

GOVERNOR CRIST ANNOUNCES SUNSHINE WEEK ESSAY CONTEST WINNERS

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Contact:

GOVERNOR'S PRESS OFFICE
(850) 488-5394

TALLAHASSEE – Governor Charlie Crist today announced the winners of the 2008 Sunshine Week Essay Contest. Florida high school students had the opportunity to submit essays relating to open government. Sunshine Week, March 16-22, 2008, celebrates the State of Florida's dedication to making state and local government more accessible to the public.

“Open government is important to the citizens of our state, and it is good for young people to be involved in the democratic process,” Governor Crist said. “I commend our three winners and the more than 800 Florida high school students who participated in the contest. These young people are our leaders of tomorrow.”

The student essays answered the question, “What role does open government play within a democratic society and a democratic government?” The first place winner will receive a \$5,000 scholarship, the second place winner will receive a \$2,500 scholarship, and third place will receive a \$1,500 scholarship. All winners will receive recognition at an event at the Governor's Mansion. The winners are as follows:

First Place: Jordan Loar, Fort Walton Beach High School, 12th Grade

Second Place: Nathaniel Fritz, Western High School, 11th Grade, Davie

Third Place: Ryan Menard, H. B. Plant High School, 9th Grade, Tampa

The essay contest's Supporting Sponsor is LexisNexis; Teen Outreach Sponsor is Florida Trend magazine's Next—Your Future After High School in Florida; and Friends Sponsors are First Amendment Foundation and Barbara Peterson. The Sunshine Week Essay Contest was developed by the Governor's Volunteer Florida Foundation, the Executive Office of the Governor, the Governor's Mansion Foundation and the Department of Education.

In 2002, the Florida Society of Newspaper Editors launched Sunshine Sunday to increased public and legislative awareness of Florida's strong public record and open meeting laws. After Florida's trailblazing actions to establish these laws many other states adopted Sunshine Sunday, which resulted in the American Society of Newspaper Editors designating a Sunshine Week in March 2005 and each year thereafter.

Last week Governor Crist issued "A Week of Sunshine" Proclamation recognizing March 16-22, 2008, as Sunshine Week for the citizens of the State of Florida. The Proclamation urges citizens to celebrate Florida's dedication to making state and local government more accessible to the public.

Governor Crist made his commitment to the Sunshine Laws evident in his inaugural address. As Florida's 44th Governor, he made open government a top priority. He quoted President Abraham Lincoln, pledging under his watch that Florida government would be "of the people, by the people and for the people." The next day, in his first Executive Order, Governor Crist established the Office of Open Government and charged it with providing the Governor's Office and all state agencies the tools necessary to serve the people of Florida in a professional and efficient manner. The Governor created a dialogue about the importance of open government and freedom of information from day one.

On June 19, 2007, the Governor appointed the Commission on Open Government Reform. He charged the nine-member Commission to review and evaluate the public's right of access to government meetings and records. The commission has held three public hearings throughout the state and plans to hold a forth hearing in May. The Commission will submit their findings and recommendations to the Governor, the Senate President and Speaker of the House of Representatives by December 31, 2008.

The Office of Open Government has collaborated with 36 state agencies and 11 State Universities to assist citizens seeking access to public records and the public servants who work for them. Additionally, Governor Crist changed the clemency process to make it more transparent for clemency applicants. Furthermore, he issued Executive Order 07-294; creating a Citizens Open Government Bill of Rights to support citizen access to Florida state agencies. Governor Crist also created a partnership with Google Inc. to make state agencies' Web sites more accessible to the citizens of Florida.

For more information on Open Government, please visit: www.flgov.com/og_home

First Place

Jordan Loar, Senior
Fort Walton Beach High School
Mary Esther, Florida

Open Government in a Democracy

Exercising a policy of open government is fundamental to a successful democratic government and its society. It is the antithesis of government officials planning and executing secret transactions behind locked doors in a smoke filled room. An open government supports the basic democratic principle that the government's authority rests with the society it governs. Toward safeguarding that power, citizens must have open access to information relating to government activities. Judge Damon Keith of the 6th Circuit Court of Appeals points out that, "Democracies die behind close doors." The role of an open government in a democracy is to provide transparency, accountability, and openness. These principles are not simply hypothetical ideas. Each one can be functionally applied through suitable legislature, policies, and organizational frameworks at all levels of government.

Transparency means that dependable, pertinent, and timely information about government's business is publicly available. To accomplish this, an open government's role is to enact laws and policies that afford rights of access to information. It strives to grant a relatively easy path for citizens in obtaining information collected, distributed, and preserved by the government. Achieving this transparency is a complex process that often necessitates the careful balancing of opposing interests. An open government continually searches for the best way to allow judicious public admittance to information while at the same time protecting national security and individual privacy. Toward this end, government officials must actively apply government legislation like the Freedom of Information Act and its nine exemptions. Placing emphasis on the fullest responsibility of disclosure in concert with encompassing, balance, and protecting all interests.

Accountability means that it is possible to identify and hold government officials responsible for their actions. This trait of an open government helps ensure that government officials do not operate behind closed curtains while managing the government as their own exclusive club, James Madison, "The Father of Our Constitution", forewarned, "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or, perhaps both." Without this check, government officials are more prone to make decisions contrary to the public interest, misuse their authority, and engage in fraudulent activities.

