



FOR IMMEDIATE RELEASE

11/24/14

CONTACT: Barbara Petersen, 800.337.3518

Recent victories for open government advocates

Open government advocates experienced some significant victories in Florida in the past 10 days, including two favorable court rulings and a settlement ordering open government training by FAF for a Florida police department.

Friday, the United States Supreme Court rejected a last-minute appeal by GOP consulting firm Data Targeting to keep emails in the ongoing Florida redistricting case sealed. The rejection in effect upheld a recent Florida Supreme Court ruling the emails must be disclosed.

The First Amendment Foundation, along with a coalition of media companies, filed an amicus brief in the case seeking access to the sealed records.

"The Bainter decision reinforces the critical role of transparency in a democratic society," said FAF President Barbara Petersen. "The records that have been released in response to the Florida Supreme Court's opinion thus far outline covert attempts to subvert the redistricting process, which is protected by our constitution. This information is vital to the public's interest and we applaud the Court for its decision in favor of access and transparency."

More than 500 pages of emails were sealed during the Florida redistricting trial. They were scheduled to be made public on Dec. 1. However, the Scripps-Tribune Capitol Bureau obtained copies of the documents early and they can be viewed here: <https://www.documentcloud.org/documents/1369969-redistricting-watermark-bureau.html>

In another case, the Ninth Judicial Circuit Court ruled the IP addresses of those accessing a Dropbox maintained by Orange County are public records and do not qualify for an exemption as Orange County Mayor Theresa Jacobs claimed.

"We're very pleased with the court's decision which confirms, again, that a government agency's use of communications technology cannot thwart the public's constitutional right of access to public records," said Petersen. "This is a victory for common sense and for our ability as citizens to oversee our government and hold it accountable. We strongly encourage Mayor Teresa Jacobs and Orange County to release the records requested by Organize Now as soon as possible."

On Sept. 15, 2014, Organize Now Director Stephanie Porta requested a "copy of the history contained in the Events tab of any Dropbox account viewed or accessed by Mayor Theresa Jacobs or anyone working under her immediate direction and control during the time period between Jan. 4, 2011, and Sept. 13, 2014." This request was a part of a series of public records requested by Porta with the assistance of the First Amendment Foundation.

On Sept. 19, 2014, Orange County's attorney's office sent Porta a CD with the requested activity log. The IP addresses, however, had been redacted from the log "pursuant to Florida Statutes 282.318 and 501.171."

Orange County asserted that releasing the IP addresses would constitute a security threat because IP addresses identify the specific computers and other electronic devices used to access the County's Dropbox.

Andrea Mogensen, a Sarasota attorney representing Organize Now, argued the IP addresses are not exempt from disclosure under Florida's public records laws. Judge Robert J. Egan agreed and ordered the release of the IP addresses.

In a third case settled last week, a public records dispute with the Lakeland Police Department ended up costing the tax-payers of Lakeland more than \$150,000.

Lakeland resident Joel Chandler sued the Lakeland Police Department regarding the LPD's policy of charging a flat fee of \$23.50 for calls for services records.

As part of the settlement, the police department will revise its fee policy to comply with the fee provisions in Florida's public records law. In addition, the settlement requires the department to attend training classes presented by FAF.
