IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT OF FLORIDA

J. DOE,

Appellant,

v. Case No.: 1D2023-0149

GOVERNOR RON DESANTIS, in his official capacity as custodian of public records, and the EXECUTIVE OFFICE OF THE GOVERNOR,

Appellees,
_____/

BRIEF OF *AMICI CURIAE* FLORIDA CENTER FOR GOVERNMENT ACCOUNTABILITY, INC., INTEGRITY FLORIDA INSTITUTE, INC., LEAGUE OF WOMEN VOTERS OF FLORIDA, INC., LEAGUE OF WOMEN VOTERS OF FLORIDA EDUCTION FUND, INC., AND AMERICAN OVERSIGHT SUPPORTING APPELLANT

BENJAMIN, AARONSON, EDINGER
& PATANZO, P.A.

JAMES S. BENJAMIN, Esquire
FBN # 293245
1700 East Las Olas Blvd., Suite 202
Fort Lauderdale FL 33301
954-779-1700 Telephone
Jamie@benjaminaaronson.com

Counsel for *Amici Curiae*

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IDENTITY AND INTERESTS OF AMICI CURIAE

The Florida Center for Government Accountability, Inc. (the "Center") is a nonpartisan, nonprofit organization that provides support to citizens and investigative journalists to ensure government accountability and transparency. Integrity Florida Institute, Inc. ("Integrity Florida") is a nonpartisan, nonprofit research institute and government watchdog that promotes integrity in government and exposes public corruption. The League of Women Voters of Florida, Inc. and League of Women Voters of Florida Education Fund, Inc. (together, the "League") are nonpartisan, voter-focused, nonprofit organizations that encourage informed and active participation of citizens in government. American Oversight is a nonpartisan, nonprofit organization committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials.

Interests of the Public Interest Coalition

The Public Interest Coalition's ("PIC") members are collectively dedicated to promoting transparency in government, educating the public and other stakeholders about government activities, and ensuring the accountability of government officials. To support their shared mission, the PIC members necessarily rely on meaningful access to government

records. Members of the PIC ensure such access by regularly requesting available government records, including those of Appellees Governor Ron DeSantis and the Executive Office of the Governor.

The issues raised in this appeal are of utmost concern to the PIC, especially the lower court's imposition of an unfairly burdensome specificity requirement not present in the public records statute and its novel recognition of an executive privilege that dilutes the public's state constitutional and statutory access rights to government records held by the Governor. Affirming these aspects of the lower court's ruling would immediately restrict the PIC's ability to fulfill its collective mission of educating the public about government operations and equipping voters with important information necessary to hold government officials accountable.

SUMMARY OF THE ARGUMENT

I. Florida's Public Records Act, Chapter 119, Florida Statutes (the "Act") imposes no specificity requirement upon a citizen making a records request. Requiring specificity is inconsistent with the Act's purpose of making records openly accessible to the public. The Legislature required specificity only for public record requests in capital postconviction proceedings, expressly finding such a requirement inapplicable to other types of public record requests.

Specificity in a request is also impractical because a citizen would not know the title or description of records in an agency's possession. Nor can the trial court's specificity requirement be squared with the statutory obligation imposed on a records custodian to conduct a good faith search for records responsive to a request. The lower court's ruling erroneously shifts the burden to the requestor to identify a particular record and encourages agencies to withhold responsive records if a request fails to identify a record by a particularized description.

Left undisturbed, the trial court's order will shroud in secrecy critical events shaping the lives of all Floridians—here, the decision-making process for the selection of a majority of its Supreme Court.

II. The trial court's novel recognition of executive privilege upends decades of jurisprudence interpreting the Act. In Florida, courts are not free to create an exemption from disclosure under the Act. Judicial precedent has long recognized that only the legislature could create exemptions from disclosure. In 1992, citizens of Florida codified that precedent directly into the Florida Constitution by adopting Art. I, Sec. 24(c), which mandates a specific process the legislature—and only the legislature—can use to create exemptions from disclosure. Even if the claimed privilege existed at common law, it would yield to Florida's statutory and constitutional codification of the right of access and to the legislature's sole responsibility to create exemptions from disclosure.

