

An Open Letter to our Supporters from Nick Penniman, FLCGA Board Chair: *A Defender of Democracy is Born*

As the COVID pandemic began to take its toll on American business, my wife Linda and I became concerned by the deep staff cuts made by our local newspapers, the *Naples Daily News* and *Fort Myers News-Press*. Buffeted by a loss of advertising and facing economic disaster, the local press was becoming a mere skeleton of its former self, a tragedy being replicated across the State of Florida and the nation.

If it came to a question of “a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.”

- *Thomas Jefferson*

Having spent almost 40 years in the daily newspaper business, and having met Linda at a newspaper, our main concern was with rapidly diminished credible investigative reporting resources. Newspapers always viewed politicians with a degree of skepticism, a healthy dimension to the functioning of a democracy. We felt it was at ebb flow.

Linda received a phone call from a former Collier County employee, Diane Flagg, who knew how we felt about the situation and introduced us to Gina Edwards, a former reporter at the *Naples Daily News*, where she had written a fantastic story on the bribery of three County Commissioners leading to their conviction. At the time Gina had a blog called Watchdog City. It had been in business for over a decade, but we could not reach an agreement with her on the direction we wanted to take and were introduced by County Commissioner Penny Taylor to Brett Blackledge, another journalist who had been Investigations Editor at the *Naples Daily News* since October 2014. He had won a Pulitzer Prize in 2007 for investigative reporting and was anxious to get back in the game.

Brett knew and had worked with Barbara Petersen at the First Amendment Foundation in Tallahassee. She was willing to help Brett with records requests so he could do a story on Collier County Commissioner William McDaniel, who had been involved in a series of transactions with Palm Beach developer Jeff Greene.

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Public Records Overview

In the fight to remove the padlocks on Florida's public records, FLCGA has been working to ensure access to this vital information be made available to its citizens. Since January, below is an overview of the work underway:

- ✦ Public Record Requests Made: 48
- ✦ Matters Under Investigation: 29
- ✦ Lawsuits Filed to Compel Access: 1
- ✦ Lawsuits Pending: 8
- ✦ Assistance to other media outlets: 41
- ✦ Cooperating Attorneys: 8
- ✦ Interviews Given: 19

Summary of Pending Litigation:

- *Ziegler v. State Attorney* (FLCGA intervened to oppose effort by the Zieglers to prevent the release of public records)
- *FLCGA v. New College* (access to records of trustees and key staff members after Gov. DeSantis made 6 new appointments in January 2023 to model the college after Hillsdale College. Discovery is ongoing. Court hearing is scheduled in mid-March. Case is pending in Sarasota County)
- *FLCGA v. Manatee County* (access to records case after discovery that county was not archiving text messages sent/received by county employees. Discovery is ongoing. Mediation is scheduled in April. Case is pending in Manatee County)
- *FLCGA v. Fla. Dep't of Transp.* (appeal of trial court's ruling on access to records possessed by Dep't and private contractor involved in migrant flights. Case is fully briefed and pending in First DCA. Oral argument scheduled for late April)
- *FLCGA v. State Attorney 13th Jud. Cir.* (mandamus to compel the release of public records)
- *EOG v. FLCGA* (appeal by governor of trial court's ruling in migrant flights case. Fully briefed and argued. We renewed our motion to dismiss the appeal last week. Pending in First DCA.)
- *Doe v. DeSantis* (amicus brief filed in access to records case by anonymous requestor seeking records about judicial appointments. Pending in First DCA.)
- *Washington Post v. FDLE* (we will be joining other media intervenors in a case over access to travel records of Governor DeSantis. Pending in Leon County).

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McDaniel owned land adjacent to property Greene wanted to develop, and in a complicated deal McDaniel was forgiven \$42.7 million on two loans in default on property that gave Greene access to Immokalee Road. Blackledge's story appeared in *Gulf Shore Business* magazine in April 2021 and was simultaneously published on the just-launched FLCGA website.

While the story was in progress, Barbara had registered the Florida Center for Government Accountability (FLCGA) with the Division of Corporations in and applied for 501(c)3 status with the IRS (approved in September). The McDaniel story was a great start out of the gate. Barbara with her boundless energy then produced a budget and we immediately began to raise money at an event in southwest Florida with sixty people in attendance and an anonymous matching gift of \$25,000.

In August, with the COVID pandemic still raging, FLCGA filed its first lawsuit against the Surgeon General of Florida and the Department of Health for withholding data on infection rates in the state. (The suit was later settled in 2023 with the state reimbursing \$150,000 in legal fees to FLCGA's attorneys and releasing the records.)

