The documents the office usually provides are only one or two pages.

The overcharges surfaced when the

office tried to increase copying fees to \$6 per page.

"There are ways of doing things right before our eyes, and we don't even realize it's happening," said Joe Adams, editorial writer at *The Florida Times-Union* and author of *The Florida Public Records Handbook*, about the overcharges.

After *The Times-Union* broke the story, the Sheriff's Office dropped its copying fees to conform to state law. Adams praised the Sheriff's Office for its quick response.

Critics say the office should reimburse prior requestors or donate the excess money to charity.

Source: *North Country Gazette and The Florida Times-Union*

### Florida schools inconsistent with public records in athlete deaths

ORLANDO – Florida's public universities have responded inconsistently in giving the public information about student-athletes' deaths.

Since 2001, four state universities have produced records on four student-athlete deaths, ranging from three pages to 407 pages.

Officials at the University of Central Florida, who released three pages of records about the March 18 death of wide receiver Ereck Plancher, said documents about discussions with players are exempt from Florida public-records laws, according to the *Orlando Sentinel*. UCF officials also say interviews with university attorneys and the trainer's report are exempt because they are attorney work product or because the UCF Athletics Association is a direct-support organization.

UCF officials only released two

campus-police incident reports and a list of the time it took for police and rescue services to arrive at the scene after they were called.

In contrast to UCF's scant disclosures, Florida State University released a 407-page report on the 2001 death of linebacker Devaughn Darling. The report included questionnaires from four assistant coaches, 16 athletic trainers, and 21 players, and charts of the football players' participation in the mat drills program, including a list of student athletic trainers attending the mat-drills session the day Darling died.

The University of South Florida released 14 pages of records about the 2007 death of running back Keeley Dorsey, and the University of Florida released 10 pages on the 2001 death of fullback Eraste Autin.

Source: *Orlando Sentinel*

### Court upholds FOIA requests

WASHINGTON – The U.S. Supreme Court unanimously held agencies and courts must judge each FOIA request on its merits even when it seeks documents denied to a previous requester.

The Court held in *Taylor v. Sturgell* that the Federal Aviation Administration could not deny a request by the executive director of the Antique Aircraft Association for F-45 plane plans just because it denied another AAA member the plans earlier.

### FREEDOM OF INFORMATION

The U.S. District Court for the District of Columbia previously held that Brent Taylor could not appeal the FAA's denial because his relationship with the previous requester, Greg Herrick, was "close enough" to deny him standing. Herrick asked Taylor to file the request and hired him to fix his plane.

The Court said even if Herrick and Taylor had common interests, it did not mean Taylor agreed to be bound by the ruling in Herrick's case.

Denying the request outright, held the Court, would violate the "deep-rooted historic tradition that everyone should have his own day in court."

The Court remanded Taylor's case to determine if he acted as Herrick's agent, which could preclude his claim based on federal common law.

Source: *The Reporters Committee for Freedom of the Press and Federal Times*

## Legislature passes five new exemptions in session

TALLAHASSEE – The following five bills enacted during the 2008 legislative session create new exemptions or expand existing exemptions to the state Public Records and Open Meetings laws. The bills become law unless vetoed by Gov. Charlie Crist. Copies of the legislation are available at the Florida Legislature's Web site ([www.leg.state.fl.us](http://www.leg.state.fl.us)). Chief sponsors of the bills are in parentheses at the end of the summaries. *SB=Senate Bill; HB=House Bill; CS = Committee Substitute.*

*The following five bills create new exemptions or expand existing exemptions to the state Public Records and Open Meetings laws. The bills become law unless vetoed by Gov. Charlie Crist.*

**CS/SB 766 Exemption/Judicial and Administrative Officials:** Amends s. 119.071, F.S., creating a public record exemption for home addresses and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers, and the home addresses, telephone numbers, places of employment, and/or schools and daycare facilities of the spouses and children of the officials, if the official provides a written statement that he has made reasonable efforts to protect the information from being accessible by the public. (*Rich, D-Sunrise*) Approved by Gov. Crist May 28.

**CS/HB 863 Exemption/Direct-Support Organization/DVA:** Amends s. 292.055, F.S., creating a public records exemption for the identities of, and information about, certain donors and prospective donors to the direct-support organization of the Department of Veterans' Affairs, including those parts of direct-support organization meetings during which the donors' or potential donors' identities are discussed. (*Reagan, R-Sarasota*) Approved by Gov. Crist May 28.

