

For use Sunday, March 15

Sunshine Sunday spotlights the need to update Florida's open records and meetings laws to cover new communication technology and to fight legislative efforts to weaken transparency in government.

Open government for all**Lawmakers should strengthen, not weaken, Florida's Sunshine Laws**

This is Sunshine Sunday, when newspapers nationwide spotlight the need for strong open records and open meetings laws that protect citizens' right to know how government operates.

And their ability to hold elected leaders accountable for actions.

Florida's Sunshine laws have long been a national model for transparency, but should be updated to take into account cyber-era communication tools, according to Gov. Charlie Crist's Commission on Open Government.

Updating Sunshine

The wonders of technology give journalists and citizen watchdogs new tools to keep the public up to date.

But they can also be used by elected officials to skirt open government laws.

Excessive requirements for citizens who request copies of public records also block the sunshine.

That's why Crist's commission rightly recommends:

- Banning officials from sending text or instant messages during public meetings.
- Requiring local government agencies to ensure public business conducted through e-mail on officials' private computers or Internet accounts is rightly viewed and kept as public record.

In a public records audit of 150 county agencies in 55 counties, including Brevard, conducted in October for the Florida Society of Newspaper Editors, 43 percent of agencies failed to properly turn over e-mails written by top administrators.

- Mandating that government agencies post online all contracts above a certain dollar amount a highly effective way to ferret out waste or political favors.

A bill called the Taxpayer Transparency Act, sponsored by Sen. Dave Aronberg, D-Greenacres, would get the ball rolling to do that by setting up a searchable budget Web site allowing the public to vet state spending starting in 2010, and should be passed.

- Requiring agencies to charge only actual costs for duplicating records, not excessive fees average citizens can't possibly pay.

That happens too often in Florida when ordinary citizens show up at local or state agencies requesting copies of documents. Some taxpayers have been charged fees as high as \$20,000.

What's more, the October audit found requests for simple documents were too often met by confusion, suspicion and stonewalling on the part of agency workers.

That shows why broader training in proper compliance with open-records requests is needed at all levels of government.

Shutting the door

Despite Florida's history of strong support for open government, too many lawmakers still want to operate in secret.

Each year, they seek to limit government-in-the-sunshine with new exemptions that create unnecessary secrecy and open the door for abuse of taxpayer dollars, often at the bidding of special interests.

Three Space Coast lawmakers this year filed troubling bills to curtail public scrutiny of local and state government:

- Rep. Debbie Mayfield, R-Vero Beach, wants to expand a public meetings exemption to allow government officers, such as county managers, to take part in secret attorney/client meetings where pending litigation is discussed.

Florida residents already often complain the existing exemption unfairly

closes them out, says Florida First Amendment Foundation director Adria Harper.

- Rep. John Tobia, R-Satellite Beach, wants to create an exemption that would let government agencies resolve disputes using a “collaborative process” behind closed doors, again circumventing the public’s right to know.

The foundation sent Mayfield and Tobia letters saying the proposed exemptions are unconstitutional and should be withdrawn and we agree.

- Sen. Mike Haridopolos, R-Merritt Island, who is sponsoring five “shell” bills to create new exemptions to public records and meetings mandates.

Shell bills are blank, and lawmakers often don’t reveal specifics until late in the session, giving little time for notice and oversight,

Haridopolos should spell out bill specifics quickly.

Brevard’s representatives should work to strengthen open government laws, not riddle them with loopholes and exemptions that shut out the public and dim the sunshine of democracy.

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