

The on-camera request by Council member Pete Bacheler at his first post-election meeting on Nov 19, 2021 to have the Village Attorney Roget Bryan advise on how to limit public access to public documents is not only ill-advised, it could lead to a violation of Florida's Public Records Law, and of the Florida Constitution, as well as of related Fla Attorney General Opinions and relevant Fla Supreme Court rulings (as cited in detail below).

Council members and all Village staff are public employees with a well-established obligation to produce public records upon request -- that is actually and legally a part of their job, not a distraction or inconvenience as characterized by Mr. Bacheler.

Art 1, section 24, of the Fla. Constitution says that "Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee...." It continues: "This section specifically includes ... municipalities...."

Fla. Statute 119.07(1)(a) states that: "Every person who has custody of a public record **shall permit the record to be inspected and copied by any person desiring to do so... at any reasonable time... under reasonable conditions...**"

Fla. Statute 119.07(1)(c) also states that: "A **custodian** of public records and his or her designee **must acknowledge requests** to inspect or copy records **promptly and respond to such requests in good faith.**"

The Village thus cannot lawfully just decide not to produce public records -- **many of which, by the way, ought to already be readily available through the Village website, which is user unfriendly in some ways, and lacking considerable content as a result of the previous Council - and some Village staff - seemingly dismissive attitudes toward citizen participation in, and oversight of, Village government functions and policies.**

Under Fla Statute section 119.10, there are penalties, both civil and criminal, for violations, the severity of which depends on whether the violation is a mistake, knowing, or willful -- and Mr. Bacheler's public remarks on 19 Nov would seem to make them pretty much willful.

Also, if a citizen is forced to go to court to seek a court order requiring the disclosure of improperly withheld documents, section 119.12 of the Fla Statutes requires the withholding public agency to pay that citizen's attorney fees.

Finally, quoting from Fla Statute section 119.01 (1) (1995), **"it is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person."**

It is puzzling that the Village Attorney Roget Bryan did not immediately (nor at any public meeting since then) cite these well-established Fla Statutory and Constitutional prohibitions to Mr. Bacheler, the rest of the Council, and some participating disclosure resistant staff, especially in light of **Fla Attorney General Opinion 92-38 in which the Fla Supreme Court was quoted as having stated "It is well settled that a request may not be denied because of a lack of specifics in the request or that the request is overbroad. Accordingly, in the absence of a statutory exemption, a custodian must produce the records requested, regardless of the number of records involved or the possible inconvenience."**