

We're Number 2 !

I just found out that the State of Washington is Number 2!

No, not that Number 2.

I recently came across a paper published in the Stetson Law Review by the Stetson University School of Law as:

Sunburned: How Misuse of the Public Records Laws
Creates an Overburdened, More Expensive,
and Less Transparent Government,
44 Stetson L. Rev. 425 (2015).
(copy in this website Library)

The author of the report is by Keith Rizzardi, Assistant Professor of Law at Saint Thomas University School of Law in Miami Gardens, Florida. It is a bit of a heavy read for lay persons, using terms like “self-inflicted injuries” and “manufactured standing”.

In the paper, it was shown that the citizens of the State of Florida are better than the citizens of the State of Washington at abusing their state’s Public Records Act.

That floored me! It just couldn’t be true! But alas, look at some examples.

Small cities in Washington get hundreds of public records requests over the year. The Town of Gulf Stream in Florida got over 1,100 requests in a year! People, are you slackers?

There was a lawsuit initiated in Florida over a \$ 1.25 copy charge and one because a clerk did not provide a record immediately when asked. So, OK, maybe requesters have an advantage in Florida that Washington requesters do not.

Even the public service organizations are better organized in Florida. In Washington, the Washington Coalition for Open Government includes many lawyer supporters who win Public Records Lawsuits and make major contributions to the Coalition. In Florida, the Citizens Awareness Foundation skips the middleman, making their own requests and then filing lawsuits with their own lawyers.

It is simply much more efficient the Florida way.

Even so, with the Washington State Legislature offering a financial bounty to find any mere imperfection in a request response, with putting no limit on the size or scope of any request, and writing a law that includes blatantly abusing itself, citizens of Washington ought to be able to narrow the gap.

It could be worse. You could live in Nebraska or New Jersey. There you sue the agency over a dispute, but can only get reasonable attorney fees and court costs. No personal bounty is available there as there is in Washington. Same for Louisiana, Utah and Virginia. Plus, Nebraska and Virginia can charge for search time for large requests.

So, Washington residents, get with the program! All it takes is an internet connection and a bad attitude. Those local tax dollars are better in your bank account than they are being spent on law enforcement, street maintenance, etc.

So, even if they do not make their law a way to supplement your bank account, those five states noted above received the highest grades for their Public Records Acts of all the states by the National Freedom of Information Coalition in 2014. Washington was number 16.

Having your State Legislature believe that they have a fiducial responsibility to local taxpayers is evidently not that great a block to transparency in government.