
THE BRECHNER REPORT

Volume 26, Number 1 ■ 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

January 2002

Four new Sunshine exemptions are signed into law

TALLAHASSEE – Gov. Jeb Bush signed into law four Sunshine Law exemptions passed by the Florida Legislature during its Special Session “C.”

One bill exempts security system plans from the Public Records Law and closes state agency and local government meetings where security system plans are discussed, while another creates both a public records and an open meetings exemption for hospital emergency

ACCESS RECORDS

response plans. Under the Open Government Sunset Review Act, the two bills would be repealed on Oct. 2, 2006 unless the Legislature re-enacts them.

A third bill keeps police requests for public records secret as long as the request is part of an active criminal or intelligence-gathering investigation. When the case is no longer active, the information may be made public. The sunset date for this exemption is Oct. 2, 2007. A fourth bill exempts from public

release information about the amount and type of state’s pharmaceutical stockpiles. However, an annual certification by the governor that sufficient stockpiles exist will remain public. The sunset date for this bill is Oct. 2, 2006.

A bill that would have allowed law enforcement officials to ask a judge to delay the release of public records for up to 21 days passed the Florida Senate’s Criminal Justice Committee, but died on the calendar. (12/4/01 – 12/6/01)

Bush authorizes military tribunals

WASHINGTON – President Bush authorized the formation of military tribunals to prosecute non-Americans accused of terrorism, meaning defendants would be detained, tried and sentenced in secret.

The order allows the president to determine who is prosecuted under the tribunal system, which has a lower standard of proof than the normal criminal court system and no right of appeal, even in death penalty cases. The secret trials could also be held outside the United States. The Bush order has drawn fire from some congressional leaders and from civil liberty groups. Spanish officials said they would refuse to extradite suspected terrorists if the defendants faced military tribunals. (11/15/01 – 11/29/01)

Council urges delay in online records

TALLAHASSEE – An advisory council to the Florida Supreme Court recommended a moratorium on providing complete access to court documents on the Internet.

The Judicial Management Council approved recommendations by the Supreme Court Workgroup on Public Records in November. The council wants the Florida Supreme Court to establish statewide rules for posting court information on the Internet. Florida law requires court clerks to post electronic images of court records online by Jan. 1, 2006.

The council, however, is concerned about privacy issues and sensitive information that could be part of online court records, such as social security

numbers, financial documents and psychiatric histories. Currently, that sort of sensitive information is available in written records at the courthouse. Because of the difficulty involved in going to individual courthouses and digging up the written records, however, those records are considered to be in “practical obscurity.”

The council also recommended that requests for judicial branch records be made in writing. The requester would not have to disclose their reasons for seeking the records.

The Supreme Court is expected to seek out public comment on the recommendations and is not expected to act on the proposals until next year. (11/9/01 – 11/21/01)

Committee OKs bill to allow cameras in court

WASHINGTON – The U.S. Senate’s Judiciary Committee has approved a bill that would give judges the discretion to allow news cameras in federal courtrooms.

Currently, cameras are prohibited in all federal district courts. Only two appellate courts allow video cameras.

The bill passed the committee by a 12-7 margin and, now, must be

considered by the full Senate.

“Letting the sun shine in is the best way to maintain confidence in the federal judiciary, which holds tremendous power over our lives,” said Sen. Chuck Grassley, R-Iowa. Opponents say that cameras in the courtroom may tempt lawyers and witnesses to play to the media rather than focus on the legal proceedings. (11/30/01)

SPECIAL REPORT

A preview of open government issues to be considered by the Florida Legislature during the 2002 session, p. 4-5.

Interest groups sue to gain access to Reagan's papers

WASHINGTON – Historians and public interest groups have filed a federal lawsuit against the National Archives and Records Administration and U.S. Archivist John W. Carlin to challenge an order limiting access to former President Reagan's papers.

President Bush signed an executive order in November that blocked the release of more than 68,000 documents from the Reagan administration. The

Presidential Records Act of 1978 made all presidential records, beginning with Reagan's, the property of the government rather than the president. The act requires public release of the records after 12 years. (*Brechner Report*, December 2001)

Reagan signed an executive order before he left office that requires the National Archive to inform the sitting president when a set of records is about

to be released. Reagan's papers were scheduled for release on Jan. 1, 2001, but the release was delayed three times by Bush. The Bush executive order gives both the sitting president and the former president the right to withhold records.

