



2009 • 40th Anniversary

FLORIDA SOCIETY OF NEWS EDITORS

To advance the cause of responsible journalism

January 20, 2016

Dear Sen. Garcia,

There are good reasons to object to public money being spent on legal fees in lawsuits over public records. It is a mistake, however, to think it is cheaper or better public policy to weaken the law that provides successful plaintiffs with the ability to hold bureaucrats accountable. I urge you to reconsider SB1220 in its current form.

I am confident you recognize that our Sunshine Law is only as strong as it is enforceable. And it is only enforceable if the citizens of Florida are able to exercise it. The Florida Society of News Editors has documented the troubling trend of government bureaucracies denying access to public records in the belief that citizens, including those of us in the news media, won't risk the legal cost of a fight even when violations are clear-cut. "So sue us," is a refrain we've heard too often.

The best way for government bureaucrats to avoid costly legal bills is to comply with the law. Even more importantly, that avoids the really big cost to all of us of government that grows unaccountable and, necessarily by extension, inefficient and even corrupt.

We all know of costly excesses, abuses of trust, and personal injury that have been revealed and corrected through the power of our groundbreaking Sunshine Law. It is no hyperbole to say that today the future of open government in Florida is at risk. Scores of exceptions in recent years have weakened our Sunshine Law, but it still has teeth. If we the citizens "may" recover legal fees for fighting for access to public records, rather than being assured we "shall" be able to pay for a rightful challenge, we most often won't be able to sustain that challenge. The Sunshine Law becomes toothless.

On behalf of journalists in small towns and big cities across Florida, I hope you will see that the urgent risk is not to shield bureaucrats who break the law but to protect citizens who successfully fight for its enforcement.

Yours truly,

Douglas Ray
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President, Florida Society of News Editors