

THE BRECHNER REPORT

Volume 21, Number 10 ■ A monthly report of mass media law in Florida

Published by The Brechner Center for Freedom of Information ■ College of Journalism and Communications ■ University of Florida

October 2003

Lawsuit seeks to open meetings

CITRUS COUNTY—Two Citrus County property owners have filed a lawsuit against Florida's Department of Transportation secretary in an attempt to open public meetings between several government agencies discussing options for a proposed Citrus extension of the Suncoast Parkway.

The Florida Turnpike Authority established a group, named the Environmental Resource and Regulatory Agency Group, which is composed of representatives of 10 governmental agencies to meet regularly and discuss issues concerning the parkway.

ACCESS MEETINGS

The lawsuit filed by Robert R. Roscow and Teddi Bierly claims that the group operates as a "board of commission" under state transportation Secretary Jose Abreu. As a result, they believe the group's meetings should be open to the public.

Bierly said citizens are unable to make informed decisions about where the parkway should go if they are precluded from attending the group's meetings. "The Turnpike Authority has taken our agencies that protect our wildlife and our lands and they're meeting secretly with them," Bierly said.

The suit is seeking a permanent injunction that would require future meetings to be held in compliance with Florida's Open Meetings Law. (9/3/03)

SPECIAL REPORT

A review of open government legislation voted on by the Florida Legislature during the 2003 session, p. 3-5.

State Supreme Court rules personal employee e-mails are not public

TALLAHASSEE—The Florida Supreme Court has upheld a lower court's decision that personal e-mails contained in city computers fall outside the definition of public records because they are not connected to official city business.

The Times Publishing Company sued the City of Clearwater after requesting all e-mails either sent or received by two city employees over the city's computer network between Oct. 1, 1999 and Oct. 6, 2000.

The city allowed the employees to determine which e-mails were "public" and which were "private." The city then released the "public" ones. Times Publishing Company sought a temporary injunction and an order to make every e-mail available.

A trial court denied the company injunctive relief. The 2nd District Court of Appeals upheld the trial court's decision, stating that "personal" or "private" e-mails are not considered public records.

ACCESS RECORDS

The state attorney general joined the suit, stating that the matter was of statewide importance, and the case was put before the state Supreme Court.

The Supreme Court agreed with the District Court, rejecting the Times' argument that placement of e-mails on the city's computer network makes them public record, regardless of their content or intended purpose. The Court also rejected the Attorney General's argument that the headers created by e-mails

when they are sent are similar to phone records or mail logs, both of which are subject to public record laws.

"...[W]e conclude that 'personal' e-mails are not 'made or received pursuant to law or ordinance or in connection with the transaction of official business' and, therefore, do not fall within the definition of public records in section 119.011(1) by virtue of their placement on a government-owned computer system," the court held. (9/11/03)

Attorney attempts to seal court records

NAPLES—An attorney defending a North Naples man charged with fatally stabbing his wife has filed a motion to seal court records pertaining to defense costs to avoid disclosing trial strategies to the prosecution.

The defendant, David Vahlkamp, has been declared financially indigent for the costs of his defense, which means any defense costs, other than attorney's fees, must be paid for by Collier County taxpayers.

Defense attorney Steve Grogoza argues that disclosure of the records would give away defense strategies to

the prosecution, such as the use of any experts or testing.

If Grogoza's request is granted, the public could not view the records.

Grogoza also said he recognized that the information is considered a public record because taxpayer money is used to pay the costs, but he said it would be unsealed when the trial is concluded.

Assistant State Attorney Christine Greider, who is prosecuting the case, said she will object to the proposal and has legal grounds to counter Grogoza's request. (8/15/03)

ACCESS RECORDS

Taxpayer sues fire district

NAPLES – A North Naples taxpayer is suing the North Naples Fire District and Fire Chief James Tobin, alleging Tobin violated the Sunshine Law when he met behind closed doors to discuss his severance package for \$300,000.

The five-member fire commission sent Commissioner Ed Maguire, Tobin and attorneys for both sides to the closed meeting held Aug. 29. At the meeting, Tobin agreed to leave his \$94,000-a-year job in exchange for a \$300,000 severance package.

Janet Vasey filed suit, claiming the meeting should have been open to the public. A judge placed an injunction on Tobin's first \$150,000 installment, preventing the fire department from distributing money.