The lawsuit asks the U.S. District Court for the District of Columbia to invalidate Bush's executive order and order the release of the records. (11/28/01 – 11/29/01)

Paper appeals Earnhardt photo ruling

DAYTONA BEACH – The attorney for the *Independent Florida Alligator* filed an appeal with Florida's 5th District Court of Appeal as part of the student-run newspaper's attempt to access race car driver Dale Earnhardt's autopsy photos.

Attorney Tom Julin argued in court documents that a new law restricting access to autopsy photos was unconstitutional. Julin also argued that the law, passed in the wake of Earnhardt's death, should not apply to the *Alligator* since the newspaper requested access to the photographs before the law was passed.

Judge Joseph G. Will, 7th Judicial Circuit, ruled against the newspaper's attempts to access the photos in June, saying that the Earnhardts' privacy was paramount. (*Brechner Report*, July 2001)

The 50-page appeal filing argues, in part, that no other legal ruling has ever found that inspecting or copying autopsy records is an invasion of privacy. It also argues that inspecting autopsy photos can serve an important public purpose.

Five journalism organizations joined together to file a friend of court brief, asking the appeals court to strike down the law. (10/17/01 – 11/20/01)

Appeals panel affirms release of airport records

MIAMI – A state appeals panel upheld a ruling that requires a private consulting company to comply with the state's Public Records Law and release records of how much the company pays in lobbyist fees.

In May, Judge Alan L. Postman, 11th Judicial Circuit, ordered Dade Aviation Consultants, which advises Miami-Dade County on Miami International Airport expansion issues, to release lobbyist payments and other financial records

requested by *The Miami Herald*. (*Brechner Report*, July 2001)

A three-judge panel of the 3rd District Court of Appeal affirmed Postman's ruling.

"When a private entity undertakes to provide a service otherwise provided by the government, the entity is bound by the [state's Public Records Law], as the government would be," according to the appellate court decision. (10/16/01 – 11/1/01)

Newspaper, sheriff settle records lawsuit

BUNNELL – The Flagler County Sheriff's Office and *The News-Journal* of Daytona Beach have settled their public records lawsuit with Sheriff Jim Manfre, paying the newspaper \$10,000.

The News-Journal sued after the sheriff's department refused to release requested jail transportation logs. The department refused to release the complete record because it revealed that an inmate had been taken to a mental health facility, but later released the full logs after the inmate's attorney revealed the inmate's medical condition. The department argued that releasing the records initially would have violated the confidentiality of the inmate's medical records. (*Brechner Report*, August 2001) Manfre and the newspaper agreed as part of the settlement that the sheriff was correct to determine whether the jail transportation logs were exempt but was wrong to delay access "without citing statutory authority." Manfre will pay the newspaper \$10,000 in lieu of attorney's fees. The newspaper will use the money to support a Sunshine Law seminar, said Jon Kaney, the paper's attorney. (10/17/01)

Judge orders 20 pages sealed in murder case

TAMPA – A judge ordered the release of approximately 600 pages of records in the case against a man accused of murdering five people, but ordered approximately 20 pages sealed.

Dexter Levingston has been charged with the murder of five people but has been ruled incompetent to stand trial. He remains in a state mental hospital.

Attorneys for the *St. Petersburg Times* and *The Tampa Tribune* argued that the sealed pages in the case should be released because much of the information was already available in

other forms.

Judge Chet Tharpe, 13th Judicial Circuit, ruled in May that Levingston's attorneys could review evidence in the case before it was released to the public. The public defenders reviewed the material and objected to several portions.

Tharpe examined the challenged pages behind closed doors then ruled approximately 20 pages would be sealed to protect Levingston's right to a fair trial and ordered approximately 600 other pages released. (10/11/01)

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.

Defendant claims board violated law

PALM BEACH COUNTY – State prosecutors are investigating allegations that Palm Beach County's Housing Finance Authority violated the Open Meetings Law after a defendant in a corruption trial testified she had witnessed violations.