The trial court's creation of an executive privilege dilutes the public's state constitutional and statutory access rights to government records held by the Governor. Affirming that aspect of the lower court's ruling would unduly limit the public's constitutional right of access and immediately restrict the PIC's ability to fulfill its collective mission of educating the public to promote government accountability.

ARGUMENT AND CITATIONS OF AUTHORITY

I.

FLORIDA'S PUBLIC RECORDS ACT CONTAINS NO SPECIFICITY REQUIREMENT FOR RECORDS REQUESTS.

As described by the trial court, Doe's "initial request" seeks "'any and all materials . . . in whatever form' showing communications between the Governor and persons in his office and the 'six or seven pretty big legal conservative heavyweights.'" R-259 ¶ 12. Doe's request cited the Governor's own language, quoting a statement he'd made in a radio interview describing his Supreme Court nominee vetting process. R-007 ¶ 6. In other words, the Governor was uniquely positioned to know precisely who the referenced "legal conservative heavyweights" were and where to locate records of communications with them. Nonetheless, the court reasoned that the request was "vague and not specific in scope or subject matter, as it does not delineate when these communications occurred, or identify the topic of the communications requested, or specify the identities of the 'legal conservative heavyweights.'" R-259 ¶ 12.

As a further basis for its incorrect characterization that Doe's public records request did not seek specific records, the trial court examined "subsequent correspondence" between Doe and the Governor's office and speculated that Doe's original "request was not about obtaining a specific

public record," but rather "an attempt to determine who the Governor conferred with regarding his Supreme Court appointments." R-259 ¶ 13. Based on its interpretation of the "subsequent correspondence," the court concluded that Doe merely sought "information," not specific public records. *Id.*

In so holding, the trial court created a specificity requirement for public record requests not found in the Act. That determination conflicts with Florida's public policy of openness and liberal construction of the Act. *City of Riviera Beach v. Barfield*, 642 So. 2d 1135, 1136 (Fla. 4th DCA 1994). A specificity requirement is also at odds with the Act's broad definition of a "public record" and the good faith burden placed upon a custodian to search for and retrieve all records responsive to a request. The result is impractical because a requestor will rarely possess the specificity contemplated by the trial court's ruling, and risks encouraging agencies to play fast and loose with requestors who lack the knowledge of the varying methods by which agencies label, index and compile public records.

Each contention is addressed below.

A. No broadly applicable specificity requirement is found in Chapter 119.

First, although access to public records has been regulated in Florida since 1892,[1] no provision requires that a records request contain any degree of specificity—except for one narrow provision: requests made in capital postconviction proceedings. Any written demand made in such a proceeding must identify "with specificity" public records not located in the records repository. *See* § 27.7081(8)(c)(2), Fla. Stat.[2] (LexisNexis, Lexis Advance through 2023 regular session effective June 9, 2023, and the 2023 B special session). Notably, the Legislature made clear that "[t]his section only applies to the production of public records for capital postconviction defendants . . . ." § 27.7081(2), Fla. Stat.

The existence of this specificity requirement for capital postconviction proceedings—but in no other circumstance—is telling. If the Legislature intended to impose such a requirement on public record requests in other proceedings, it certainly knew how to do so. Instead, the Legislature did the exact opposite, declaring that the specificity requirement applies only to

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[1] "Our first public records law was enacted in 1892." §§ 1390, 1391, Fla. Stat. (Rev. 1892)." *Microdecisions, Inc. v. Skinner*, 889 So. 2d 871, 875 (Fla. 2d DCA 2004); *see also* ch. 5942, at 132, Laws of Fla. (1909).