And in September, Barbara was inducted into the National Freedom of Information Coalition's Open Government Hall of Fame.

2022 was a busy year. FLCGA was accepted as a member of INN - Institute for Nonprofit News - making it eligible for NewsMatch, established to help small online news organizations raise money. In March, Public Access Director Michael Barfield worked with Jason Garcia of the *Orlando Sentinel* to uncover a "ghost candidate" who, in the 2020 state senatorial election, siphoned votes away from a Democratic candidate, leading to a Republican winning the race by 32 votes and ending with criminal charges against former Sen. Frank Artiles. Trial is scheduled in 2025.

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An even bigger story was carried by Francisco Alvarado in collaboration with WGCU where a husband and wife had teamed up to raise money for a nonprofit called Fallen Officers but used the proceeds to pay themselves handsomely with little money distributed to beneficiaries. The charity failed to file 2019 and 2020 tax returns and to be properly licensed in the State of Florida. Alvarado's reporting resulted in a criminal investigation and charges being filed against the two principals. After taking plea deals, the foundation is still operating.

Turning his attention from Naples to Tallahassee, and in conjunction with the *New York Times*, Michael dug deep into Gov. DeSantis' hiring a private charter air company to fly 48 Venezuelan migrants from Texas to Martha's Vineyard. He played a key role in unmasking Perla Huerta, the woman responsible for gathering waivers in San Antonio from the migrants. Vertol Systems was paid \$1.56 million, \$615 thousand for the flight and another \$900,000 for unspecified reasons. In order to force transparency, the Florida Department of Transportation was hit with a FLCGA public records request in October, but stonewalled. After working through the courts, the DeSantis administration released the records just before Christmas. The story was carried in two segments by 60 Minutes on CBS.

The year 2023 brought a number of records requests and two blockbuster stories. The first was Bob Norman's series on the North Springs Improvement District where the agency's director, Rod Colon, had been paid a real estate commission of \$240,000. Bob also found that Colón, through a company he owned, had also gathered \$16 million in contracts with the District. As the story unfolded more instances of self-dealing were uncovered. The Florida Auditor General found the district might have violated state laws, but Colón was eventually excused because special districts are covered by aberrant ethics rules.

The second big story was carried by every major media outlet in the country and internationally. It involved the sexual antics of Christian Ziegler, head of the Florida State Republican party. It began with Michael
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Florida Trident Report

The journalism program had another fantastic quarter that was capped off by its investigative series "Sacred Scheme" – an investigation of the taxpayer-financed \$25 million state program to fund anti-abortion centers – being named a finalist in the prestigious Esserman Knight Journalism Awards. It's the second year in a row FLCGA has been named a finalist in the contest, last year winning honorable mention for our "Ghost District" series that found rampant corruption in a south Florida water district.

Meanwhile we published fresh award-caliber work to kick off 2024, including:

- ✦ An investigative report on a state Hurricane Ian relief fund that appeared to favor Gov. DeSantis' political allies over local recovery groups.
- ✦ A report that sheds doubt on the official story behind horrific abuse of a Florida prisoner that led to his death.
- ✦ The story behind the "Republican civil war" in Jacksonville that details the longstanding culture of lobbyist-led corruption in the city.
- ✦ Sounding the alarm on an ethics bill that, if signed by DeSantis, will gut citizens' power to hold officials accountable for wrongdoing.

In addition, we continued to lead state coverage on the rape investigation of now ex-Florida GOP chief Christian Ziegler and his wife Bridget Ziegler, who founded the book-banning, anti-LGBTQ Moms for Liberty group.

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Barfield receiving a tip from an anonymous source about a police investigation into an alleged rape by Ziegler of a woman with whom he and his wife Bridget were expecting to join in a reprise *ménage a trois*. As the story unfolded from Christian Ziegler finding himself under increasing pressure and was forced to resign his position. His wife, cofounder of Moms for Liberty, refused to give up her position on the Sarasota School Board despite being urged to do so by colleagues. The story has legs and continues to this day.

