



First Amendment Foundation

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The First Amendment Foundation Calls on the CRC to Adopt Higher Sunshine Standard for its Meetings

TALLAHASSEE – The First Amendment Foundation today calls on the Constitution Revision Commission (CRC) to adopt the Amendments to its proposed rules that would require the CRC to comply with the Sunshine Law's highest standard of openness, rather than the lesser legislative standard initially proposed.

The First Amendment Foundation praises the Amendments relating to CRC records and meetings to the proposed rules and fully supports their adoption at the Tuesday, June 6 meeting of the CRC. These Amendments would require the CRC to operate in accordance with provisions in both the state Constitution and the Sunshine Law to ensure all business transacted or discussed by the CRC “shall be open and noticed to the public.”

The initial rules proposed by CRC Chairman Carlos Beruff would allow two commissioners to meet secretly to discuss commission business, a standard used by the Florida Legislature. However, all other policy-making boards and commissions in the state are covered by Sunshine Law provisions that prohibit secret meetings of “two or more” members.

The six commissioners who filed the Amendments, which will be voted on Tuesday by the full commission, are state Sen. Tom Lee, R-Bradon; former state Sen. Don Gaetz of Niceville; Carolyn Timmann, clerk of court in Martin County; attorney Rich Newsome of Orlando; businessman Bret Heuchan of Tallahassee; and attorney Roberto Martinez of Coral Gables.

“I commend these members of the Constitution Revision Commission for their commitment to transparency and Florida’s Sunshine Law,” said Barbara Petersen, President of the First Amendment Foundation and an expert on state open government laws. “The Constitutional Revision Commission has been tasked with a historically important opportunity and its responsibility to the citizens of this state cannot be overstated. The Commission adopt rules supporting the highest standard of openness for its meetings.”

Prior to these amendments, the proposed Rule 1.24 adopts the constitutional standard for legislative meetings requiring that prearranged meetings between more than two members of the legislature be reasonably open to the public, and states that the Commission will follow “the procedure outlined in the Florida Constitution, Article III, Section 4(e).” However, Article III, s. 4(e) doesn’t outline a procedure for legislative meetings, stipulating that the constitutional right of access to legislative meetings “shall be implemented and defined by

the rules of each house.” (emphasis added). In other words, the procedures outlining the right of access to legislative meetings is found in the rules of the Senate and the House, not in the constitution

In March, Petersen sent a letter to the CRC chairman outlining the foundation's concerns about the commission allowing secret meetings of two members under the proposed rule. The letter noted that the higher standard for meetings under Article I applies to every collegial body in Florida except the Florida Legislature and strongly urged the CRC to adopt the Article I standard rather than the weaker legislative standard. You can read Petersen's letter to Chairman Beruff here: <http://bit.ly/2qXUdMM>

The CRC meets every 20 years to review and consider changes in the state's Constitution. Any proposed amendments would be placed on the November 2018 ballot.

About the First Amendment Foundation

The First Amendment Foundation believes that government openness and transparency is critical to citizen trust and involvement in our democratic society – without Government in the Sunshine, civic engagement cannot bloom. Through ongoing monitoring of the state's public records and open meetings laws, and the education of government officials and the citizens they serve about those laws, the Foundation promotes the public's constitutional right to oversee and to participate in the governance process.

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