



National Freedom of Information Coalition

PROTECTING OUR RIGHT TO OPEN GOVERNMENT

21 January 2016

The Honorable Rene Garcia
Florida Senate
310 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Garcia:

As we begin 2016 and celebrate this year the 50th anniversary of the signing of the federal Freedom of Information Act (FOIA), more than half of U.S. state legislatures are currently in session. Among the thousands of bills their members will consider are those that determine the public's right to open and transparent government; namely, access to public information.

The National Freedom of Information Coalition (NFOIC) and its state affiliates tirelessly monitor these sessions keeping a watchful eye on legislation that contradicts these rights preventing access and eroding existing state open records laws. In our increasing digital world, it has become more than a growing concern as we continue to see an increase in these weakening and restrictive laws.

Among the many issues we track are those that make it difficult for citizens to gain access to public records. In this case, the reimbursement of legal fees charged to a public agency or official that fights and loses litigation preventing public access.

Twenty states currently allow for this reimbursement. Florida should be proud that it counts itself among this group. Without this provision, many people who wish to challenge a government agency for withholding public information may balk at filing a lawsuit. Our findings show the potential high cost to litigate open records lawsuits restricts the public and news organizations to pursue them.

Too many government agencies and public officials are finding ways to side step their open records laws, preferring to fight (and lose) these lawsuits using tax payer dollars to defend their wrongdoings. With the reimbursement requirement as a consequence, the thought of economic (and political) costs to them will deter and hopefully prevent drawn out and expensive litigation.

On behalf of the National Freedom of Information Coalition and our more than 40 state and regional affiliate members, and the proud residents of the "Sunshine State," we ask you to withdraw your sponsorship and support of SB 1220. Represent your constituents by standing for the existing Sunshine Laws in your great state and prevent further erosion of your residents' access to their information. Thank you,

A handwritten signature in black ink that reads "Daniel Bevarly". The signature is written in a cursive, slightly slanted style.

Daniel Bevarly

Interim Executive Director
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