[2] The exception was formerly found in § 119.19 but transferred by s. 39, ch. 2005-251, Laws of Florida, effective October 1, 2005.

capital postconviction proceedings, a decision that must be deemed intentional. *See Maddox v. State*, 923 So. 2d 442, 446 (Fla. 2006) ("legislative use of different terms in different portions of the same statute is strong evidence that different meanings were intended.").

Indeed, in *State ex rel. Davidson v. Couch*, 156 So. 297 (Fla. 1934), the Florida Supreme Court held that no specificity requirement existed in the then-existing statute for a citizen seeking access to public records, stating:

> The answer seeks to place such a restriction upon the privilege that one to whom it is accorded by the statute would be required to specify the particular book or record which he desires to examine. It is sufficient to say that the statute imposes no such limitation and it is doubtful if any rule or regulation of the office requiring it would be reasonable, because the working of the rule would depend upon the applicant's knowledge of the name of the record he desired to inspect.

Id. at 300. This is no less true with the passage of time and the digital era where electronic records exist in many different forms.

Second, a specificity requirement is also at odds with another statutory provision in the Act allowing agencies to impose a service charge when facing broad requests for public records. Section 119.07(4)(d), Fla. Stat., authorizes reasonable fees "if the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as

to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both[.]" *Id*. The adoption of this section by the Legislature incentivizes, but does not mandate, specificity in a records request. The Florida Supreme Court has made clear that courts "are not at liberty to add to a statute words that the Legislature itself has not used in drafting that statute." *Villanueva v. State*, 200 So. 3d 47, 52 (Fla. 2016). Where there is doubt as to legislative intent, "doubts should be resolved against the power of the courts to supply missing words." *Id.* Here, the trial court's specificity ruling violates that cardinal rule by adding a requirement found nowhere in the Act.

Similarly, the trial court's ruling implicitly, and incorrectly, signals to government agencies that they may deny requests simply because the requester seeks government "information." R-259 ¶ 13. By probing what Doe's request "attempt[s] to determine," *id.*, the trial court overlooked more than 40 years of caselaw holding that "[t]he Public Records Act does not direct itself to the motivation of the person who seeks the records," *News-Press Pub. Co., Inc. v. Gadd*, 388 So. 2d 276, 278 (Fla. 2d DCA 1980) ("[M]otives . . . [are] irrelevant in an action to compel compliance with the Public Records Act . . . ."). Moreover, the court's criticism of Doe's use of a

public records request to obtain "information" is particularly troubling because the Public Records Act is Florida's legal mechanism specifically designed to "fulfill the people's mandate to have *full access to information* concerning the conduct of government on every level." *O'Boyle v. Town of Gulf Stream*, 257 So. 3d 1036, 1041 (Fla. 4th DCA 2018) (emphasis added). By using Doe's settlement offers to obscure the plain language of Doe's original records request, the court's analysis contravenes this Court's directive that "Florida courts construe the public records law liberally in favor of the state's policy of open government." *National Collegiate Athletic Ass'n v. Associated Press*, 18 So. 3d 1201, 1206 (Fla. 1st DCA 2009) ("NCAA").[3]

[3] In that vein, the effect of the court's analysis is to prevent the highly efficient use of formal or informal settlement discussions to resolve disputes between requesters and government agencies. In PIC's experience, frank discussions with government records officers about the very information that public records may illuminate in the public interest can save tremendous resources for both requesters and for the agencies seeking to reduce their backlog and workload and save taxpayer resources. On occasion, where precise records would be difficult to screen out of a large trove of responsive records, a reasonable and mutually agreeable solution can be found by simply releasing or summarizing information that is readily discoverable by speaking with the relevant agency personnel. Were the trial court's conversion of this type of conversation into evidence of an improper request to survive, requesters will no longer be able to trust that such efficient conversations will not destroy their right to the requested records.