Lisa Fisher, a consultant at the authority, testified during a federal corruption trial that members of the authority regularly discussed public business in private. She said Lloyd Hasner, former chairman of the authority, and authority member Jeff

Winikoff discussed a \$30,000 contract with her at a private party.

Fisher, Hasner and former county attorney Richard Ellington were convicted in mid-November on charges stemming from contracts the authority approved in 1997.

Investigators have begun collecting material related to reported Sunshine violations. However, the U.S. Attorney's Office has refused to turn over wiretap evidence related to the case, saying it was using the wiretaps to pursue other cases. (11/2/01 – 11/18/01)

REPORTER'S PRIVILEGE

Jailed writer to appeal to Supreme Court

HOUSTON – Writer Vanessa Leggett, who has spent more than 145 days in jail, will ask the U.S. Supreme Court to release her.

Leggett, a crime writer and a lecturer at the University of Houston, was found in contempt for refusing to answer a grand jury subpoena and turn over material she had collected as part of the background for a book. (*Brechner Report*, September 2001) She has been held without bond since July 20. A three-judge panel of the 5th U.S. Circuit Court of Appeals upheld her jailing this summer, saying there is no reporter's

privilege to protect her from a grand jury subpoena. The entire appellate court upheld the panel's decision, refused to release her and rejected motions to reconsider her case.

Her attorney, Mike DeGeurin, said he now plans to appeal the case to the high court. U.S. Rep. Sheila Jackson Lee, D-Houston, has demanded that federal prosecutors release Leggett.

However, unless Leggett wins an appeal or hands over her material, she will remain in jail until the grand jury term expires on Jan. 7. (10/29/01 – 11/23/01)

ACLU to file lawsuit on behalf of publisher

KEY WEST – The American Civil Liberties Union is filing a lawsuit against Key West over the June arrest of a newspaper publisher.

Dennis Reeves Cooper, publisher of *Key West the Newspaper*, was arrested for allegedly violating a "gag law" that prevents anyone from revealing information about an ongoing police investigation. Cooper published a series of articles about a Florida Department

of Law Enforcement investigation of the Key West police. (*Brechner Report*, August 2001)

A federal judge declared the law unconstitutional in 1990, but it remains on the books. Monroe County prosecutors dropped the charge against Cooper two weeks after his arrest. The ACLU is planning a suit against the city for the "illegal arrest" and to prevent future use of the statute. (10/13/01)

NEWSGATHERING

FAA investigates four news helicopter pilots

WASHINGTON – Federal officials are investigating four news helicopter pilots for possible violations of the Federal Aviation Administration's 30-city ban on news helicopter flights.

Two pilots for Miami news stations are among those being investigated.

The ban on "newsgathering and

traffic-watch flights" remains in effect for 30 U.S. cities, but in late November, President George Bush signed a law that lets TV and radio station helicopters fly after obtaining a FAA waiver. The measure gives the Department of Transportation 30 days to object to any waiver request. (11/16/01 – 11/30/01)

4,000 reports filed, but all are secret

TALLAHASSEE – More than 4,000 reports have been filed concerning injuries and problems at nursing homes in Florida, and approximately 100 of those reports resulted in on-site investigations. However, those reports are kept secret because of a new state law that passed in May.

Senate Bill 1200 created an exemption for the meetings of nursing home risk management and quality assurance committees, incident reports filed with the risk managers and administrators, notifications of adverse incidents and adverse incident reports. (*Brechner Report*, July 2001).

The exemptions were created to encourage nursing homes to report incidents, though a spokesperson for Florida's Agency for Health Care Administration said more reports are being generated than the state requires.

Critics of the exemptions say they are frustrated with the lack of public oversight on the investigation process. "Not even the family can get the reports to see what it's all about. Where's the wisdom in that?" said Barbara Hengstebeck, executive director of the Coalition to Protect America's Elders. (11/11/01 – 11/20/01)

THE BRECHNER REPORT

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.jou.ufl.edu/brechner/>
e-mail: brechnerreport@jou.ufl.edu

Sandra F. Chance, J.D., Director/Executive Editor
S. Camille Broadway, Editor
Jackie Thomas, Production Coordinator
Meghan Morris, Production Assistant
Stephen Harmon, Production Assistant

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. *The Brechner Report* thanks Colleen Ahern for her contributions to this issue.