**CS/HB 1141 Exemption/Sexual Violence Victim:** Amends s. 741.313, F.S., expanding exemption to include certain records and time sheets documenting leave due to acts of sexual violence, submitted to an agency by an employee who is the victim. (*Jenne, D-Davie*) Presented to Gov. Crist June 18.

**CS/SB 2610 Exemption/Organ & Tissue Donor Registry:** Creates exemption for donor-identifying information in the organ and tissue donor registry. Allows disclosure under certain circumstances to organ, tissue, and eye procurement agencies certified by the Agency for Health Care Administration or persons conducting research. (*Oelrich, R-Gainesville*) Approved by Gov. Crist June 23.

**HB 7033 Exemption/Complaint of Discrimination:** Amends s. 119.0711(1), F.S., expanding exemption for complaints and other records about discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring preferences, position classifications, salary, benefits, discipline, discharge, employee performance, evaluations, or other related activities, to any governmental agency as defined in ch. 119, F.S., until a finding is made on probable cause, the investigation about the complaint becomes inactive, or the complaint or record is made part of the official record of any hearing or court proceeding. (*H. Government Efficiency & Accountability Council and Gardiner, R-Orlando*) Approved by Gov. Crist June 10.

*The following four bills concerning Public Records and Open Meetings laws were enacted or amended during the 2008 legislative session.*

**CS/HB 1203 Interstate Compact on Educational Opportunity for Military Children:** Directs the governor to establish the Interstate Commission on Educational Opportunity for Military Children. The Commission is subject to Florida's open government laws with some notable exceptions. (*Proctor, R-St. Augustine*) Approved by Gov. Crist June 23.

**CS/SB 1442 Exploited Children:** Amends s. 92.56, F.S., permitting use of a pseudonym, including in civil or criminal proceedings, to refer to the victim of the crime of production, possession, or promotion of child pornography. Amends s. 847.002, requiring law enforcement officers in certain circumstances to provide information to the National Center for Missing and Exploited Children, prosecutors, and the Attorney General's

database. (*Dockery, R-Lakeland*) Approved by Gov. Crist June 17.

**CS/SB 1616 Weapon & Firearm Licenses/Interagency Data Sharing:** Amends s. 790.065, F.S., authorizing Department of Law Enforcement to provide data collected from court records to the Department of Agriculture and Consumer Services to determine eligibility for concealed weapon and firearm licenses for a legally-incapacitated person or a person committed to a mental institution. (*S. Committee on Criminal Justice*) Approved by Gov. Crist May 28.

**CS/SB 2676 Citizens' Right-to-Know Act/Pretrial Release:** Requires register of information about defendants released through pretrial release programs be created and made available to the public and requires the programs to submit an annual report to the Office of the State Courts Administrator and the Clerk of the Circuit Court. (*Crist, R-Tampa*) Approved by Gov. Crist June 23.

*The following six exemptions were reenacted during the 2008 session under the Open Government Sunset Review Act.*

**CS/SB 1042 OGSR/Putative Father Registry:** Reenacts and amends s. 63.0541, F.S., providing an exemption for information contained in the Florida Putative Father Registry. Narrows exemption to allow access by the birth mother to any registry entry in which she is identified upon receipt of notarized request. (*S. Children, Family, and Elder Affairs Committee*) Approved by Gov. Crist June 17.

**SB 1046 OGSR/Foster Parents:** Reenacts and amends s. 409.175, F.S., narrowing exemption for information held by the Department of Children and Family Services regarding foster parent applications, foster parents, and persons providing character or neighbor references. Removes exemption for social security numbers. (*S. Children, Family, and Elder Affairs Committee*) Approved by Gov. Crist June 17.