B. A specificity requirement is inconsistent with the definition of "public record" and the good faith burden imposed upon a custodian's search.

A specificity requirement is inconsistent with the broad statutory definition of a public record found in § 119.011(12), Fla. Stat. (2022), and the good faith burden of a custodian to search for records responsive to a request under § 119.07(1)(c), Fla. Stat. (2022).

The definition of a "public record" is broad and includes "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." § 119.011(12), Fla. Stat. Courts have noted both the breadth of this definition and the impossibility of defining all types of records subject to production under the Act. *See, e.g., Rameses, Inc. v. Demings*, 29 So. 3d 418, 421 (Fla. 5th DCA 2010) ("the right of access to public records is virtually unfettered"); *Times Publ'g Co. v. City of Clearwater*, 830 So. 2d 844, 847 (Fla. 2d DCA 2002) ("It is impossible to lay down a definition of general application that identifies all items subject to disclosure under the act.") (quoting *Shevin v. Byron, Harless, Schaffer,*

Reid & Assocs., 379 So. 2d 633, 640 (Fla. 1980)). Instead, determinations are made on a case-by-case basis. *Shevin, supra*, 379 So. 2d at 640.

Imposing a specificity requirement upon records requests is impractical and cannot be squared with the broad definitional provisions of § 119.011(12). If it is impossible to identify for definitional purposes all types of records subject to production under the Act, it is likewise unfeasible to require particularity in a request for access. The Legislature solved that impossibility by imposing a good faith burden on the records custodian to acknowledge requests and respond in good faith, which includes "making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed." § 119.07(1)(c), Fla. Stat.

C. A specificity requirement would encourage agencies to deny records requests.

Upholding the trial court's ruling will create misaligned incentives and negatively affect the ability of the PIC to obtain access to public records. Agencies will be incentivized to hide the ball by relying on the natural information imbalance disadvantaging requestors that often means they cannot identify, with particularity, the precise records sought. A citizen is entitled to all records relating to the subject matter of a request "regardless of the physical form, characteristics, or means of transmission[.]" §

119.011(12), Fla. Stat. But this result will penalize requestors, inhibiting citizens' right of access, because a requestor will rarely know how to specifically describe an agency's records.

II.

FLORIDA'S CONSTITUTIONAL CODIFICATION OF THE PROCESS FOR CREATING EXEMPTIONS FROM DISCLOSURE PRECLUDES JUDICIALLY-CREATED OR COMMON LAW EXEMPTIONS.

In the 178 years that Florida has existed, not a single court decision has recognized the existence of any executive privilege. This Court should firmly resist approving the trial court's creation of such a privilege to exempt access to public records for four reasons: 1) the Florida Constitution expressly states that the Governor, Executive Branch and each agency are subject to the Act; 2) the Florida Constitution explicitly reserves to the Legislature the power to create exemptions from disclosure; 3) both the assertion and recognition of the privilege violates the separation of powers doctrine; and 4) recognition of the privilege would stifle the ability to educate Floridians on important actions of its government.

A. Background.

The Florida Constitution gives every citizen a broad right of access to public records. Art. I, § 24(a), Fla. Const. This constitutional provision also

states that the legislature "may provide by general law passed by a two-thirds vote of each house for the exemption of records from the requirements of subsection (a) ... provided that such law shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law." Art. I, § 24(c).

The constitutional guarantee of access to public records is enforced through the Act. The Legislature declared that "[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person." § 119.01(1), Fla. Stat. (2022). This right is virtually unfettered, except by statutory exemptions that strike a balance between an informed public and the government's ability to maintain secrecy in the public interest. *Lorei v. Smith*, 464 So. 2d 1330, 1332 (Fla. 2d DCA 1985). Courts are required to construe the Act "'liberally in favor of openness, and all exemptions from disclosure are to be construed narrowly and limited to their designated purpose.'" *Lake Shore Hosp. Auth. v. Lilker*, 168 So. 3d 332, 333 (Fla. 1st DCA 2015) (quoting *Barfield v. Sch. Bd. of Manatee Cnty.,* 135 So.3d 560, 562 (Fla. 2d DCA 2014)). Any doubts are resolved in favor of disclosure. *NCAA*, *supra*, 18 So. 3d at 1207.

