



Posted on Sun, Mar. 15, 2009

Hail open government, Sunshine Laws

State's Sunshine Laws give public great access

Florida's Government-in-the-Sunshine Law endured a rocky year. Far too many public officials remain ignorant of all the law's provisions, far too many believe the rules do not apply to them, and far too many simply ignore the demands of government accountability.

Witness the fall of one of the state's most powerful politicians, ousted House Speaker Ray Sansom, who, among other troubles, is under investigation for arranging an improper meeting of a public college's board of trustees.

Witness the dispute over access to public records and alleged closed-door trustee meetings in the special taxing district of Trailer Estates in south Bradenton.

And witness the settlement of a lawsuit against the city of Venice over public business conducted via personal computers without the required filing of documents.

Fortunately for the public, we live in a state with some of the most comprehensive Sunshine Laws in the country and with a governor dedicated to expanding open government and access to public records.

That's unfortunate for officials who prefer back-room deal-making and who steer public tax dollars to cronies without any oversight — the dark ages of government secrecy and corruption.

Today marks the nationwide start of Sunshine Week 2009, the annual spotlight on open government. We must continually be vigilant in protecting our principles, especially "government of the people, by the people, for the people."

Transparency and the Internet

Even President Obama dealt with open government and records issues upon taking office. The burgeoning electronics age put a dent in his favorite style of communications, a Blackberry. Advisers warned that all messages would fall under open records laws, even the most mundane, so the president put his device away.

Most importantly, he pledged a government of transparency.

The Internet era opens far broader access to records than ever before, especially here in Florida.

Our Legislature operates an "Online Sunshine" Web site so anyone can view floor sessions and some committee meetings via computer.

Online Sunshine — www.leg.state.fl.us — links to separate House and Senate sites. Both allow searches of bills, with explanations and costs. Users can follow the progress of a measure and even request automatic e-mail updates through a bill tracker.

Streaming video covers up to five floor sessions or committee meetings at any one time. Audio podcasts of every panel meeting or chamber session can be downloaded the following day.

All manner of information is updated within seconds.

Citizens can also look up every senator and representative and find biographies, committee assignments and

bill sponsorships as well as contact information.

There's also a movement afoot in the Senate to expand online transparency to allow Floridians to serve as state auditors by checking how much state employees earn and how much each state contract is worth. While the state budget is already posted on the Internet, the new Transparency Florida site would be far more user- friendly with far more information. We hope this measure passes.

How's all that for open government?

Manatee County government, the Manatee County school district and municipalities should do so well. The county and district are adept at posting information, but most municipalities are slow to get minutes of meetings online.

Law enforcement is another matter, all too often faring poorly with records requests. The Manatee County Sheriff's Office, for example, flunked a November audit organized by the Florida Society of Newspaper Editors. Employees there asked a citizen seeking public documents to identify herself and put her request in writing when the law says no questions should be asked.

A Sunshine primer

As we mentioned, far too many public officials are unfamiliar with our Sunshine Law and require refresher courses.

People trip up over several provisions of the law, which applies to meetings of "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision."

One major pitfall is the definition of a meeting, which extends far beyond the formality of a governing board sitting on a dais. Even a casual meeting anywhere between two (or more) members of the same commission or board that includes discussions or deliberations on any matters the body could foreseeable tackle constitutes a meeting that falls under the Sunshine Laws. And that includes telephone and e-mail communications and conversations at social, sporting and other events.

Here's a simple rule to follow: Don't discuss pending or potential business with fellow officials, any time or anywhere, unless at a public meeting.

The law also dictates that reasonable public notice of the time, place and agenda of every meeting be made. All meetings must be open to the public, though public participation is not required. All votes must be public, too. Minutes must be recorded, retained and be available for public inspection.

Not every single government meeting or record is open to the public, but only the Legislature, with the governor's signature, can grant exemptions.

Transparency is an essential ingredient in our democracy. Citizens must be able to serve as government watchdogs in order to question spending, detect inefficiencies and expose malfeasance. That's your right, embedded in the Constitution.