"The commission filed a resolution to send in a negotiation team – that's an official act," said Vasey's attorney, Fred Hardt. "You can't have a negotiation in private. It has to be a duly noticed meeting and it has to be open to the public. A record has to be made like any other public meeting."

Attorney Ray Bass, representing Tobin, maintains that because only one fire commissioner attended the closed-door meeting with Tobin and lawyers for both sides, there was no violation of the Sunshine Law. (8/16/03)

DECISIONS ON FILE

Copies of case opinions, Florida Attorney General opinions, or legislation reported in any issue as "on file" may be obtained upon request from the Brechner Center for Freedom of Information, College of Journalism and Communications, 3208 Weimer Hall, P.O. Box 118400, University of Florida, Gainesville, FL 32611-8400, (352) 392-2273.

AGO: Extraordinary circumstances for absent members to participate

TALLAHASSEE – Florida Attorney General Charlie Crist has issued an advisory legal opinion (AGO 2003-41) on the topic of participation of a board member at a meeting by means of telephone when a quorum of board members are physically present without violating the Sunshine Law.

Chair of the Tampa Human Rights Board, Sidney R. Payne, presented the question of whether a board member who could not physically attend a meeting due to a scheduling conflict could participate over the telephone.

The opinion stated that in the past, the Attorney General's Office has assisted local governmental boards or commissions with participation of non-present members through the use of telecommunications media in compliance with the Sunshine Law. In 1992, the office concluded that a commissioner

who could not attend a meeting due to medical treatment could participate with the use of an interactive video and telephone system that allowed her to see other members of the commission and the audience and them to see her.

Similar opinions in 1998 and 2002 said that members unable to attend could participate through electronic media technology as long as a quorum of members were physically present at the meeting site, and when the absence is due to extraordinary circumstances such as illness.

The attorney general concluded that it was up to the Human Rights Board to determine whether the scheduling conflict in question constitutes an extraordinary circumstance, and therefore if the member should be able to participate in the meeting via telephone. (9/3/03)

FIRST AMENDMENT

Court throws out defamation judgement

SEWALL'S POINT – A three-judge appellate panel has ruled that the phrase "Hillbilly Hellhole" is protected under the First Amendment, throwing out a jury verdict and a \$50,000 judgment for defamation and invasion of privacy.

Blaine and Sally Rhodes sued the town of Sewall's Point after a photo of their home with the caption "Our View of the Hillbilly Hellhole" was displayed in Town Hall for one day in December 1998. The couple charged the town with defamation and invasion of privacy.

A jury awarded the couple a \$50,000 judgment last year. The 4th District Court of Appeal threw out the judgment, noting that the Rhodes' testimony in court agreed that the photo "was an accurate depiction of their back yard."

The caption was "pure opinion" and is, therefore, protected by the First Amendment.

"The caption is nothing more than...commentary on the facts presented in the photograph," the judges ruled. (8/28/03)

NEWS NOTES

Brechner Report available online

GAINESVILLE – Current and past issues of the monthly Brechner Report publication are available at the Brechner Center for Freedom of Information's new Web site, located at www.brechner.org.

The Brechner Report is also available for electronic delivery for readers wishing to receive the report in an e-mail each month. To receive an electronic copy of the report, please send an e-mail request to brechnerreport@jou.ufl.edu, or call the

center at 352-392-2273.

The updated Web site includes a citizen's guide for accessing government records, as well as numerous access and freedom of information resources. The site also contains a link to the Marion Brechner Citizen Access Project, which provides government access information and statistics for all 50 states.

The Brechner Center thanks Nicholas Ward for his work developing the new site.

Papersues mayor for impeding access

BELLEAIR BEACH—A weekly newspaper has filed a lawsuit against Belleair Beach Mayor Mike Kelly, alleging he prevented distribution of the paper as well as restricting a reporter's access to public documents.

The lawsuit states that Kelly allegedly ordered a city hall employee to throw away copies of the weekly *Clearwater Gazette & Beach Views* newspaper because he "disagreed with or objected to article(s) regarding his city."

Kelly denies that he ordered the removal of the papers. An attorney for the newspaper, Bob Walker, said the editor of the *Gazette* has two eye witnesses, including an elected official, who overheard the mayor's order.

The *Gazette* also asserts that the city

has made it difficult to retrieve public records. According to a memo Kelly wrote to staff members, he reminded them of the city policy that all media inquires be directed to his office. The *Gazette* points out, however, that it is the city clerk's responsibility to respond to records requests without needing the mayor's cooperation or knowledge. The lawsuit claims that Kelly's intervention in a public records request delayed the action by 10 days.

