

Scott adviser avoids creating public records

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TALLAHASSEE -- When U.S. Sen. Bill Nelson's office tried to contact Gov. Rick Scott's top lieutenant, Mary Anne Carter offered her cell number, her state email address and a warning.

"I rarely check and almost never respond to work email because of the open records law," Carter wrote from her private email account.

The admission stunned an open government advocate who said it was a chilling insight into an administration that has created roadblocks to Scott's own goal of accountability.

Scott's spokesman disputed any problem.

The email, along with hundreds of others received by the Times/Herald as part of a public records request, shows why Nelson was interested in Carter: She's the main operator within the new governor's nascent administration.

Carter, a campaign consultant who splits her time between Tallahassee and her Tennessee home and is paid \$150,000 per year, was the voice within Scott's office pushing to reverse former Gov. Charlie Crist's policy to streamline the restoration of civil rights for released felons.

She has helped shape Scott's internal strategy on redistricting, the highly contentious and politically charged task lawmakers must undertake in 2012 to draw new boundaries for congressional and state legislative districts.

When a state senator raised questions about Scott's pick to run the state Agency for Persons with Disabilities, she directed the movements of Scott's chief of staff, Mike Prendergast, and helped shape the message to overshadow the problem.

"Make deficit the story," she wrote to Prendergast. "Remove subject from situation immediately. He should resign."

Two days later, Carl Littlefield resigned as Scott called a news conference to announce his inspector general would launch an investigation into the agency's cost overruns.

The misdirection from Littlefield's political troubles contrasted with Scott's promise on the campaign trail that, unlike many politicians, he would take responsibility when problems arose.

Carter, who is Scott's policy adviser, declined to comment.

Brian Burgess, Scott's communication director, acknowledged Littlefield had a political problem but said the agency's money woes deserved more media attention.

"We knew about Carl Littlefield's issues before we appointed him," Burgess said. "When we knew he couldn't get confirmed, we removed that distraction from what we believed was the glaring problem."

The decision to highlight the agency's deficit led to Scott's controversial -- and ultimately aborted -- order to cut state spending for the care of disabled Floridians. Scott's office later helped Littlefield find a lower-profile job in the Department of Children and Families.

But First Amendment Foundation president Barbara Petersen said Scott's office has come up short in its goal of accountability and pointed to Carter's email that she avoided using state email because of public records laws.

"Mary Anne Carter doesn't want the public to know what she is doing," Petersen said. "I find it offensive."

But Burgess pointed out Carter is not obligated to email and said many of the staffers in the Governor's Office use their phones to avoid creating public records.

"Are there things we don't want you to know? Yes," Burgess said. "There are things we don't want to broadcast to our opponents."

Carter's email was to Brian McManus, the head of Scott's Washington, D.C., office who was relaying the message from Nelson's office. Carter's email was sent from her AOL account to McManus' Yahoo account. It was also sent to Gmail accounts for Burgess and Spencer Geissinger, Scott's director of external affairs.

The Code of Personal Responsibility in the Governor's Office discourages the staff from using personal email for state business "unless such use is necessary upon a reasonable evaluation of the circumstances at hand."

If personal email is used, the code encourages the employee to forward public records to a state account or retain the messages according to Department of State policy.

Few of the governor's top staffers have forwarded private emails to their public accounts, according to hundreds of emails the Times/Herald has inspected.

The First Amendment Foundation has acted as a liaison between the Governor's Office and some of Florida's newspapers to facilitate voluminous requests for public records.

The foundation has made more than 60 individual requests for records, the largest chunk of more than 560 requests Scott's office has received in its first four months.

Burgess and Petersen agreed it was unlikely any other governor received as many requests during that same time