IN THE SUPREME COURT OF FLORIDA

CASE NOS. 76,090 & 76,803

DICK LOCKE,

Petitioner,

vs.

PAUL M. HAWKES,

Respondent.

FLORIDA HOUSE OF REPRESENTATIVES,

Petitioner,

vs.

JON I. GORDON, JUDGE, etc.,

Respondent.

BRIEF OF THE MIAMI HERALD, THE TAMPA TRIBUNE, THE ST. PETERSBURG TIMES, THE GAINESVILLE SUN, THE LAKE CITY REPORTER, THE (LAKELAND) LEDGER, (LEESBURG) DAILY COMMERCIAL, OCALA STAR-BANNER, PALATKA DAILY NEWS-SUN, SARASOTA HERALD-TRIBUNE, THE (AVON PARK) NEWS-SUN, (FERNANDINA BEACH) NEWS-LEADER, MARCO ISLAND EAGLE, (SEBRING) NEWS-SUN, THE TALLAHASSEE DEMOCRAT, THE FLORIDA PRESS ASSOCIATION, THE FLORIDA SOCIETY OF NEWSPAPER EDITORS, AND THE FLORIDA FIRST AMENDMENT FOUNDATION, AMICI CURIAE

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INTEREST OF AMICI

The amici newspapers,[1] the amici news organizations,[2] the host of journalists who work for amici newspapers and all other print and electronic (radio and TV) media, as well as the public at large, all depend on Florida's Public Records Law, Chapter 119, Florida Statutes (the "Public Records Law" or "Law"), to effectively gather information about, and report on, public issues and government actions. Pursuant to the Public Records Law, members of the press and public daily request the right to inspect and copy records which often are the best evidence of what the government is doing. Although most governmental officials at both the state and local levels live by the principle of "government in the sunshine" -- the philosophical foundation of the almost-century-old Public Records Law -- some do not.

Ambiguity as to the reach of the Public Records Law undercuts its effectiveness. If the Law's application is doubtful, public officials who believe the greater good is served by secrecy -- contrary to the announced public policy of this State -- will fasten upon these ambiguities and use them as a basis for denying the public's access to public records. In fact, several incidents since this Court decided Locke v. Hawkes, 16 FLW S716 (Fla. 1991), illustrate how the ambiguity has prompted some county officials --

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[1] The Miami Herald, The Tampa Tribune, The St. Petersburg Times, The Gainesville Sun, The Lake City Reporter, The (Lakeland) Ledger, (Leesburg) Daily Commercial, Ocala Star-Banner, Palatka Daily News-Sun, Sarasota Herald-Tribune, The (Avon Park) News-Sun, (Fernandina Beach) News-Leader, Marco Island Eagle, (Sebring) News-Sun, and The Tallahassee Democrat.

[2] The Florida Press Association, The Florida Society of Newspaper Editors, and the Florida First Amendment Foundation.

"state officers" subject to the Public Records Law -- to refuse the public access to records which before Locke were readily available for inspection under the Public Records Law. For example, an attorney who represents the Polk County School Board recently indicated that he would rely on Locke to deny access to a school desegregation map. He reasoned that Locke forbids the Legislature from imposing Public Record Law responsibilities upon any entity that is not specifically created by or entrusted to the Legislature. Because the School Board and the School Superintendent are offices created pursuant to Article IX, Sections 4 and 5, of the state constitution, he reasoned, these entities have no Public Record Law responsibilities. Similarly, the Chief Assistant State Attorney for Hillsborough County publicly stated that Locke should be read to exclude the State Attorney's Office from Public Records Law application because it is a creature of the constitution, specifically Article V, Section 17.

These expansive interpretations have far-reaching implications, hiding vast numbers of records that were until now presumed accessible to the public and its surrogate, the press. Without some clarification from this Court, the primary goal of the Public Records Law to "promote open government and citizen awareness of its working" and, therefore, "enhance and preserve democratic processes" is endangered, if not eviscerated. Byron, Harless, Schaffer, Reid & Associates, Inc. v. State ex. re. Schellenberg, 360 So.2d 83, 97 (Fla. 1st DCA 1978), quashed on other grounds, 379 So.2d 633 (Fla. 1980).

