
THE BRECHNER REPORT

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Lawmakers propose Sunshine exemptions

TALLAHASSEE – Lawmakers have proposed several exemptions to Florida’s Sunshine and Public Records laws, according to the Tallahassee Democrat.

One proposed exemption, HB 115, would allow university foundations and other university support organizations to meet and discuss donations in private, the Democrat reported. An exemption already exists for donors who wish to remain private, but this exemption extends that protection to discussions at meetings.

HB 135 would alter the Sunshine and Public Records laws for presidential searches at universities, according to the Democrat.

SB 538 would make taxpayer email addresses private under certain circumstances, the Democrat reported. SB 538 passed unanimously in a Senate committee vote. Sen. Jack Latvala,

R-Clearwater, sponsored the bill to prevent potential identity theft that can stem from public records requests of taxpayer email addresses, according to the Democrat.

Rep. Janet Cruz, D-Tampa, filed HB 481, which would keep voter information like birth dates, party affiliations and addresses of voters out of public records, the Tampa Bay Times reported.

This information is routinely used by the media and election supervisors to verify someone’s identity, according to the Times. The First Amendment

Foundation expressed concerns over the bill, which would limit the information available to legally identify people.

Cruz said that she proposed the bill to alleviate privacy concerns, according to the Times. The bill would keep voters’ age public but their dates of birth would be private.

Rep. Carlos Trujillo, R-Miami, proposed HB 265, which would ban the release of mug shots until an individual is convicted of a crime, the Bradenton Herald reported.

Trujillo said he introduced the bill to attempt to shut down websites that publish mug shots and offer to remove them for a fee, the Herald reported.

Source: Tallahassee Democrat, Tampa Bay Times, Bradenton Herald

**ACCESS
RECORDS**

University faces suit from student journalists

ORLANDO – Student journalists at the University of Central Florida (UCF) are suing the university for allegedly violating Florida’s Public Records Law and the Sunshine Law, according to The Ledger (Lakeland).

The student newspaper, Knight News Inc., claims that the university refused to allow its journalists access to disciplinary hearings involving Greek organizations, The Ledger reported. Knight News also alleges that the

university denied many public records requests regarding student government and other university activities.

The suit was originally filed in February 2013 by Knight News, according to the paper. UCF argues that its disciplinary board is not subject to the Sunshine Law and had given all the information it was legally allowed

to give under the Family Educational Rights and Privacy Act.

Circuit Judge Patricia Doherty denied UCF’s initial motion to dismiss the suit and ordered UCF to either produce the records or prove why they were exempt from producing the records, the paper reported. UCF filed another motion for summary judgment.

Source: The Ledger (Lakeland)

**OPEN
GOVERNMENT**

Investigation delays toll authority hire

ORLANDO – State Attorney Jeff Ashton asked the Orlando-Orange County Expressway Authority to delay hiring a new executive director due to a pending investigation from his office, according to the Orlando Sentinel.

**ACCESS
MEETINGS**

The agency hired former Rep. Steve Precourt as the executive director, but Precourt turned down the position after his proposed contract was modified following the investigation, the Sentinel reported.

The toll agency offered Precourt a month-to-month contract following Ashton’s

request to delay filling the position.

The state attorney’s office is investigating whether some of the toll agency’s board members violated the Sunshine Law by discussing the dismissal of the former director in private, according to the paper.

Source: Orlando Sentinel

Hearing held on records case

BREVARD COUNTY – The Economic Development Commission of Florida’s Space Coast (EDC) argued that it is a private agency at a hearing regarding whether EDC documents should be considered public records, according to Florida Today.

Brevard County Clerk of Court Scott Ellis argued that since the EDC receives funding from the county, the agency should be subject to public records requests, the paper reported.

The hearing is part of a larger lawsuit initiated by Ellis when the EDC would not

produce some files Ellis requested related to its business with technology company BlueWare Inc., according to the paper. The hearing was conducted to determine whether Florida’s Public Records Law applies to the EDC.