Other ways in which the *Gazette* claims the city has made public record retrieval difficult includes a \$5 administrative fee that was charged to a reporter and then later refunded, and a "public records request" form for citizens and reporters to fill out. (8/31/03)

New legislation counters Patriot Act

WASHINGTON – A senate bill has been introduced to take aim at a section of the U.S. Patriot Act which gives the government access to personal data.

The bill, the "Library and Personal Records Privacy Act," was introduced by Sen. Russell Feingold (D-WI) in an

PRIVACY

articulable facts" that an individual be suspected of being "an agent of a foreign

establishments from telling patrons if their records have been reviewed by law enforcement officials.

The new bill would require the government to show "specific and articulable facts" that an individual be suspected of being "an agent of a foreign power."

"So, under my bill, the FBI can still obtain documents that it legitimately needs, but my bill would also protect the privacy of law-abiding Americans," Feingold said.

"What we choose to read or view on the Internet should not be the government's concern," said Timothy H. Edgar, an ACLU Legislative Counsel. "Libraries under the Patriot Act cease to be a forum for open discussion and a fountain of unfettered information." (7/31/03-8/14/03)

attempt to require the government to show some suspicion of an individual before obtaining their personal, library and bookstore records.

Section 215 of the current Patriot Act grants law enforcement agencies the ability to obtain a court order to access any records or "tangible thing" from libraries, booksellers, doctors, financial institutions and Internet service providers without needing an ordinary criminal subpoena or search warrant, and without probable cause.

The provision also prevents

LEGISLATIVE REVIEW

TALLAHASSEE - The following are new exemptions to the state Public Records/Open Meetings laws enacted during the 2003 legislative sessions.

Copies of the legislation are available at the Florida's Legislature's home page, Online Sunshine, at <http://www.leg.state.fl.us>. Chief sponsors of the bills are in parentheses next to the bill numbers.

HB 1785 (State Administration Committee)

Exemption/ParaTransit Services – Creates a public record exemption for all personal identifying information contained in records relating to an individual's health held by local governments for the purpose of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act. Allows for disclosure with the express written consent of the individual, in a medical emergency, or by order of a court upon a showing of good cause.

FIRST AMENDMENT

News racks removed

THE ACREAGE – News racks of local papers were removed from their locations in the Indian Trail Improvement District after the president of the board of supervisors of the district ordered the action.

President Christopher Karch said the action was prompted in part by what he views as inaccurate and unfair coverage of Indian Trail board meetings by two local newspapers, *The Town-Crier* and the *Observer*. A news rack for *The Palm Beach Post* was also removed.

"It's just an unsightly mess," Karch said. "And it's not the main factor, but the local newspapers weren't getting any of our stories correct. Let's just say they have been very biased."

Tony Masilotti, Palm Beach County Commissioner for District 6, is upset about the issue and plans to go to the American Civil Liberties Union to ask them to protect the rights of citizens to have newspapers in that area.

"I think it's criminal what he (Karch) has done," Masilotti said. "He should be ashamed of himself."

"Local governments have discovered that even 'shoppers' and publications not traditionally thought of as newspapers are protected by the First Amendment," said Bob Markey, a former *Town-Crier* editor and publisher.

Karch said he did not believe he violated any First Amendment rights. (8/8/03-8/15/03)

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The Brechner Report is published 12 times a year under the auspices of the University of Florida Foundation. *The Brechner Report* is a joint effort of The Brechner Center for Freedom of Information, the University of Florida College of Journalism and Communications, the Florida Press Association, the Florida Association of Broadcasters, the Florida Society of Newspaper Editors and the Joseph L. Brechner Endowment.

LEGISLATIVE REVIEW CONTINUED

SB 2526 (Campbell, D-Tamarac)

Exemption/Putative Father Registry – Creates a public record exemption for all information (the name, address, date of birth, and physical description of the putative father; the name, address, date of birth, and physical description of the mother, if known; and the date, place, and location of conception of the child; and the name, date, and place of birth of the child or estimated date of birth of the expected child, if known) contained in the putative father registry maintained by the Office of Vital Statistics. Allows access to the exempt information by certain specified entities.

HB 1061 (Bowen, R-Winter Haven)

Exemption/Food Safety Investigation Records – Creates a public record exemption for information deemed confidential under federal law when provided to the Department of Agriculture and Consumer Services for purposes of food safety investigations, federal-state contracts and partnership activities, and regulatory reviews. Such information may only be disclosed if a federal agency has found that the information is no longer entitled to protection or unless ordered by a court.