Legislature to debate more than 40 Sunshine bills

TALLAHASSEE—The state legislature will consider more than 40 bills dealing with Florida's Sunshine Law during this year's session, which begins on Jan. 22.

Below is the list of bills, as of Dec. 6, which were taken from the Florida 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.

SB 140 (Burt, R-Ormond Beach)

Criminal use of public records – Would make it a first-degree misdemeanor to knowingly use public records or information from a public record to commit a first-degree misdemeanor and would make it a third-degree felony to use public records to commit a felony.

SB 252 (Health, Aging and Long-term Care)

HB 279 (Committee on State Administration)

Health Care Practitioners—HB 279 would repeal a specific exemption from public records and meeting requirements for certain information about disciplinary proceedings and treatment programs for impaired practitioners when a practitioner is a provisional licensee in clinical, counseling or psychotherapy services. However, SB 252 adds provisional licensees to the definition of "licensees" under the general provisions for Health Professions and Occupations.

SB 274 (Governmental Oversight and Productivity Committee)

HB 539 (Trovillion, R-Winter Park)

Public records – Would expand the definition of public records to include financial, business and membership records relating to public funds expended by an agency in dues or membership contributions. Defines "actual cost of duplication" of public records as including the costs of materials and supplies, but not labor or overhead costs. Would also require agencies using electronic recordkeeping systems to make data available in a common format, such as ASCII.

SB 340 (Smith, D-Gainesville)

HB 241 (Kravitz, R-Orange Park)

Images of crime victims – Would create an exemption for photographs, digital images and video recordings that show the remains of victims at crime scenes. Allows state or governmental agency to release the images to other agencies.

SB 368 (Wise, R-Jacksonville)

HB 131 (Lynn, R-Ormond Beach)

Confidentiality of library records – Would create a public records exemption for all registration and circulation records of public libraries.

SB 378 (Wise, R-Jacksonville)

HB 445 (Hogan, R-Jacksonville)

Customer information from utilities – Would create a public records exemption for customer information held by a water, wastewater, natural gas, electric, cable television or telecommunications utility owned by a public entity. Exempt information includes name, social security number, address, telephone number, usage records, payment history, bank account, debit, charge or credit card numbers, and driver identification number.

SB 392 (Wise, R-Jacksonville)

SB 404 (Campbell, D-Tamarac)

HB 95 (Trovillion, R-Winter Park)

Filtering on public libraries' computers – Would require public libraries that provide computer online service, Internet service or local bulletin board service to install filtering software on any computers accessible by children under 18 years old.

SB 430 (Klein, D-Delray Beach)

HB 195 (Gannon, D-Delray Beach)

Insurers' records – Would create a public records exemption for records, such as underwriting files, medical records, non-managerial personnel and payroll records and claims information, of an insurer subject to delinquency proceedings, received by the Department of Insurance or by a guaranty association.

SB 468 (Burt, R-Ormond Beach)

HB 543 (Detert, R-Venice)

Abandoned property – Would create a public records exemption for social security numbers and financial account numbers of apparent owners of

abandoned or unclaimed property in the custody of the Department of Banking and Finance.

SB 476 (Senate Committee on Transportation)

HB 275 (House Committee on State Administration)

Deepwater ports – Would create a public records exemption for any proposal or counterproposal exchanged between deepwater ports and non-governmental entities relating to the sale, use or lease of land or port facilities, and financial records submitted by any non-governmental entity related to transactions. The records would be open to public inspection 30 days before consideration by the deepwater port's governing body.

SB 486 (Brown-Waite, R-Brooksville; Smith, D-Gainesville)

Security system plan – Would create a public records exemption for security system plans for property owned or leased by state or local government and for security system plans for private property that are in the possession of a government agency. Also creates an open meetings exemption for meetings that would reveal a security system plan. A similar bill was enacted by Legislature during the Special Session C of 2001.

SB 488 (Brown-Waite, R-Brooksville; Smith, D-Gainesville)

Emergency management plans – Would create a public records exemption for hospitals' terrorism response plans and an open meetings exemption for any meeting that discusses an emergency management plan. State certification of an emergency management plan remains public record. A similar bill was enacted by the Legislature during the Special Session C of 2001.