The parties submitted written closing arguments to Circuit Judge John Dean Moxley, the paper reported. These arguments are likely the last step before Moxley makes a ruling on whether the EDC must comply with public records requests.

Source: Florida Today

Clerk cleared in investigation

OSCEOLA COUNTY – The Florida Department of Law Enforcement (FDLE) and the state attorney’s office cleared Osceola County Clerk of Courts Armando Ramirez of criminal wrongdoing, according to the Orlando Sentinel.

State Attorney Jeff Ashton said there was insufficient evidence to charge Ramirez with any of the criminal charges alleged against him, the paper reported. The FDLE launched an investigation of Ramirez’s office when several employees

in his office resigned or were fired and were replaced by his supporters, according to the paper.

Ramirez was accused of several public records violations, including asking an employee to delete emails from the server and instructing an employee to use her personal email account, according to the paper. Ramirez was also accused of withholding employee surveys requested by the Orlando Sentinel.

Source: Orlando Sentinel

FOIA groups hold meeting for vision, improvement

WASHINGTON, D.C. – OpenTheGovernment.org held a meeting with representatives of organizations that interact with the Office of Government Information Services (OGIS) to help develop suggestions and future expectations for OGIS, according to OpenTheGovernment.org.

Among the suggestions discussed at the meeting were setting standards on how to enforce government agency responses to Freedom of Information Act (FOIA) requests, the need for OGIS to serve as a mediator in FOIA request conflicts, and possible ways to facilitate more requesters who come to OGIS for help.

FREEDOM OF INFORMATION

OpenTheGovernment.org also suggested working with government agencies to identify similar problems within a particular agency and bringing together groups of requestors who have experienced similar problems to better solve requesting issues.

Outreach suggestions included the use of social media, development of FOIA websites, and holding more speeches, presentations, and discussions with the public and agency officials alike.

The Office of Government Information Services was established by the OPEN Government Act of 2007. According to its website, “OGIS serves as a bridge between requesters and agencies, particularly in situations where clear, direct communication has been lacking.”

Source: OpenTheGovernment.org, ogis.archives.gov/about-ogis.htm

Brechner Award submissions

The Brechner Center sponsors an annual \$3,000 cash award recognizing excellence in reporting about freedom of information, access to government-held information, or the First Amendment.

The annual deadline for entries is March 15. Articles or a series of articles strictly related to these topics and published in a general circulation publication will meet contest eligibility. This precludes law journals but would include a newspaper’s Sunday supplement magazine.

Articles for submission should be about freedom of information and not investigative reports about other subjects that were based on information gathered through the Freedom of Information Act or similar legislation.

In order to qualify, investigative reports that used open government laws in the reporting process must also discuss problems or issues related to freedom of information. Articles about secrecy in government qualify.

There is no entry form. However, we require five original tear sheets or suitable copies. Entries should be mailed to the attention of Sandra F.

Chance, Executive Director of the Brechner Center for Freedom of Information, 3208

Weimer Hall, P.O. Box 118400, University of Florida, Gainesville, FL 32611-8400. Please include a letter explaining the circumstances under which the entries were written and any results of the published stories.

If you have any questions about the award, please call (352) 392-2273.

FREEDOM OF INFORMATION

Federal court rules food stamp data available

SIOUX FALLS, S.D. – The 8th Circuit Court of Appeals ruled that the U.S. Department of Agriculture (USDA) cannot use a Freedom of Information Act (FOIA) exemption for food stamp data, according to USA Today.

FREEDOM OF INFORMATION

The lawsuit stems from a South Dakota newspaper's request for information on payments from the federal government to businesses that participate in the food stamp program, USA Today reported.

The USDA argued that a FOIA exemption that protected business application information from disclosure also applied to the amount the businesses received for participating in the program, according to USA Today. The appeals court ruled that the exemption did not apply.

