

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY,
FLORIDA.

AHF MCO OF FLORIDA, INC.,
d/b/a PHC FLORIDA HIV/AIDS
SPECIALTY PLAN,

CASE NO. 2018 CA 1648
CIVIL DIVISION

Plaintiff,

vs.

EXECUTIVE OFFICE OF THE
GOVERNOR,

Defendant.

_____ /

ORDER ON PUBLIC RECORDS REQUEST

A hearing was held on August 20, 2018 on this public records request by Petitioner. Both parties were represented by counsel at the hearing. The subject of the hearing was a public records request dated July 19, 2018 from Petitioner to the Office of Governor Rick Scott.

Five categories of documents were requested.

1. A copy of Governor Scott's electronic calendar showing all meetings, events, and appearances involving the Governor for the period July 20, 2018 through October 31, 2018.
2. A copy of any hardcopy calendars or other documents showing all meetings, events, and appearances involving the Governor for the period July 20, 2018 through October 31, 2018.

3. All documents and records that indicate where Governor Scott will travel during the period July 20, 2018 through October 31, 2018.

4. All documents and records that indicate where Governor Scott will reside during the period July 20, 2018 through October 31, 2018.

5. A list of all campaign and fundraising events Governor Scott will attend as part of his campaign for U.S. Senate during the period July 20, 2018 through October 31, 2018.

Respondent, Executive Office of the Governor, replied the next day, July 20, 2018 claiming the requested documents are exempt pursuant to Section 119.071 (2) (d), Florida Statutes, which states in pertinent part as follows:

Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07 (1) and s. 24 (a), Art. I of the State Constitution.

Pursuant to that exemption, information revealing surveillance techniques, surveillance procedures, or surveillance personnel is exempt from disclosure to the public. However, the information requested by Petitioner does not reveal surveillance techniques, surveillance procedures, or surveillance personnel. It simply is information regarding the Governor's travel schedule.


Section 119.071, Florida Statutes, provides the exemptions from public records disclosure. The above stated surveillance information exemption is under subcategory (2) entitled AGENCY INVESTIGATIONS. Petitioner's request does not concern an agency investigation. Of course, if Petitioner was requesting

information regarding FDLE surveillance techniques, procedures or personnel while the Governor is traveling, that would be exempt. But requesting his travel information is not exempt under the cited exemption.

As stated in Section 119.01 (1), Florida Statutes, "it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency." All such materials are open for public inspection unless the legislature has exempted them from disclosure.

Mandamus relief is granted. Respondent has 10 days from the date of this order to produce the public records responsive to Petitioner's requests.

DONE AND ORDERED in Chambers, Tallahassee, Leon County, Florida, this 5th day of Sept., 2018.



CHARLES DODSON
CIRCUIT JUDGE

Copies furnished to all counsel via E-Portal:

Ryan J. Andrews, Esquire
ryan@andrewslaw.com
service@andrewslaw.com
Barry S. Richard, Esquire
richardb@gtlaw.com