



25 September 2014

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The Honorable Larry Santucci, Chairman
The Bobcat Trail Community Development District Board of Supervisors
Bobcat Trail Community Center
1352 Bobcat Trail
North Port, FL 34288

Dear Mr. Santucci:

We write to express our serious concerns regarding the manner in which the Bobcat Trail Community Development District Board responded to a recent public records request. In June of 2014, Mr. Lou Robbio submitted a request for the email communications between the five members of the Community Development District Board and the members of several CDD committees. Though Mr. Robbio's request was fulfilled, it has come to our attention that during the Board's August 7th meeting, several Board members made a series of disparaging remarks directed at Mr. Robbio regarding the inconvenience and costliness of Mr. Robbio's request for public records.

It is incumbent upon us to remind the Board that Florida's constitution guarantees the public's right to access the records of all three branches of state government, and behavior which is intended to ridicule and objectify an individual for exercising this constitutional right by means of a public records request is simply unacceptable. "Even though a public agency may believe that a person or group are fanatics, harassers, or are extremely annoying, the public records are available to all of the citizens of the state of Florida." (*Salvadore v. City of Stuart*, No. 91-812 CA (Fla. 19th Cir. Ct. December 17, 1991)). Furthermore, public officials must "put up with demanding citizens" in the course of ensuring open government. (*State v. Colby*, No. MM96-317A-XX (Fla. Highlands Co. Ct. May 23, 1996)).

The Board's objectionable behavior and treatment of Mr. Robbio at a public meeting has a chilling effect on those who witness such behavior, discouraging the public from exercising its constitutional right and undermining the integrity of Florida's Public Records Law. Mr. Robbio and every Florida citizen has the constitutional and statutory right to submit a public records request, and to receive copies of such records upon the payment of the fees prescribed by law. Members of the Board, as public trustees and stewards of those records, have both a constitutional and statutory duty to ensure that the rights of those seeking access to public records are respected and not discouraged by negative and disrespectful comments such as those directed at Mr. Robbio.

An open government is essential to maintaining public trust and civic engagement in a democratic society, Mr. Santucci. And the Board's respect for that openness is necessary to further the spirit and purpose of Florida's Public Records law. We hope you will reconsider your actions and in the future make every attempt to treat those who request public records with civility and respect.

Sincerely,

Barbara A. Petersen, President

Cc: Mr. Lou Robbio
Mr. Jon Kaney, FAF General Counsel, Kaney & Olivari
Members of the Bobcat Trail CDD Board of Supervisors