**CS/SB 1618 OGSR/Victims of Child Abuse or Sex Crimes:** Reenacts and amends s. 119.071(2)(h), F.S., providing an exemption for information,

including still and video images, regarding victims of child abuse or sexual offense, and expanding exemption to include sexual offenses prohibited under provisions for prostitution and obscenity, ch. 796 and 847, F.S. Creates exception for law enforcement and other government agencies and for the media if a law enforcement agency believes disclosure would help locate a missing or endangered person. Amends s. 92.56, F.S., requiring exempt status to be maintained in court records and proceedings under certain circumstances. Amends 119.0714, F.S., creating exemption for confidential and exempt criminal intelligence information or investigative information part of a court file. Amends 794.03, F.S., allowing publication of information about sexual offense victim if a court determines the information is no longer confidential and exempt. (*S. Committee on Criminal Justice*) Presented to Gov. Crist June 19.

**CS/SB 1630 OGSR/Department of Agriculture & Consumer Services:** Reenacts and amends s. 500.148, F.S., providing exemption for confidential information provided to the Department of Agriculture and Consumer Services during investigation on food safety or food-borne illness, as a requirement for federal-state contract or partnership activity, or for regulatory review. (*S. Committee on Agriculture*) Approved by Gov. Crist June 23.

**HB 7053 OGSR/Florida Kidcare Program:** Reenacts and amends s.

409.821, F.S., reorganizing exemption and authorizing release of Florida Kidcare program applicant or enrollee information to any governmental entity in the performance of its official duties and to the legal guardian of an enrollee. (*H. Government Efficiency & Accountability Council and Gardiner, R-Orlando*) Approved by Gov. Crist June 10.

*The following bills were introduced during the 2008 session but were not passed.*

- SB 102** – Exemption/Juvenile Blood Test Results
- SB 122, HB 7117** – Criminal Use of Personal ID Information
- HB 181, CS/SB 392** – Government Agency Spending Disclosure
- SB 250** – Expunction of Criminal Records
- HB 327, SB 2770** – Exemption/Security Videos
- SB 356** – Exemption/Donor Identities – Public Buildings
- HB 373** – Sealing Criminal History Records
- SB 418** – Exemption/Alternative Energy Center
- SB 468** – Fingerprinting – Childcare Personnel
- SB 506** – Juvenile Arrest Records
- CS/HB 637, CS/SB 1998** – Electronic Health Records
- HB 759** – Exemption/Personal Identifying Information
- SB 806** – Exemption/Investigations – Seaport Security
- SB 822, CS/HB 1061** – Ad Valorem Tax

- Data
- SB 870** – Domestic Violence Injunctions
- HB 947, SB 1244** – Political Advertisements
- CS/HB 965, SB 1660** – Exemption/Home Addresses – EMTs
- CS/HB 991, SB 2276** – Vox Populi/Public Participation at Public Meetings
- SB 1044** – Child Abuse Reports
- HB 1051, SB 2380** – Exemption/Investigative Records – State Fire Marshall
- HB 1389** – Expunging Criminal History Records
- SB 1390** – Exemption/Pharmaceutical Sales
- HB 1403** – Exemption/Assisted Living Facility Residents
- HB 1407** – Concealed Weapon Permits
- CS/HB 1467, CS/SB 2762** – Confidential Records – DCFS
- CS/HB 1487** – Exemption/Identity of Organ Donors
- SB 1510** – Exemption/Pending Legislation
- HB 1537, SB 2240** – Voting Rights
- SB 2008** – Improving Access to Public Records
- SB 2038** – Exemption/Investigative Reports – DFS
- SB 2254** – Criminal History Records/Expunction and Sealing
- SB 2450** – Financial Disclosures/Elected Officers
- SB 2824** – Exemption/Florida Combustion Center
- HB 7089** – Exemption/Juvenile Criminal History Records
- HB 7149** – Information Technology/Public Records

## ACCESS RECORDS CONTINUED

### Wrestler's son sues, claiming release of prison calls and video threatened civil lawsuit defense

CLEARWATER – The incarcerated son of former professional wrestler Hulk Hogan sued the Pinellas County Sheriff's Office for releasing more than 20 hours of recordings of his private telephone conversations and video footage of his family visiting him in jail.

Nick Bollea alleged the releases caused him "extreme emotional distress," according to *The Tampa Tribune*.

Sheriff Jim Coats released the records after the media requested them.

The lawsuit requests that Coats stop allowing television crews to videotape Bollea and his family as they talk on a

video monitor in the jail's visitor's center and stop releasing telephone conversations and surveillance video of the family entering the center.

Bollea's telephone conversations complain about his cramped cell and his belief that his attorney thought Bollea would be placed in a minimum-security setting, according to *The Tribune*.

