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Sunshine setting

Agencies flunk public records requests

By any yard stick, public agencies in the state of Florida flunked a major test of law.

One of our fundamental principals — government of the people, by the people, for the people — took a beating.

Public agencies exist to serve the public. They failed in that prime directive during an audit organized by the Florida Society of Newspaper Editors.

Across the state, 43 percent of the school districts, sheriff's offices and county administrative staffs surveyed did not understand the correct way to respond to a request for public records.

Florida's Constitution and Sunshine laws are clear on the matter — public access without questions.

Many public servants responded to information requests with confusion and suspicion, according to the recent audit. Those public employees have no right to demand any information from the person requesting information, from a name to a phone number to a reason for the request, but many did. Some were not able to produce the requested record, in this audit the latest correspondence or written record related to the budget.

Too many lack basic knowledge of the law, including a superintendent of public schools. That confused staff reacted in the most egregious manner — tracking the auditor down by running her license plate number.

All public employees should be required to read and sign a document that states they've read the law, they understand the law and they will follow the law.

While newspaper reporters and volunteers served as the auditors in this test, this is not about journalists getting hassled over information-gathering. This is about you.

Want detailed information about the county budget and how your property taxes are being spent? You can march right down to the county administration building and ask to see any document. The public servant there cannot refuse you. And they cannot demand to know your name or any other personal information.

Here in Manatee County, the Bradenton Herald participated in that statewide audit by sending reporting intern Victoria Bekiempis to the school district, sheriff's department and county administrator's office to request certain e-mails. To their credit, the school district and county administrator passed the test, but the sheriff's office failed by asking the reporter to identify herself and put her request in writing, neither of which is a condition of law.

While we appreciate that the sheriff's office intends to counsel employees if mistakes were made, they shouldn't have occurred in the first place. Public employees who deal directly with citizens should already know the law.

Overall, the audit showed county administrators the best and sheriffs the worst, with more than 60 percent failing. While we can appreciate law enforcement being suspicious of records requests considering the criminal element they deal with day in and day out, that's still not an acceptable response.

All public workers should understand the law as a condition of employment. Public agencies must serve the public.

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