REQUEST OF AMICI

Unfortunately, this Court's opinion in this case (the "Opinion") has had the unintended effect by its dicta of adding ambiguity where before none existed. The questions raised by the dicta in the Opinion will only lead to an increased burden on Florida's trial and appellate courts and an increased burden on members of the public who seek to inspect records. Amici therefore urge this Court to withdraw the Opinion and substitute a less sweeping opinion which endorses and follows this Court's prior interpretations of the Public Records Law. The Court's opinion should recognize that: (i) both Locke and Guber fall within the ambit of "agency" as defined in Section 119.011(2), Florida Statutes, and (ii) separation of powers issues are not involved in the Court's application of a substantive law enacted by the Legislature.

Alternatively, if the Court does not accept this position, amici ask the Court to recede from its Opinion by explicitly following its past broad application of the Public Records Law and by articulating, through statutory construction of Chapter 119, why the particular records in this case are exempt from disclosure.

THE OPINION

The Court in the Opinion may have intended to decide, as a matter of statutory interpretation, that the records of individual members of the Legislature collected in their capacity as members are not subject to the Public Records Law. Assuming the

correctness of this conclusion (a subject discussed below), this Court need only have decided that: (i) absent a clear declaration of the Legislature to the contrary, Section 119.011's definition of "agency" does not include the Legislature, and (ii) the "non-agency" status of the Legislature extended to that body's individual members. If the Court so concluded, that would have been the end of the matter. Although the Opinion concludes that Section 119.011 does not reach the records of individual legislators, it does so in sweeping language under separation of powers analysis, adjudicating questions about the Law's application which where not presented by the two cases before the Court.

Alternatively, the Court may have concluded that absent constitutional prohibitions based on separation of powers, the actual text of the Public Records Law does apply to the records of the individual members of the Legislature, whether or not it applies to the internal records of the Legislature itself. If so, the Court may have decided that despite the application of the Law to the records of individual members, the judiciary is without power to require their production because that would be interference by the judiciary in legislators' prerogatives, and, as such, would contravene the mandate of the Florida Constitution to recognize the separation of the powers of the three branches of Florida's government. Art. II, Sec. 3, Fla. Const. The Court's wording of the questions presented would appear to suggest this. The Court need not have reached the constitutional question and its refusal to do so would be more in keeping with the rule that the Court will not reach constitutional questions where doing so is unnecessary.

In addition, the Opinion addresses Chapter 119's application to judicial records when judicial records were not at issue in the cases before the Court. Concern over the Law's potential application to judicial records appears to have resulted in a broad and far-reaching opinion concerning other "constitutional officers." The potential reach of the Opinion to all sorts of governmental records, until now believed to be clearly within the Public Records Law,[3/] is discussed both in the Motion for Clarification filed by the Attorney General on behalf of Respondent Judge Jon I. Gordon, and in the Reply of Petitioners Dick Locke and the Florida House of Representatives to that motion.[4/] The Court may not have intended such an upheaval in Florida law. If so, the amici ask the Court to clarify its intent.

The Opinion has caused many to explore a constitutional amendment to restore to status quo ante the Public Records Law. It will be difficult for this Court to replace all these escaped genies in the bottle of the Public Records Law, but amici urge this Court to make that effort given the Court's long-standing commitment to open government and to the importance of this concept to the people of the State.

[3/] See pages 1 - 2 above.

[4/] The Attorney General asked whether the Opinion reaches both the constitutional and non-constitutional functions of constitutional officers and agencies. The Attorney General further asked whether the Opinion reaches constitutional officers and agencies not named in the Opinion. The Florida House of Representatives gives reasons why the Opinion should not be deemed to apply to these other constitutional officers and agencies. Amici ask the Court to clarify this ambiguity in the Opinion.

ISSUES AS SET FORTH IN THE OPINION

> In the Opinion, the Court asks two questions:
>
> First, was chapter 119 intended to apply to the independent branches of government established by the constitution, and,
>
> Second, does the separation of powers doctrine of the constitution prohibit the judicial branch from construing chapter 119 to apply to the Legislature?

Locke, 16 FLW S716-17. The Opinion then appears to address both these questions yet concludes the Court "do[es] not need to address the constitutional question [presumably the second question] because we interpret the term 'agency', as used in the statute, to not include members of the Legislature." Locke, 16 FLW at S717.

As to the first question, the Opinion concludes:

> We find that the term "agency," as used in section 119.011, was not intended to apply to the constitutional officers of the three branches of government or to their functions. We find that the term "agency" does not include the governor, the members of the cabinet, the justices of the supreme court, judges of district courts of appeal, the circuit courts or the county courts, or the members of the house or senate.