HB 453 (Adams, R-Oviedo)

Exemption/Victims of Sexual Offenses – Creates a public record exemption for any photograph, videotape, digital image, electronic image, recorded image, or other visual image of any part of the body of a victim of a sexual offense that is criminal intelligence or investigative information. Such information is confidential and exempt regardless of whether or not the victim is identified.

SB 42-A (Miller, D-Tampa)

Exemption/Credit Scoring Information – Creates a public record exemption for credit scoring methodologies and related data and information that is a trade secret and filed with the Office of Insurance Regulation.

The following exemptions were reviewed and reenacted during the 2003 legislative session under the Open Government Sunset Review Act.

SB 192 (Lynn, R-Ormond Beach)

Confidentiality of Library Records – Law exempts information by parents or guardians of library patrons under the age of 16 for the sole purpose of collecting fines or recovering overdue library materials.

HB 207 (Mealor, R-Lake Mary)

Pharmacies/Patient Records – Requires the Board of Pharmacy to adopt rules establishing guidelines for pharmacies to dispose of patient records in order to preserve confidentiality.

HB 847 (Goodlette, R-Naples)

Citizen's Right to Honest Government Act – Provides criminal penalties for official misconduct, misuse of official position, disclosure or use of confidential criminal justice information and tampering with the bid process.

HB 1019 (State Administration Committee)

OGSR/Video-Taped Statements of Minors – Law exempts identifying information contained in a videotaped statement of a minor who is the victim of certain, specified sexual crime.

HB 1021 (State Administration Committee)

OGSR/Housing Assistance Records – Law exempts certain information provided to housing assistance programs.

HB 1023 (State Administration Committee)

OGSR/County Employees – Law exempts only the employees' personal identifying information contained in county employee assistance program records.

HB 1025 (State Administration Committee)

OGSR/Municipal Employees – Law exempts all records and communications concerning a municipal employee's participation in an employee substance abuse program.

HB 1027 (State Administration Committee)

OGSR/Trade Secrets – Law exempts trade secrets held by the Department of Community Affairs in implementing the federal Clean Air Act.

HB 1031 (State Administration Committee)

OGSR/Florida Kidcare Program – Law exempts information in an application for determination of eligibility for the Florida Kidcare program.

HB 1033 (State Administration Committee)

OGSR/AHCA Provider & Subscriber

Assistance Program – Law exempts subscriber identifying information contained in records prepared or reviewed by a provider and subscriber assistance panel of the Agency for Health Care Administration.

HB 1035 (State Administration Committee)

OGSR/Workers' Compensation Records – Law exempts investigatory records and any other records necessary to complete an investigation relating to workers compensation employer compliance held by the Department of Financial Services, and creates an exception to the exemption for any law enforcement agency or administrative agency.

HB 1037 (State Administration Committee)

OGSR/Rabies Vaccination Certificates – Law exempts information identifying the owner of the animal vaccinated in a rabies vaccination certificate provided to animal control authorities. Deletes the requirement that requests for such information be made in writing, as well as the provision relating to copies of rabies vaccination certificate databases.

HB 1039 (State Administration Committee)

OGSR/Florida Land Sales Investigations – Law exempts investigative information, including any consumer complaint, held by the Florida Land Sales Division until 10 day after a notice to show cause has been filed, or until the investigation is complete or ceases to be active.

HB 1041 (State Administration Committee)

OGSR/Florida Joint Underwriting Association – Law removes the exemption for matters reasonably encompassed in privileged attorney client communications for the Florida Automobile Joint Underwriting Association (FAJUA).

SB 1072 (Crist, R-Tampa)

Criminal Use/Personal Information – Amends s. 817.568, F.S., revising the elements of the offense involving the criminal use of personal identifying information to provide various levels of offenses with mandatory minimum sentences. Includes bank account and credit card numbers within the definition of "personal identifying information."

SB 1182 (Dockery, R-Lakeland)

Security System Plans – Amends public records exemption clarifying that

LEGISLATIVE REVIEW CONTINUED

security system plans of a public or private entity are confidential and exempt.

SB 1374 (Peaden, R-Crestview)

Florida Administrative Weekly – Requires the Department of Environmental Protection to publish its notices required to be published in the Florida Administrative Weekly (FAW) on its Internet web site instead of the current paper form.