Source: USA Today

Port St. Lucie faces civil suit

PORT ST. LUCIE – A government watchdog group filed a lawsuit against the city of Port St. Lucie alleging city officials violated Florida's Sunshine Law, according to the Scripps Treasure Coast Newspapers.

Nonprofit group Transparency for Florida alleges that Mayor JoAnn Faiella, City Attorney Roger Orr, and city council members Ron Bowen and Shannon Martin conspired to violate the Sunshine Law, according to the complaint. Transparency for Florida wants the city to void the decision to fire City Manager Greg Oravec.

Transparency for Florida claims private discussions to fire Oravec violated the Sunshine Law, according to the complaint.

They allege that Faiella, Bowen and Martin used Orr as an intermediary to discuss Oravec's dismissal in private. The complaint also claims that the officials destroyed public records to hide the conspiracy.

This suit is separate from the criminal charges filed against the officials by the state attorney. Bowen was charged with a second-degree misdemeanor for private discussions relating to Oravec's dismissal, the paper reported. Faiella and Martin were also charged with civil infractions for destroying public records, according to the paper.

Source: Scripps Treasure Coast Newspapers, Transparency for Florida v. City of Port St. Lucie et al.

Groveland investigation ends

GROVELAND – The Florida Department of Law Enforcement (FDLE) concluded their investigation of city officials in Groveland, according to The Daily Commercial (Leesburg).

The FDLE determined that the allegations were serious enough to warrant an investigation, but they could not establish enough to support criminal charges, the paper reported.

The FDLE had been investigating former mayor James Gearhart and other city officials for five months, the paper

reported. The investigation focused on several claims, including several alleged violations of the Sunshine and Public Records laws.

Gearhart and Vice Mayor Tim Loucks allegedly discussed Groveland's potential transfer of police dispatching services with police Sgt. George "Scott" Penvose in a grocery store parking lot, which would be a violation of the Sunshine Law, according to the paper.

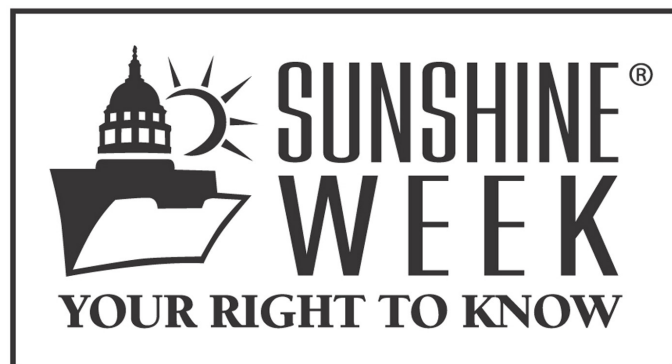
Source: The Daily Commercial (Leesburg)

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Brechner Center for Freedom of Information
3208 Weimer Hall, P.O. Box 118400
College of Journalism and Communications
University of Florida, Gainesville, FL 32611-8400
<http://www.brechner.org>
e-mail: brechnerreport@jou.ufl.edu

Sandra F. Chance, J.D., Exec. Director/Exec. Editor
Sarah Papadelias, Editor
Alana Kolifrath, Production Coordinator

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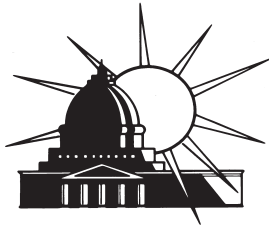
Sunshine Week, a national initiative to promote a dialogue about the importance of open government and freedom of information is March 16-22, 2014. Show your support for open government by asking elected officials to sign the Brechner Center's Open Government Pledge. To learn more about the program and download the pledge, visit www.brechner.org.

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University of Florida
Brechtner Center for Freedom of Information
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FLORIDA

Sign the open government pledge for National FOI Day

Are you a public official in the state of Florida? Do you represent the people of Florida in Washington, D.C.? Have you signed the Open Government Pledge?