He was sentenced as an adult to eight months in prison for felony reckless driving after a crash left his friend, John Graziano, in critical condition.

Bollea's attorneys say the release of this information hurts his ability to defend

himself in a civil lawsuit brought by Graziano's guardian.

Bollea's attorneys argue that the release should be prohibited because he is still a minor. The Sheriff's Office says that laws regarding the release of minors' information do not apply to Bollea because he was sentenced as an adult, according to *The Tribune*.

The Sheriff's Office has stopped releasing recordings to the media temporarily because the matter is now in litigation, said sheriff's spokesperson Cecilia Barreda, according to *The Tribune*.

Source: *The Tampa Tribune*

## Jury finds material obscene

TAMPA – Twelve federal jurors found that graphic and violent pornographic films violated community obscenity standards.

The jurors watched 8 1/2 hours of “extreme pornography,” involving an adult film producer billed as “Max Hardcore,” according to the *St. Petersburg Times*.

After two weeks of trial and nearly 12 hours of deliberation, the jury convicted the producer, whose real name is Paul F. Little, of Altadena, Calif., and his company, MaxWorld Entertainment Inc., of 10 counts of selling obscene material via the internet and 10 counts of shipping it to Tampa through the U.S. mail. Little was also ordered to turn over three adult websites selling MaxWorld films.

Little’s videos were distributed by

Jaded Video, a California distributor, over the web. Little argued that he had no knowledge or control over that process, according to the *Times*. U.S. District Judge Susan C. Bucklew instructed jurors that someone can be guilty if, in the ordinary course of business, he performs an act for which using the mail is reasonably foreseeable, according to the *Times*.

Little faces a maximum of five years in prison for each conviction when he is sentenced on September 5. Little and MaxWorld each face fines of \$250,000.

Commenting on the decision, MaxWorld attorney Louis Sirkin remarked, “We believe in freedom of speech, and this is a setback,” according to the *Times*.

Source: *St. Petersburg Times*

## Court grants inmates access to newsletter critical of prisons

MADISON, Wis. – A federal judge ruled that prison inmates have a First Amendment right to read material that is critical of prison policies and the parole board.

U.S. District Judge Barbara Crabb held that prisoners could read *The New Abolitionist*, a newsletter critical of Wisconsin prisons and distributed to 1,100 inmates.

The Wisconsin Department of Corrections blocked delivery of the newsletter because of concerns it would make inmates distrust security guards and

lose hope.

Inmate Lorenzo Johnson filed a lawsuit claiming that the blockage violated his First Amendment rights.

Crabb agreed that the department had no legitimate reason to stop delivery. About the newsletter’s advocating nonviolent action to effect change in the system, she said the department “may prefer that such activities not take place, but [it has] no legitimate basis for preventing them,” according to *The Associated Press*.

Source: *The Associated Press*

## Yoko Ono challenge fails

NEW YORK – A federal court refused to grant Yoko Ono’s request for a preliminary injunction to prevent John Lennon’s song “Imagine” from being used in an anti-evolution film.

Ono sued the makers of “Expelled: No Intelligence Allowed” for using 15 seconds of the song without permission.

## COPYRIGHT

U.S. District Judge Sidney Stein said if the case went to trial, the filmmakers would likely win based on the fair-use doctrine. Stein said using “a copyrighted work for the purposes of criticism and commentary is not an infringement of copyright.”

The filmmakers’ lawyer, Anthony T. Falzone, said the case raised free-speech issues and Ono was “literally asking the judge to censor the film,” according to *The Associated Press*.

“The decision weakens the rights of all copyright owners,” according to a statement by Ono’s attorney, Peter Shukat, to the *Deseret News*.

“Expelled” defends intelligent design, the theory that the universe is too complex to be explained by evolution, said *The Press*.

Ono plans to appeal.

Source: *The Associated Press and Deseret News*

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## PRIVACY CONTINUED

## Surveillance impact uncertain

WASHINGTON – While the government has stepped up its wiretapping activities and increased its viewing of citizens’ financial and other personal records since September 2001, the number of terrorism prosecutions ending up in court has declined.

Civil liberties groups and legal scholars worry that this trend may show the government has compromised citizens’ privacy without much to show for it, according to the *Los Angeles Times*.