Id.

As to the second question, the Opinion says:

> To construe chapter 119 as suggested by Hawkes and Singer would result in a direct confrontation with the separation of powers doctrine set forth in article II, section 3, of the Florida Constitution.

Id. This conclusion followed evaluation of The Florida Bar, 398 So.2d 446 (Fla. 1981) (which this Court said "held that neither the Legislature nor the governor could control what is purely a judicial function"), and Moffitt v. Willis, 459 So.2d 1018 (Fla.

1984) (which the Court said "found that the judicial branch could not constitutionally interfere with the internal activities of the Legislature with regard to public meetings"). Amici interpret the Opinion as relying on these two decisions for the Court's perception of a "direct confrontation with the separation of powers doctrine."

ARGUMENT

I. THE FLORIDA BAR AND MOFFITT V. WILLIS DO NOT CONTROL THIS CASE.

Neither of the decisions the Court cites in the Opinion should control here, and their presence has had the unintended effect of adding confusion where before there was none.

First, the Court cites The Florida Bar, 398 So.2d 446 (Fla. 1981), for the proposition that the Legislature may not encroach upon a "purely judicial function". However, that decision is not as broad in scope as the Opinion's language suggests. In The Florida Bar this Court ruled that the unauthorized practice of law files of the Florida Bar are not within the scope of Chapter 119. The Court relied on the separation of powers doctrine because Art. V, Sec. 15 of the Florida constitution unequivocally and unambiguously vests exclusive jurisdiction to regulate the admission of persons to the practice of law in this Court. Florida Bar, 398 So.2d at 447, citing In Re Florida Board of Bar Examiners, 353 So.2d 98, 100 (Fla. 1977). Based upon the constitution's plain language, the unauthorized practice of law files were found to be an essential component of this Court's constitutionally mandated

regulatory functions, and therefore beyond the reach of Chapter 119.[5/]

Although this Court certainly observed in Florida Bar that "[n]either the legislature nor the governor can control what is purely a judicial function", in doing so it emphasized that "purely . . . judicial function[s]" were "explicitly withheld and vested elsewhere in the constitution, i.e., Art. V." Florida Bar, 398 So.2d at 447. The issue here -- whether the Legislature may adopt a law applicable to its own members, and whether the judiciary may interpret or enforce that law -- hardly fits this rubric. "Separation of powers" is not a talisman which creates "a complete division of authority between [sic] the three branches" requiring "three airtight departments of government". Nixon v. Administrator of General Services, 433 U.S. 425, 443 (1977). Instead, this Court has recognized, as did the United States Supreme Court in Nixon, that separation of powers only requires that "the judiciary refrain from deciding a matter that is committed to a coordinate branch of government by the demonstrable text of the constitution." McPherson v. Flynn, 397 So.2d 665, 667 (Fla. 1981).[6/] The simple fact is that whatever separation of

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[5/] The records sought in the Locke cases do not relate to purely regulatory functions, nor does access to such records improperly affect the regulatory functions of constitutional officers. Moreover, this case is unlike cases in which one branch of government expressly dictates to another the precise manner in which to execute a particular duty. See, for example, Johnson v. State, 336 So.2d 93 (Fla. 1976) (finding Legislature may not enact law which directs court to expunge or destroy official records).

[6/] The Court historically has taken an exceptionally narrow view of issues related solely to the Legislature, and essentially has stayed its hand only where jurisdiction over a matter is (as with the judiciary in The Florida Bar) explicitly committed to the (continued...)

powers limitations may exist as to the Legislature dictating the handling of judicial records, there can be no separation of powers issue in the Legislature dictating the handling of legislative records, and, more explicitly, the handling of the records of individual members of the Legislature -- and the amici ask this Court to say so.[7/]

Nor does Moffitt v. Willis, 459 So.2d 1018 (Fla. 1984), which involved the right of legislative committees to meet without public notice and attendance, control here. In Moffitt, this Court -- although split 4-3 -- appeared unanimous on two propositions: (i) if what was being challenged was action governed by a legislative rule, then this Court would not entertain a challenge of the action; but (ii) if what was being challenged was action

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[6/](...continued)
Legislature by the constitution. See, for example, McPherson v. Flynn, 397 So.2d 665, 667 (Fla. 1981) (refusing to determine entitlement to Legislative seat because Art. III, sec. 2 unequivocally makes Legislature the sole judge of its members' qualifications). Similarly, in Brewer v. Gray, 86 So.2d 799 (Fla. 1956), the Court declined to order the Legislature to undertake its duty to enact a scheme of legislative reapportionment because the Florida Constitution, under Art. VII, sec. 3, expressly delegates reapportionment to the Legislature. And, in Dade County Classroom Teachers Association, Inc. v. Legislature, 269 So.2d 684 (1972), the Court refused to compel the Legislature to enact standards regulating the right explicitly guaranteed by Art. I, sec. 6 of public employees to bargain collectively, but observed that the Court itself would enact appropriate guidelines if the Legislature did not do so within a "reasonable time." 269 So.2d at 688.