B. The Governor, Executive Branch and all agencies have a constitutional duty to provide access to public records.

The constitutional duty to provide access to public records applies to the Governor, the Executive Branch and every state agency. *See* Article I, § 24(a) of the Florida Constitution ("This section specifically includes the legislative, *executive*, and judicial branches of government and *each agency or department created thereunder*; counties, municipalities, and districts; and *each constitutional officer*, board, and commission, or entity *created pursuant to law or this Constitution*.") (Emphases added).

The Governor is a constitutional officer created by Art. IV, § 1, Fla. Const. The Governor is also the head of the Executive Branch of Florida. *Id*. Similarly, the Executive Office of the Governor is an agency or entity created by § 14.201, Fla. Stat. "The head of the Executive Office of the Governor is the Governor." *Id*. Thus, the Governor and Executive Office of the Governor are clearly subject to the constitutional command in Art. I, § 24(a) that allows "every citizen" to inspect public records.

The trial court's order purports to find support for the existence of an executive privilege by, among other bases, citing Art. I, § 24(a) itself. *See* R-265 at ¶ 24 ("[T]he Florida Constitution recognizes that some records are made 'confidential by the Constitution,' and the separation of powers principle is firmly grounded within constitutional text. *See* Art. I, § 24, Fla.

Const.”). But the trial court omitted the key word from its citation to Art. I, § 24. Confidentiality is permitted only for those “records exempted pursuant to this section or *specifically made confidential by this Constitution*.” *Id*. (Emphasis added). Nothing in the Constitution “specifically” exempts or makes confidential records in the possession of the Governor or Executive Office of the Governor based on executive privilege or any other privilege. This is a critical defect in the trial court’s rationale for finding the existence of an executive privilege.

In those extremely rare instances when the Florida Constitution makes records exempt from public disclosure mandates, it does so with clear, specific intention. *See* Art. X, § 29(d)(4), Fla. Const. (requiring Department of Health to protect confidentiality of medical marijuana patients: “All records containing the identity of qualifying patients shall be confidential and kept from public disclosure other than for valid medical or law enforcement purposes.”). This appears to be the only specific public records exemption contained within the Florida Constitution.

Floridians constitutionally mandated that the Governor and Executive Office of the Governor are subject to any citizen exercising their right to access public records. Nothing in the Constitution or Florida Statutes “specifically” exempts or makes confidential the records sought by

Appellant or provides any basis for the assertion of a privilege to bar disclosure.

C. The Legislature has the sole authority to create exemptions from disclosure.

The process of recognizing any exemption from disclosure has been constitutionally preempted by Art. I, § 24(c), which provides that only a two-thirds vote of the Legislature can enact a statutory exemption which "shall state with specificity the public necessity justifying the exemption and shall be no broader than necessary to accomplish the stated purpose of the law." *Id*.

This is hardly a new proposition. Even before the adoption of Art. I, § 24(c), the Judicial Branch repeatedly recognized the legislative preemption on the right of access and, accordingly, that only the legislature determines whether any exemption from disclosure exists. *See Tribune Co. v. Cannella*, 458 So. 2d 1075, 1077 (Fla. 1984) ("a municipality may not act in an area preempted by the legislature"); *Sarasota Herald-Tribune Co. v. Community Health Corp.*, 582 So. 2d 730, 731 (Fla. 2d DCA 1991) ("we have no authority to create a statutory exemption for this corporation"); *Douglas v. Michel*, 410 So. 2d 936, 938 (Fla. 5th DCA 1982) (policy that employee personnel files were strictly confidential was unlawful attempt to exempt hospital from law making personnel files non-exempt public

records); *Tribune Co. v. Public Records*, 493 So. 2d 480, 483 (Fla. 2d DCA 1986) ("only the legislature can create such an exemption, not the court or custodian").