Another great story, the first of three, was published in June. Mary's Pregnancy Resource Center in Fort Lauderdale, recipient of \$442,000 in 2020 and \$520,000 in 2021 of state money abruptly shut down. Its founder, anti-abortion activist Yohanka Reyes stated that she set out to "build God's kingdom." But she and her husband had been traveling to dog shows across the country and were lax in filing records, leading to tax liens from the IRS of over (Democracy's Defender continues on page 5)

Views, Clicks and Visits

The Florida Trident launched its new website in mid-February and almost immediately, links viewed, clicked, and read soared. Although the terminology used by Google is pure computerese, the statistics for the Trident are astonishing – **over 14,000 visitors to the site in a month and a half!** Fifty-nine percent of those visitors found their way to the Trident through social media posts while twenty-six percent visited the site after reading one of our press releases. It should be no surprise that the articles garnering the most attention focused on the **infamous Zieglers as they wormed their way through expose after expose.**

Our numbers continue to go up. We noted more than **19,000 impressions**, which is how often someone saw a link to the Trident on Google, and of that number 1400 were **unique visitors**, that is, a person who has visited the website at least once but returned to the site for the latest news.

Search traffic over the last 90 days

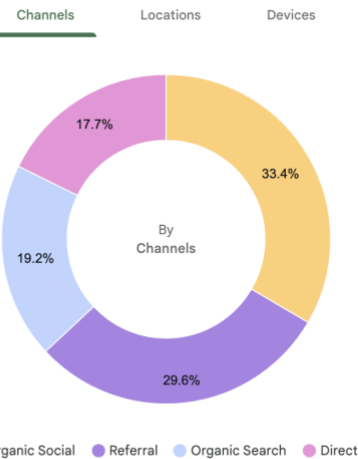
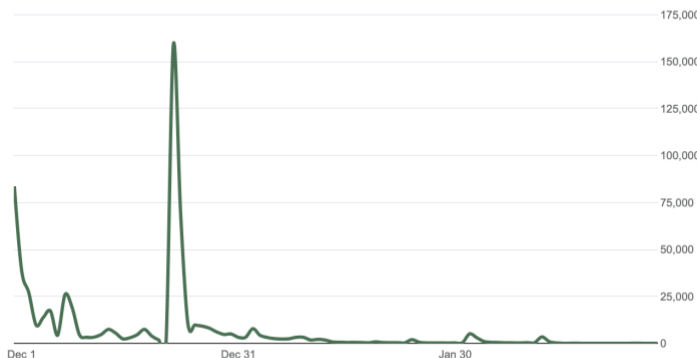


FLCGA Metrics (flcga.org)

All Visitors

594K

↑4,234.4% compared to the previous 90 days



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\$150,000, forcing the center to close its doors.

By August, Bob had done some hard digging and exposed a number of the institutions, advertising themselves as “ministries” and openly espousing a purely Christian worldview, populated by individuals connected to the evangelical right wing of the Republican Party.

Pressing forward with his story in December, Bob cemented in the religious aspect of counseling using the experience of a woman visiting a center and being prayed over while a staffer was touching her stomach. He went on to reveal that the budget for Florida tax funded pregnancy centers had grown from \$4 million to \$25 million, in a state where the constitution specifically prohibits the use of public funds to support religious organizations. The expanded story reported that “counselors” in the centers were being paid as much as \$150 per hour, compared to the state’s reimbursement rate \$32.07 for home-care registered nurses. These stories have Bob as a candidate for the 2024 Esserman/Knight Journalism Award.

Funding a small nonprofit startup is never easy. FLCGA raised a little less than \$100,000 in 2021 and two years later with blockbuster stories received over \$265,000 from 238 donors - with NewsMatch and other foundations responsible for \$116,000. We have been selected, and will be represented by Brad Ray, for a series of 2024 seminars by the Google News Initiative on ways to generate sustainable funding for small organizations such as ours.

As we look forward to our fourth year some great stories beckon. The *Florida Trident* is organizing a statewide collaborative to analyze the threats of development within the Florida Wildlife Corridor. The Ziegler story continues as they filed a suit to prevent further release of any public records. FLCGA is an intervener to prevent that.

We are ably assisted by other journalists throughout the state, too many to mention, and all blessed by the fact that Florida is the “gift that keeps on giving” when it comes to investigative reporting. As daily newspapers and other local media sources continue to cut back on staff, the need for organizations like FLCGA increases dramatically.

Finally, in a state once noted for its Sunshine Law and transparency in government, there is frenzy in the state legislature and executive branch to padlock as many records as possible. FLCGA will be at the forefront of an effort to make sure that doesn’t happen.

Teaser Alert: Breaking News!!!

**Be on the lookout for our comprehensive investigative piece: Saving the Wildlife Corridor: Florida’s Fight between Development and Wilderness
Publishing May 6th**

The Florida Center for Government Accountability (FLCGA) is a nonprofit 501(c)3 dedicated to helping enforce open government laws. All donations made to FLCGA are tax deductible. To learn more, make a request or provide financial assistance, please visit www.flcga.org.