A recent survey showed the Justice Department initiated 50 percent fewer national security cases in 2007 than 2002, according to reports in the *Times*.

The number of cases decreased over 19 percent last year alone.

Yet the number of warrant requests approved by the Foreign Intelligence Surveillance Court doubled from 2001 to 2007, and the Justice Department issued nine percent more warrants in 2007 than 2006, according to reports in the *Times*.

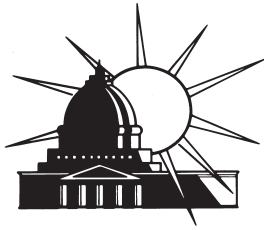
A former Bush White House national security adviser said the investigations are still useful. “It suggests that these investigations may be leading to other forms of prevention and protection,” said Thomas Newcomb, according to the *Times*.

Source: *Los Angeles Times*

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## Legislature enacts fewest exemptions in decade

“A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both.” – James Madison

If you tuned in to the 2008 legislative session, you likely noticed discussion centered largely on budget cuts, the economy, energy, autism, and abortion. You also may have heard a little bit of dialogue on open government.

Our constitutional right of access to government records and meetings is frequently assaulted during the legislative session and, as always, the First Amendment Foundation was ready. Each session, the Foundation monitors hundreds of proposed bills that affect open government. Most of the bills we track create exceptions to the public records and government meetings laws – which can prevent the public from accessing information about critical public issues such as budget

### The Back Page

By *Adria Harper*

are unjustified, only serving to promote government’s ability to operate in the dark or protect private interests. On one level, this year was no different – nearly 100 proposed bills would affect open government, mostly by creating new exemptions. This year was remarkable, though, in that most of the proposed exemption bills stalled, and only a small handful passed. A rundown of the highlights:

Approximately 89 bills were filed during the 2008 Session, covering a wide range of open-government issues, including at least 32 proposed exemptions limiting the public’s right of access to government records or meetings.

The following legislation did not pass, but could be considered next session.

**The Good:** HB 991, SB 2276 – These bills would have guaranteed citizen participation in public meetings, including items not on the agenda - a huge step in the right direction. However, local government representatives raised concerns and the legislation did not pass.

HB 181, SB 392 – These required the Department of State to create and manage a website disclosing government expenditures. However, they also failed to pass.

HB 1467, SB 2762 – The legislation required the Department



*Adria Harper*

of Children and Families to provide every child under the supervision or custody of DCF a complete and accurate copy of his or her entire case file at no cost. The legislation would have also allowed DCF to release investigative records if the department secretary determined that disclosure of such records was in the public interest. The legislation did not pass.

**The Bad:** HB 759 – This bill would have created a public-records exemption for all personal identifying information in any public record held by any agency.

The proposed exemption defined personal identification information very broadly – such as an individual’s name, home address, e-mail address, and telephone number. HB 759 is an example of legislation we see frequently where the intent may seem innocuous, but the constitutional and practical implications would have been immense. The bill had no Senate companion and was never heard by any committee of reference.

SB 1510 – This would have expanded the public-meetings exemption to allow government officers to meet behind closed doors with an attorney to discuss not only pending litigation but also potential litigation – a huge expansion from the exemption currently provided by s. 286.011, F.S. The legislation died.

**The Result:** By the close of the 2008 Session, three new public record exemptions had been enacted, all relatively minor. This is the smallest number of new exemptions created since 1995 when the Foundation started tracking numbers. Also of interest, an exemption for insurance company rate methodology information subject to sunset review wasn’t reenacted, which means the exemption will “sunset” on October 2.

So we close on a positive note this year, thanks in large measure to the efforts and leadership of open-government advocates House Minority Leader Representative Dan Gelber and Representative Jack Seiler, as well as the continuing efforts of Gov. Charlie Crist, who has tirelessly promoted the importance of open government through such Sunshine initiatives as the Office of Open Government and the Commission on Open Government Reform. Is it a sea of change? Hopefully. But don’t rest easy – there’s always next year.

*Adria Harper is director of the First Amendment Foundation in Tallahassee, Fla. A list of all open government bills, and a synopsis of each bill considered during the 2008 legislative session, is available on the First Amendment Foundation’s Web site, [www.floridafaf.org](http://www.floridafaf.org).*