SB 1434 (Garcia, R-Hialeah)

Public Libraries – Law allows access to library registration and circulation records for parents or guardians of library patrons under the age of 16 for the sole purpose of collecting fines or recovering overdue library materials.

HB 1579 (Roberson, D-N. Miami)

Autopsy Records – Law allows the deceased's surviving relative access to autopsy records with authority to obtain the exempt autopsy record to designate, in writing, an agent to obtain autopsy records from the medical examiner.

HB 1591 (State Administration Committee)

OGSR/State Employees – Law exempts only personal identifying information in records relating to participation in an employee substance abuse program.

HB 1593 (State Administration Committee)

OGSR/Foster Care Licensees – Law expands the exemption for information regarding licensed foster care parents to include medical records of a licensed foster parent and such parents spouse, minor children, and other adult household members.

HB 1717 (State Administration Committee)

OGSR/Identity of Executioner – Repeals the exemption for information that would identify the person administering the lethal injection. Also clarifies that information identifying an executioner, or any person prescribing, preparing, compounding, dispensing, or administering a lethal injection is exempt.

HB 1763 (State Administration Committee)

OGSR/Domestic Violence Victims – Law exempts the addresses, telephone numbers, and social security numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence, allowing release under certain circumstances.

SB 10-A (Crist, R-Tampa)

Criminal History Records – Law increases the fee for a copy of a criminal history record from \$15 per copy to \$24 per copy, with the exception of background checks for the DCF, DEA, and DJJ, which are \$8. Fees also increase in varying amounts for different government agencies.

SB 32-A (Alexander, R-Winter Haven)

Commercial Solicitation – Law amends exemption prohibiting commercial solicitation of crime victims, to stipulate that a person who possess exempt or confidential information contained in a police report may not use the information for purposes of commercial solicitation during the time the information is exempt.

The following bills were introduced but were not passed during the legislative sessions. Summaries of the bills are available from Online Sunshine at <http://www.leg.state.fl.us>.

HB 11 and SB 1972 - Exemption/Paternity Registry

HB 69 and SB 1388 - Pawnbroker Records/Firearm Purchases

SB 76 - Exemption/Pharmacist Adverse Incident Reports

SB 122 and HB 1147 - Child Abuse Records

HB 123 and SB 1666 - Exemption/Cell Phone and Pager Numbers & Billing Records

SB 142 - Expunction of Criminal History Records

SB 238 - Exemption/Ethics Commission

SB 274 and HB 1029 - OGSR/Hospital Adverse Incidents Reports

SB 282 and HB 1715 - OGSR/Injured or Ill Employees

SB 304 and HB 451 - Exemption/Public Utility Records

HB 387 and SB 2216 - Exemption/Moffitt Cancer Center & Alzheimer's Institute

HB 491 and SB 1770 - Exemption/Human & Machine Cognition Institute

SB 532 and HB 587 - Campaign Finance Disclosure Reports

SB 566 - Exemption/Patient Records
HB 559, SB 1768 and HB 1913 -

Publication Information
HB 763 and SB 1624 - Confidentiality of Health Information

HB 891 and SB 1212 - Bankruptcy/Personal Information

HB 997 and SB 1784 - Exemption/Prescription Drug Records

SB 1074 - Sexual Predators/Public Notice

SB 1082 - Expunged or Sealed Public Records

SB 1088 - Exemption/Florida Commercial Space Finance Corporation

HJR 1135 and SJR 2250 - JNC Records & Meetings

SB 1202 and HB 1819 - Commercial Solicitation

SB 1362 and HB 1461 - Exemption/Building Plans & Blueprints

HB 1391 and SB 1740 - Dependent Children

HB 1503 and SB 2656 - Aquifer Storage Information

SB 1570 - Exemption/Mediation Records

SB 1580 - Identity Theft

HB 1637 and SB 2440 - Exemption/Financial Services Department.