The trial court's decision fails to mention this constitutional preemption or the firmly established body of judicial precedent that courts are not free to create an exemption from disclosure.

Instead, ignoring these concepts and other foundational tenets underlying Florida's commitment to transparency, the trial court's order determined that not recognizing an executive privilege would be "contrary to the public interest." R-267 at ¶ 29. This determination conflicts with the principle that access to public records "promotes a state interest of the highest order." *NCAA*, *supra*, 18 So. 3d at 1212. It also diverges from the firm precedent that courts are not to consider public policy considerations, including asserted privileges derived from common law, as a bar to access public records. *Wait v. Fla. Power & Light Co.*, 372 So. 2d 420, 424 (Fla. 1979) (rejecting public policy of litigation-related privileges as a basis for courts creating an exception from disclosure; "[t]his argument should be addressed to the legislature."). *See also Gadd v. News-Press Pub. Co.*, 412 So. 2d 894, 895 (Fla. 2d DCA 1982) ("Public policy considerations,

aside from statutory or constitutional rights, can no longer be urged as an exemption to the Public Records Law.").

Florida's strong public policy and commitment to transparency is best summarized in the 2023 edition of the *Government-in-the-Sunshine Manual*, published annually by the Office of the Attorney General. In a preface titled "A Public Policy of Open Government," General Moody states:

> Our system of open government is a valued and intrinsic part of the heritage of our state. Each day, Floridians use these laws to inform themselves as citizens, to attend government meetings and to review government records. As a result of these efforts, government leaders can be held accountable for their actions.

Government-in-the-Sunshine Manual at xii. Vol. 45 (2023 ed.), available at https://www.myfloridalegal.com/sites/default/files/2023-05/2023GovernmentInTheSunshineManual.pdf

As the Legislature has not seen fit to create an executive privilege or exemption from disclosure for the records sought here, the trial court was not free to do so.

D. Recognition of an executive privilege violates the separation of powers.

Both the assertion of executive privilege by the Governor as a bar to disclosure and the trial court's recognition of that privilege violates the separation of powers doctrine. The trial court reached the opposite

conclusion and determined that the separation of powers principle supported finding an executive privilege. R-264-65.

The trial court erred in that determination because, for the reasons set forth in Section II(B), *supra*, the Legislature has the sole power to determine the existence of any exemption or privilege from disclosure of public records.

Art. II, § 3 of the Florida Constitution prohibits one branch of government from exercising "any powers appertaining to either of the other branches unless expressly provided herein." *Id*. Given the constitutional command in Art. I, § 24(c) that the Legislature alone has the power to determine exemptions from disclosure, the assertion and recognition of executive privilege in the proceedings below actually violate the separation of powers.

E. Recognition of an executive privilege stifles the Public Interest Coalition's collective mission, to the detriment of the public at large.

In pursuit of their collective mission to educate the public on important matters of government conduct, the PIC routinely relies on Florida's constitutional right of access to public records. In contrast to a statutory exemption created by the legislature, the trial court's ill-defined and overly broad recognition of an executive privilege opens the door for the Executive

Branch to incrementally increase the scope of the privilege over time. Not only could this ultimately swallow the constitutional rule requiring the Governor to provide access, but on a practical level, it will effectively create a moving target the PIC will have to wrestle with as its members attempt to draft requests outside the ever-expanding scope of the executive privilege. The upshot of this moving-target analysis will not only be a drastic decrease in public access to Executive Branch records, but a potential increase in litigation necessary to further define the boundaries of the judicially-created privilege.

Thus, if left unchanged, the trial court's ruling presents a significant barrier to the PIC's ability to fulfill its collective mission of ensuring public access to basic information and records about the official conduct of Florida's Governor.