SB 498 (Smith, D-Gainesville)

Election disclosure – Would require anyone who, 60 days before an election, sponsors a print or broadcast political advertisement that shows or names a candidate for office to disclose the financial records of the source, amount and recipient of the advertising funds. The disclosure must be made at least 10 days before the election.

SB 490 (Brown-Waite, R-Brooksville; Smith, D-Gainesville)

Pharmaceutical depository records – Would create a public records exemption for information about the pharmaceutical stockpiles. A similar bill was enacted by the Legislature during the Special Session C of 2001.

SB 492 (Brown-Waite, R-Brooksville; Smith, D-Gainesville)

Law enforcement agency records – Would create an exemption for reports of public records requests made by law enforcement agencies during active criminal or intelligence investigations.

SB 494 (Brown-Waite, R-Brooksville; Smith, D-Gainesville)

Inspection and copying of public records – Would allow the Florida Department of Law Enforcement to delay the release of public records for seven days if the records are related to an active criminal or intelligence investigation of terrorist acts. The circuit court would have to approve the seven-day delay. Would also allow the department to request an additional 14-day delay from a judge.

SB 638 (Burt, R-Ormond Beach)

Health care records – Would create a public records exemption for information in a state controlled-substance database that identifies a patient.

Pharmacists, health care practitioners, law enforcement agencies and Department of Health employees conducting an investigation are allowed to access the information but are required to keep it confidential. Makes it a first-degree misdemeanor to reveal patient information or use the information from the database for personal gain. Makes a second offense a third-degree felony.

HB 107 (Ryan, D-Dania Beach)

Computer modeling in the Department of Insurance – Would create a public records exemption for any computer modeling data, calculations, assumptions, and methodologies developed for the purpose of reviewing insurance rate filings.

HB 147 (Ball, R-Titusville)

Citizen's Right to Honest Government Act – A portion of this

larger bill would make it a second-degree felony for a public servant to falsify, conceal, cover up, destroy, mutilate or alter a public record. It also makes it a third-degree felony for a public servant to disclose active criminal investigative or intelligence information, and a second-degree to disclose information concerning a competitive bidding process.

HB 327 (Carassas, R-Largo)

Requirements to pass exemptions – Constitutional amendment would require that laws providing for exemptions from public records or public meetings requirements must be passed by two-thirds vote of each house of the Legislature.

HB 431 (Sorensen, R-Tavernier)

Guardian ad litem – Would provide exemption from public records requirements for identifying information about staff and certified volunteers of child guardian ad litem programs.

The following exemptions to the state Public Records/Open Meetings Laws are subject to review and re-enactment by the Legislature under the Open Government Sunset Review Act. Without re-enactment, these exemptions would expire.

SB 220 (Saunders, R-Cape Coral)

Ethics Code violations – Would extend the sunset date on this existing exemption from Oct. 2, 2002 to Oct. 2, 2007. Exemption covers ethics violations information or referrals to the state Commission on Ethics. Added language allows the Commission on Ethics to share investigative material with law enforcement agencies.

SB 250 (Senate Committee on Health, Aging and Long-Term Care)

HB 277 (Brummer, R-Apopka)

Health practitioner profiles – Would eliminate the sunset date on this existing exemption. Law exempts from disclosure any patient information contained in a profile of a health practitioner.

SB 254 (Senate Committee on Health, Aging and Long-Term Care)

HB 283 (Brummer, R-Apopka)

Ombudsman committees – Would

eliminate the sunset date on this existing exemption. Law exempts from disclosure any patient records or identifying information held by district managed care ombudsman committee. Removes statewide managed care ombudsman committees from the exemption.

SB 352 (Sanderson, R-Fort Lauderdale)

HB 273 (Brummer, R-Apopka)

Ethics complaint records – Would eliminate the sunset date on this existing exemption. Law exempts the records and proceedings of the Commission on Ethics or a county Commission on Ethics and Public Trust. Allows the records to be made public if a complaint is dismissed, the accused violator makes a written request, or the commission determines probable cause exists for a violation.