As an official in Florida, you're already required to comply with the state's Open Meetings and Public Records laws. By signing the Open Government Pledge, you can demonstrate your commitment to the values of open government.

Are you a concerned citizen in Florida who wants to ensure your public officials are committed to openness and transparency? Check to see if they've signed the pledge. If they haven't, encourage them to contact us and get their name added to our list.

Contact the Brechtner Center for Freedom of Information (352-392-2273) for further information or to get your name added to the list, available at: www.brechtner.org.

Officials who have signed the pledge:

Senators and Representatives

Tom Rooney, U.S. Representative
Eleanor Sobel, State Senator
Jim Waldman, State Representative
Lori Berman, State Representative
Evan Jenne, State Representative
John Patrick Julien, State Representative
Jason Brodeur, State Representative
Dwight Bullard, State Representative
Debbie Mayfield, State Representative
Marti Coley, State Representative
Jeff Clemens, State Representative
William Weatherford, State Representative
Fred Costello, State Representative
Darren Soto, State Representative

County Commissioners

Fred Hawkins Jr, Commissioner, Osceola County
Mark Miner, County Commissioner, St. Johns County
Paulette Burdick, Commissioner, Palm Beach County
Don Elwell, Commissioner, Highlands County

Mayors

Harley Strickland, Mayor, Orange City
Robert Apgar, Mayor, City of Deland
Ann Robbins, Vice Mayor, Lake Helen
Jeff Triplett, Mayor, Sanford
Patty Mahany, Vice Mayor, Sanford
Buddy Snowden, Mayor, Lake Helen
Dominic Persampiere, Mayor, Oviedo
James Cason, Mayor, Coral Gables
Matthew Surrency, Mayor, Hawthorne

Open Government Pledge

I believe that open and transparent government is essential to our democracy. Florida's citizens have both constitutional and statutory guarantees of access to government records and meetings, and access to this information is vital for citizens to exercise their political power.

I pledge to abide by the spirit and letter of Florida's Public Records and Open Meetings Laws. I will also uphold citizens' constitutional right of access as established by the Florida Constitution. I will make diligent efforts to ensure that my employees and colleagues understand and promote compliance with open government laws.

Further, I agree to use mobile electronic communications or social media for public business only if proper systems are in place to capture and retain these public records. I will also support efforts to place government information online whenever possible in order to facilitate access for Florida citizens.

Dan Calabria, Mayor, South Pasadena
City and County Officials
Mark McCarty, Commissioner, Sanford
Velma Williams, Commissioner, Sanford
Randy Jones, Commissioner, Sanford
Vernon Burton, Commissioner, Lake Helen
Rick Basso, Commissioner, Lake Helen

Cameron Lane, Commissioner, Lake Helen
Fred Lowry, Jr., Commissioner, Deltona
Zenaida Denizac, Commissioner, Deltona
Jerry Gemske, Commissioner, Kissimmee
Susan Doerner, Commissioner, Casselberry
John B. Sims III, Commissioner, Cooper City
Herbert S. Zischkau III, Commissioner, Deltona
Anthony Pupello, Council Member, Orange City
Cindy Drago, Councilwoman, Oviedo
Russell Holmes, City Council, St. Cloud
Kimberly Prosser, City Council, City of Rockledge
James O'Brien, Town Council, Windermere
Peter Brandt, City Council, Cape Coral
Joel Tyson, City Council, Fellsmere
Jim Love, City Council, Jacksonville
Diane Smith, Volusia County School Board Member
Candace Lankford, Volusia County School Board, Dist.
Tina Calderone, School Board Member, Seminole County
Malcom Thompson, Clerk of the Court, Osceola County
Gwen Keough-Johns, City Clerk, Mount Dora
Daniel Barrett, Candidate for Commissioner, Cooper City
Tony Ferentinos, Soil and Water Conservation District, Osceola County
K. Richard Blount, Chairman, Alachua County Housing Authority