The right of access to public records has been described by the Florida Supreme Court as a "cornerstone of our political culture." *Bd. of Trs. v. Lee*, 189 So. 3d 120, 124 (Fla. 2016). The danger of denying the right of access to public records was cautioned by the Florida Supreme Court nearly 80 years ago in *Fuller v. State*, 17 So. 2d 607 (Fla. 1944). Writing for a unanimous Court, Justice Terrell analogized that citizens are the owners and stockholders of government, and the custodians are their agents:

> To say that the agent can deny the right of the stockholder to inspect and make copies of the records of the corporation would give countenance to the very evil that Jefferson warned against in his famous aphorism, 'Every government degenerates when trusted to the rulers of the people alone. The people themselves are the only safe depositories.' Not only this, to uphold such a doctrine would make rubbish of the well known trilogy of Abraham Lincoln and in the place of government of, for, and by the people, we would have government by petty autocrats.

Id., 17 So. 2d at 607.

The request at issue here related to the Governor's appointment of justices to the Florida Supreme Court. To date, Governor DeSantis has appointed five of the seven justices in less than five years.[4] Access to records about the Governor's decision-making process for appointing a member of the judiciary serves a critical role in democracy, and the PIC has a vital interest in educating the public and other stakeholders about government activities, including the selection and appointment of members of the judiciary. An executive privilege would undermine those efforts and impermissibly restrict public access to essential information.

[4] *See DeSantis Selects Latest Florida Supreme Court Justice*, Tampa Bay Times, May 23, 2023, available at https://www.tampabay.com/news/florida-politics/2023/05/23/desantis-florida-supreme-court-conservative-meredith-sasso/

CONCLUSION

Public records belong to the citizens of Florida. Art. I, § 24 was adopted to protect against any encroachment of that right. Imposing a specificity requirement or court-made executive privilege runs afoul of the virtually unfettered right of access and serves no public purpose. For these reasons, the trial court's order should be reversed.

Respectfully submitted,

BENJAMIN, AARONSON, EDINGER
& PATANZO, P.A.

/s/ James S. Benjamin
JAMES S. BENJAMIN, Esquire
FBN # 293245
1700 East Las Olas Blvd., Suite 202
Fort Lauderdale FL 33301
954-779-1700 Telephone
954-779-1771 Fax
Jamie@benjaminaaronson.com

CERTIFICATE OF SERVICE

I hereby certify that, on July 10, 2023, a true and correct copy of the foregoing will be furnished via the Florida Court's E-Filing Portal to:

John G. Woodlee
Primary E-mail: jgw@bedellfirm.com
Secondary E-mail: mam@bedellfirm.com
The Bedell Building
101 East Adams Street
Jacksonville, Florida 32202

Justin S. Hemlepp
Primary E-mail: jhemlepp@gmail.com
6019 Rachel's Way
Ashland, Kentucky 41102

Evan M. Ezray
Primary: evan.ezray@myfloridalegal.com
Secondary: jenna.hodges@myfloridalegal.com
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399

Henry C. Whitaker
Primary: henry.whitaker@myfloridalegal.com
Secondary: jenna.hodges@myfloridalegal.com
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399

Zachary P. Grouev
Primary: Zachary.grouev@myfloridalegal.com
Secondary: jenna.hodges@myfloridalegal.com
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399

Nicholas J.P. Meros
Primary: Nicholas.meros@eog.mylforida.com
Secondary: gov.legal@myflorida.com
Executive Office of The Governor
The Capitol, PL-5
400 S. Monroe Street
Tallahassee, FL 32399

By: */s/ James S. Benjamin*
JAMES S. BENJAMIN

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the font requirements set forth in Rule 9.210(a)(2)(B), Florida Rules of Appellate Procedure and contains 4,616 words.

By: */s/ James S. Benjamin*
JAMES S. BENJAMIN