SB 394 (Criminal Justice Committee)

HB 285 (State Administration Committee and Brummer, R-Apopka)

Victim and witness information – Would eliminate the sunset date on this existing exemption. Law exempts from disclosure information held by law enforcement agencies concerning the identities of crime victims and witnesses who have been certified for protective and relocation services, including information about immediate family members.

SB 396 (Senate Committee on Criminal Justice)

HB 287 (Brummer, R-Apopka)

Violent crime council – Would eliminate the sunset date on this existing exemption. Law allows the Florida Violent Crime and Drug Control Council to close portions of its meetings to discuss active criminal or intelligence investigations and to keep records secret until the investigations are no longer active.

HB 281 (Committee on State Administration)

Risk-based capital information – Would eliminate the sunset provision on an existing public records exemption for risk-based capital information held by the Department of Insurance and on existing public meeting requirements for hearings conducted by the Department of Insurance involving risk-based capital information.

Florida's Sunshine Laws face legislative attack

While the U.S. Congress was busy passing the new USA Patriot Act, which allows the government to collect all kinds of information, keep more secrets and suspend important parts of the Bill of Rights, the Florida Legislature was working hard not to be outdone. In the process, Florida's Sunshine Laws came close to being the next casualty in the U.S. war on terrorism.

The Back Page

By Sandra Chance

protect the public health and safety. However, Florida's legislature considered what could only be called draconian measures that went far beyond any legitimate need to safeguard the public interest. Not only were many of the proposals contrary to Florida's tradition of openness, they were hastily considered, rarely debated and passed with blinding speed.

Florida's Legislature was called into a special session to deal with a projected budget deficit. Legislators, however, added a number of new Sunshine Law exemptions to an already full agenda.

This came as a surprise as the state's Sunshine Laws already contain many safeguards to prohibit disclosure of sensitive police intelligence and security plans. Before the special session began, law enforcement officials had the means to withhold information that might compromise investigations or endanger the public. Despite this, at least a dozen bills were introduced during the special session, and the Senate changed its rules to allow for secret meetings to discuss terrorism prevention. However, the Senate president could seal the records related to the closed meeting, and they would remain sealed until a Senate president authorized their release.

This rule allows closed Senate sessions for the first time in more than 30 years and flies in the face of Florida's constitutional amendment guaranteeing open meetings and records. Obviously, senators need to be reminded that our state Open Meetings Law came as a direct result of the Senate's closed meetings to discuss reapportionment in the 1960s.

Reapportionment will dominate the next legislative session. Floridians will be watching closely. That is, if the Senate



No one disputes the need for state and local governments to take extra security measures to

Sandra Chance

doesn't change its rules again to make those meetings secret, too.

Much to its credit, the House did not amend its meeting rules. In addition, House Speaker Tom Feeney encouraged representatives to resist making significant changes to the open government laws in the rushed special session. Fortunately, for the most part, reason prevailed over political maneuvering and pandering to public fear. As a result, the House passed four new exemptions to the Public Records Law. The Governor quickly signed the bills into law. The new laws make secret the location of drugs stockpiled to counter bioterrorists attacks, emergency security plans for hospitals and state buildings, security system plans and police requests for records from other agencies. For the most part, the new laws clarify and expand existing exemptions to explicitly cover security issues.

Given the current climate, it's understandable that legislators would support any measure that might ensure security and prevent further terrorists attacks. However, many of the measures introduced and quickly passed were radical reactions to an obviously difficult situation. One has to wonder whether some of the state's legislators were hiding behind the understandable public fear of terrorism as they attempted to gut one of the country's strongest Sunshine Laws. Unfortunately, many of these bills will be considered again during the 2002 session.

Legislators were unable to provide any evidence that access truly compromises safety. In reality, just the opposite may be true. Access to public records since Sept. 11 attacks has given the public valuable insight into governmental actions, where and how to strengthen state and national security systems and emergency and public health response programs. This information is vital to ensuring our ability to hold our government officials accountable for the decisions they made before Sept. 11 and the decisions they'll make in the wake of the terrorists' attacks.

Come to think of it, that may be what some legislators are afraid of.

Sandra Chance is the director of the Brechner Center for Freedom of Information at the University of Florida.