HB 1653 and SB 2168 - Social Security Numbers

SB 1764 - Exemption/Potable Water
HB 1765 - Public Necessity

Statements

HB 1787 and SB 2396 - Exemption/Alternative Investment Program Records

HB 1807 and SB 2684 - Ch. 119 Reorganization

HB 1895 - Exemption/Credit Scoring Methodology

HB 1905 - Exemption/Health Care Professional Liability Institute Facility

HB 1923 - Child Abuse Records

SB 1942 - Exemption/Physician

Adverse Incidents

SB 2416 - Exemption/Motor Vehicle Records

SB 2522 - Criminal Justice Information

SB 2716 - Exemption/Ill or Injured Workers

SB 2818 - Exemption/Inspectors General

HB 27-A - Commercial Solicitation
HB 29-A - Exemption/Alzheimer's Institute

HB 33-A - Criminal History Records
HB 111-A - Exemption/Credit Scoring

Information

HB 115-A - Exemption/Moffitt Cancer Center and Alzheimer's Institute

HB 135-A - Exemption/Credit Scoring Information

SB 2-B - Medical Malpractice

SB 4-B - Patient Records

SB 6-B - Adverse Incident

Information

2003 Legislative Session Wraps-Up, Finally

It's a bit odd, working on a legislative wrap-up in early fall, rather than the beginning of June, just after the end of the 2003 regular session. But given the Governor's pledge to haul our legislators back to Tallahassee as often as needed in order to push through his medical malpractice reform legislation, it seemed a bit premature to sum up this year's open

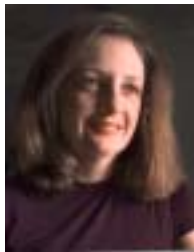
The Back Page

By Barbara A. Petersen

(not the Governor's package, it should be mentioned) without any of the proposed new exemptions attached to the package during the regular session. So, in addition to the 15 exemptions reenacted under the Open Government Sunset Review (OGSR) Act of 1995, we've ended the year with only four new exemptions, three of which are very narrow and limited in scope.

There are new public record exemptions for federal records provided to the state for assistance during a joint food safety or food illness investigation (CS/HB 1061); for all personal identifying information contained in records relating to an individual's health held by local governments for the purpose of determining eligibility for paratransit services under Title II of the Americans with disabilities Act (HB 1785); and for all information in the newly-created putative father registry (CS/SB 2526).

Of the four exemption bills passed by the 2003 legislature, of greatest concern is CS/HB 453, creating a public record exemption for any photograph, videotape, digital image, electronic image, recorded image, or other visual image of any part of the body of a victim of a sexual offense contained in criminal intelligence or investigative records. The legislation, sponsored by Sen. Skip Campbell (D-Tamarac) and Rep. Sandy Adams (R-Oviedo), stipulates that the exemption applies even if the victim is not identified in the now-exempt photograph or image. Although perhaps well-intentioned, because the legislation makes such information confidential and exempt and does not allow for any exceptions to the confidentiality, the exemption could seriously impede inter-state criminal investigations. Under the new law, Florida criminal justice agencies cannot share a rape victim's photograph with law enforcement in another state, surely an unintended consequence.



Barbara Petersen

government legislation before now. As it happened, the legislature passed a med mal package

Certainly, though, what's most interesting about the 2003 session is what didn't pass. Proposed exemptions for law enforcement cellular telephone records, for all personal information in public utility records, and physician adverse incident reports all failed, as did an unwarranted expansion of record and meetings exemption for one of House Speaker Johnny Byrd's pet project, the Alzheimer's Center and Research Institute at the University of South Florida. Also, for the first time in many years, a bill that would have reenacted an exemption for the identity of injured or ill employees in worker compensation records under the OGSR Act failed to pass. This means that the exemption, section 440.185(11), Florida Statutes, will automatically "sunset" – be repealed – on October 2, 2003.

So why, after seeing a record number of new exemptions proposed, did so few pass? The answer is simple: Amendment 4. This was a constitutional amendment put before voters in the general election last November, which requires a two-thirds vote in both the House and the Senate for any exemption to Florida's Public Records Law or Sunshine Law. Although there is some debate between access advocates and the Florida Legislature about the scope of the amendment's application (we say it applies to *all* exemption legislation, including OGSR bills and the Legislature says it applies only to new exemptions), there is no doubt that the amendment had a dramatic effect on how the Legislature responded to open government bills, and fewer new exemptions were created as a result.

Not that we can afford to be less vigilant. An e-mail from the Council for Education & Policy Research & Improvement recently was sent to school boards and local government officials around the state, asking whether, in their experience, the Sunshine Law interferes with the operation and effectiveness of government business. Of course it does. Government without public participation may be more efficient, but an efficient government is not necessarily a *good* government, and we've yet to see any evidence, anecdotal or otherwise, showing that Florida government is any less efficient than government in other states.

Barbara A. Petersen is the president of the First Amendment Foundation, a non-profit organization established to protect and advance First Amendment, public records, and open meetings rights of Floridians.