[7/] If, as the Florida House of Representatives appeared to contend in its briefs to this Court, there is a separation of powers issue in the Legislature by a statute (which involves some executive participation, if only inaction) instructing an individual legislator to do or not to do something, then the amici ask the Court to articulate with greater specificity this somewhat novel proposition in order to minimize potential confusion. Then the Court could simply declare what the law is and assume state officers will comply with it (a procedure often adopted as to lower court judges in prohibition or mandamus actions).

governed by a statute, then this Court would entertain a challenge of the action. The split in the Court was over the issue of whether the challenge there was directed to a rule or a statute.[8/] As in Florida Bar, the significance of this distinction stems from the exclusive jurisdiction vested in each house of the Legislature by Art. III, Sec. 4 of the constitution to interpret, implement and enforce its internal rules of procedure. In the Locke cases, there does not appear to have been any challenge of a rule.[9/] Thus, this case does not pose the separation of powers dilemma of Florida Bar and Moffitt. The constitution does not vest exclusive jurisdiction in the legislative branch over the records of either the

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[8/] The majority stated:

> Petitioners maintain that the authority of each house of the legislature, vis-a-vis article III, section 4(a) and article II, section 3 of the Florida Constitution, to determine its own internal procedure is at issue and that neither the constitutionality of any enacted statute, nor any policy commitment of the state of Florida, nor the balancing of compelling interests of the state are at issue. We agree with the Petitioners' contentions.

Moffitt, 459 So.2d at 1021.

Justice Boyd, concurring in part, dissenting in part, observed:

> Although courts have no authority to enforce legislative procedural rules, the allegation of violation of a statute of Florida presents a question cognizable in the courts.

Id. at 1022.

Justice McDonald, concurring in part, dissenting in part (Overton, J. and Boyd, J. joining), concluded that the plaintiffs were entitled to a declaratory judgment as to the constitutional and statutory issues.

[9/] In fact, as Respondent Hawkes pointed out to this Court, whatever legislative rule arguably did apply did not even exist at the time of the public records demand involved.

Legislature or individual legislators. It therefore cannot violate any separation of powers doctrine for this Court to apply the Legislature's own statute to a member of the Legislature.

II. THE PUBLIC RECORDS ACT APPLIES TO THE RECORDS OF INDIVIDUAL LEGISLATORS.

The records of the Legislature, gua Legislature, are not at issue here. The constitution expressly deals with certain types of legislative records. For example, Article IV, Section 3(c), provides that each house shall keep and publish a journal of its proceedings. And, Article IV, Section 8(c), states that the vote of each voting member in each reenactment of a bill or reenactment of a specific appropriations in a general appropriation bill shall be entered in the Legislature's journals. None of the litigants below seeks these records, or any other internal records of the Legislature gua Legislature. What are at issue are the records of individual legislators.

Section 119.01(1), Florida Statutes, provides the guiding light:

> (1) 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.

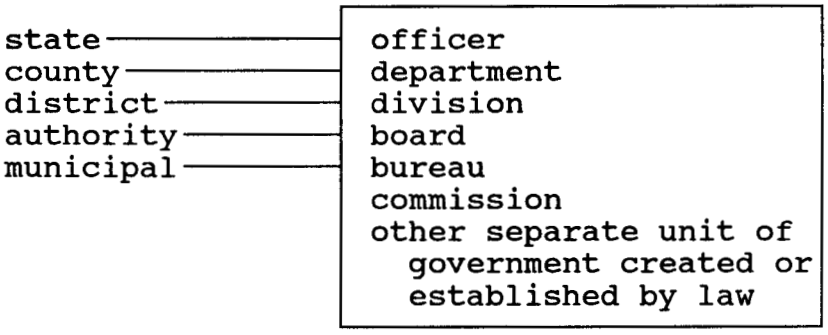
This Court has always given a broad interpretation to this provision, concluding that "all" means all. The Court in Florida Bar concluded that "the definition of 'public records' . . . and the definition of the term 'agency' are far reaching and broad enough to include the records of judicial branch entities." Florida Bar, 398 So.2d at 447 (emphasis added).