Openness means that government officials must pay attention to citizens' proposals when devising and implementing public policies. Their responsibility

regarding this is to establish government policies instructing how citizens should be consulted during policy making. Moreover, it is just as important to stipulate how policy makers are to account for public input when reaching decisions. Open forums and town hall meetings are two examples that lend themselves to citizens' voices being heard and recognized.

The role of an accessible government is to promote democracy and good government. Essentially it is the soul of democracy. Implementing transparency, accountability, and openness into the government's administration secures the trust and confidence of the public towards the government that serves them. It ensures that its citizens' rights are respected and protected while simultaneously reducing the potential for unwarranted secrecy and corruption.

Second Place

Nathaniel Fritz, Junior
Western High School
Davie, Florida

Let the Sunshine Through

The declaration of Independence guaranteed life, liberty, and the pursuit of happiness. Open government has the same responsibility. Life is interpreted as protection against cyber-based attacks from within and espionage from outside. Liberty protects civil rights and fights public corruption. The pursuit of happiness supports the government's commitment to equal opportunities for education, work, and even recreation.

The phrase "war on terror" is not a cliché to be disregarded. Open government relying on the Freedom of Information Act (FOIA) permits, even encourages, the public to become vigilant. The first person convicted at a US. Tribunal at Guantanamo is now free after serving seven years. However, his letters and a diary were released by the Federal Magistrate. His notebooks on how to use numerous weapons and his knowledge of military tactics helped investigators and the public gain insight into the mind of an extremist. Without this information, the U.S.-backed Northern Alliance in Afghanistan would have been in further danger.

Terror against life from within our own communities can be more subtle but just as insidious. Predators upon the young do not deserve to be invisible. Laws which require convicted sex offenders to register their present addresses, to maintain a specified distance from schools, and to check in with officials are important for the security of our children and our community. Because of open government, there is an increased awareness. In a recent round-up, over 100 offenders were arrested for violating one of their restrictions. Part of the law's ability to find so many so quickly depended upon the citizen's ability to access information.

Unfortunately, power breeds corruption. Thus, it is vital for open government to provide access to records. Recently, a city attorney resigned under questionable circumstances-he pled no contest to two misdemeanors of misuse of funds. This same violator of the public then filed for a six-figure severance deal. The investigation became public knowledge; the city commissioners rejected the deal. Because of open government, the public had a voice.

Civil Rights must be protected as well. In a political year, rumors must be stopped. Falsehoods have plagued all of the candidates, from accusations about heritage

to innuendos about extra-martial affairs. Although many of these insinuations began with emails, open government has made it possible to debunk the falsehoods. The press and public have the same access to records. Thus, most information can be checked, sources can be verified, and questions with answers can be raised.

Happiness is satisfaction derived from equality. Education used to be numbers. Now those numbers are revealed, open. Students know all about their schools from incidents of violence to percentages of graduating students. The helps families make informed decisions. The rating of schools crates impetus for change. More tutoring sessions, Saturday school, even parenting classes are now part of most curriculum to better school grades and children's opportunities.

Third Place

Ryan Menard, Freshman
H.B. Plant High School
Tampa, Florida

Open For Debate

Thomas Jefferson once said, "Information is the currency of democracy." Providing open access to government information will increase the value of that government's integrity. This is crucial to ongoing prosperity and development within a democratic society. Such a society will thrive due to increased citizen involvement within the legislative process. This realization has led nearly all state governments to craft penalties for sunshine violations. Two states have no penalty at all if someone breaks open government legislation. Given the benefits of open government and the realities of how it is practiced, we must have healthy debate over the proper scope of any openness doctrine. How can citizens trust politicians to police openness legislation once it has been implemented? Can citizens ever be sure that any government disclosure has been complete and honest? Perhaps the most intense debate should be over the extent openness laws can override considerations of personal privacy or national security.

Governor Charlie Crist issued Executive Order 07-01 on January 3, 2007. This order created the state of Florida's Office of Open Government which assures full and quick compliance with open government and public records laws. In addition this office is in charge of training all of the other executive agencies how to demonstrate compliance. In addition to this newly created office each agency secretary must choose a contact person from within his or her agency who will be held responsible for compliance.

This action was an important step towards increasing citizen confidence and participation throughout the state of Florida. Without a separate agency and accountability across the board, the order would have had a limited possibility for success. After all, governments have been notorious for not policing themselves or providing adequate accountability.

As previously stated, there is a glaring debate over issues that pit openness against personal privacy and national security. In the United States privacy appears to be inherent as seen in the Bill of Rights (3rd amendment, 4th amendment search and seizure limits, and the 5th amendment's self-incrimination limit), yet "privacy" is never used in the text of the U.S. Constitution (or its amendments), and many court cases have set limits on privacy rights. It is difficult to argue for what has yet to be mentioned but there is consensus: unauthorized access to one's personal possessions and intimate information

should be denied; trade secrets should be protected; a post 9/11 world has made it difficult to avoid restricting the rights and freedoms of individuals as our government initiates measures to protect our society from terrorists.

Perhaps the best way to achieve this delicate balance is to make declassified information more expediently available to citizens and allow them to decide if the government's actions were appropriate at the time. If the answer is no, citizens must call for appropriate change through civil activism measures such as citizen initiatives and the creation of watchdog agencies like TI and the OSI.