Section 119.011(2), Florida Statutes, provides a definition of "agency":

> (2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

Parsing this language, "agency" means:

"Any



and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." So parsing the language, it would appear that an "agency" can be, for example, a "state officer" a "state department", a "state division", and so on. The phrase "created or established by law", which the Court found to be referring to statutory law, Locke, 16 FLW at S717, only modifies the phrase immediately preceding it -- "other separate unit of government". It does not modify the various governmental entities enumerated earlier in the definition. Thus, a member of the Legislature is a "state officer" to whose records the press and public have access through the Public Records Law. And, to the extent this Court believes the section is ambiguous, Florida's appellate courts (following this Court's lead) consistently have recognized that the Public Records

Law favors disclosure of public records and all doubts should be resolved against secrecy. Downs v. Austin, 522 So.2d 931, 933 (Fla. 1st DCA 1988), citing Bludworth v. Palm Beach Newspapers, Inc., 476 So.2d 775, 780 n.1 (Fla. 4th DCA 1985); Tribune Co. v. Public Records, 493 So.2d 480, 483 (Fla. 2d DCA 1986).

It is also clear that prior to 1985 the Senate staff thought that the Legislature as a whole was subject to the Public Records Act. See CS/SB 1320 (stating the "Law appears to apply to the Legislature, which may create a conflict with the Senate and House rules"). The Legislature then amended the Public Records Law, Section 119.14(3)(c) in particular, to provide that "an 'exception' is defined as a provision of the Florida Statutes which creates an exception to Section 119.01 . . . and which applies to the executive branch of state government or to local government . . .", apparently believing that this language conforms the Law to "recent Florida Supreme Court [decisions] [Moffitt v. Willis] regarding the Court's power to determine legislative rules . . . ." The natural reading of this insert would be an effort, however opaque and oblique, to exempt the procedural rules of the Legislature, the situation analogous to Moffitt v. Willis. By this amendment, the Legislature does not appear to have made any effort to exempt all records of individual members of the Legislature from the reach of Chapter 119.

III. THE PUBLIC RECORDS ACT APPLIES TO AT LEAST MOST RECORDS OF THE EXECUTIVE BRANCH.

Although the Court need not have reached the issue, the Opinion states that "the term 'agency' . . . was not intended to

apply to the constitutional officers of the three branches of government or to their functions. We find that does not include the governor, the members of the Cabinet . . . ." Locke, 16 FLW at S717 (emphasis added). The functions of the governor and of the members of the Cabinet are defined in general and expansive terms in the Constitution.[10/] However, each person is also vested with statutory responsibilities, and in many cases these are just a more detailed implementation of those powers outlined in the constitution.[11/] Thus, Article IV, Section 4 of the constitution specifies that Cabinet members "shall exercise such powers and perform such duties as may be prescribed by law" (emphasis added). Those duties include those prescribed by the Public Records Law.

That the Legislature meant Chapter 119 to apply to executive officers and the executive branch is especially clear. See Section 119.14(3)(c). If the Court meant to conclude that records of all constitutional functions of the Governor and of the members of the Cabinet are not public, then the Court has largely invalidated the Public Records Law and placed record disclosure in

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[10/] The executive power of the state is vested in the Governor and his Cabinet. Art. IV, Sec. 1, Fla. Const. The Attorney General is the chief state legal officer. Art. IV, Sec. 4, Fla. Const. Under the constitution, the Comptroller is the chief fiscal officer of the state. Id. The Treasurer keeps and disburses state funds. Id. The Commissioner of Agriculture has "supervision of matters pertaining to agriculture except as otherwise provided by law." Id. The Commissioner of Education "shall supervise the public education system in the manner prescribed by law." Id. The Secretary of State keeps the official acts of the legislative and executive departments. Id.

[11/] Each member of the Cabinet heads an agency with statutorily prescribed duties. See generally Chapter 20, Florida Statutes.

the sole discretion of these constitutional officers.[12/] And if this Court meant to afford public access to records relating to statutory functions under Chapter 119, but preventing it as to constitutional functions, amici believe such a distinction will be difficult, if not impossible, to draw and therefore ask the Court to clarify its holding.[13/]

IV. THE FLORIDA CONSTITUTION EXPLICITLY RECOGNIZES THE IMPORTANCE OF THE PUBLIC RECORDS LAW.

Article I, Section 23, of the Florida Constitution recognizes a fundamental right to privacy enjoyed by every Florida citizen. Article I, Section 23, is subject to only one limitation -- the public's right to examine their public records as provided

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[12/] Placing record disclosure in the sole discretion of a constitutional officer is contrary to Lewis v. Bank of Pasco County, 346 So.2d 53 (Fla. 1977), where this Court recognized that the Comptroller, a constitutional officer under Article IV, Sections 4(a) and (c), does not enjoy exclusive control over the records generated in performance of his duties. In Lewis the Court ruled that he may not order disclosure of various confidential banking records obtained in the course of everyday business. The issue of the records' disclosure (or nondisclosure) is for the Legislature. Id.

[13/] This is not to say that there are no instances where the constitution sufficiently elaborates the function. See In Re Advisory Opinion to the Governor, 334 So.2d 561, 562 (Fla. 1976) (finding the "exclusivity of the exercise of clemency powers by the executive branch is further buttressed . . . by the procedural requirements of the Constitution itself. Where that document sufficiently prescribes rules for the manner of exercise, legislative intervention into the manner of exercise is unwarranted."); 1986 Op. Att'y Gen. Fla. 086-50 (May 30, 1986) (finding materials collected by Parole and Probation Commission pursuant to direction of the Governor and Cabinet for pardons and other forms of clemency authorized by Art. IV, Sec. 8(a), Fla. Const., are not subject to the Public Records Law). Compare Turner v. Wainwright, 379 So.2d 148 (Fla. 1st DCA 1980), affirmed and remanded, 389 So.2d 1181 (Fla. 1980) (finding Parole Commission, which constitution recognizes may be created by law, is subject to the Open Meetings Law in carrying out its statutory duties relating to parole).

by law. Article I, Section 23, in no way restricts this right to enact laws ensuring access to particular forms of records. Indeed, the specific constitutional preservation of access to public records was included precisely because the drafters feared that an individual's right to be let alone would defeat the public's overriding interest in knowing how their government was conducting its business.[14/] Patricia Dore, principal staff person for the Declaration of Rights, and Ethics, Privacy and Election Committees and staff person for the Style and Drafting Committee of the Constitution Revision Commission, made clear that the public's right to enact laws to guarantee access to public information is a matter of constitutional significance:

> The [constitutional] commission recommended elevation of . . . [the] public records statutes to constitutional status in part because of its decision to recommend recognition of a right to be let alone by government. But the commission also was responding to the concerns of those who worried that Florida's nationally recognized devotion to "government in the sunshine" was slowly eroding, as well as to those who maintained that the public's right to know was a principle of such fundamental importance in a democracy that it ought to be included in the declaration of rights.

[14/] The Constitution Revision Committee's original proposal in 1978 of a discrete constitutional amendment ensuring access to public records was not enacted. Likewise, an earlier version of Art. I, sec. 23 that did not contain a public records exception was rejected. In 1980, Florida voters reconciled the public's right to know how its government was conducting itself with the individual's right to be let alone by enacting the present version of Article I, section 23. The legislative history surrounding the 1978 proposal for Article I, section 23 is generally relied upon for interpretation of the amendment ultimately enacted in 1980. Stall v. State, 570 So.2d 257, 265 n.11 (Fla. 1990) (dissent of Kogan, J.).

Dore, Of Rights Lost and Gained, 6 Fla. St. Univ. L. Rev. 609, 664-65 (1978) (emphasis added). The public's right to enact laws to ensure access to public records is a right the constitution expressly recognizes.

CONCLUSION

For the foregoing reasons, amici request that the Court recede from its previous Opinion and determine the cases before it solely as to Locke and Guber, that each be determined to be state officers and, as such, an "agency" within the meaning of Section 119.011(2), Florida Statutes, and that separation of powers issues are not involved in courts applying a substantive law adopted by the Legislature, and applicable by its terms to members of the Legislature.

In the alternative, if the Court deems the action recommended by amici to be inappropriate, amici request that the Court recede from its previous Opinion, explicitly follow its precedent as to the broad application of the Public Records Law, and by construction of the statute carefully articulate why the particular records involved in this case are not included.

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