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10 COMMISSION ON OPEN GOVERNMENT REFORM
 THE CAPITOL
11 400 SOUTH MONROE STREET
 TALLAHASSEE, FLORIDA 32399
12 HELD ON OCTOBER 21, 2008 at 9:00 A.M.

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22 Reported by:

23 CLARA C. ROTRUCK

24 Court Reporter

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FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491

1 P R O C E E D I N G S

2 CHAIRMAN PETERSEN: Good morning everyone. It
3 is my pleasure to welcome you to what is probably
4 the last of the meetings of the Governor's
5 Commission on Open Government Reform.

6 Because we worked so hard at our last meeting
7 we have a very short agenda this morning, with only
8 about four or five, maybe six items on the agenda
9 and I am hoping that things will go pretty smoothly
10 and pretty quickly and we may actually finish the
11 agenda before lunch.

12 I would like to remind you all to turn your
13 cell phones off. Those in the audience can simply
14 turn them to mute. Those up here at the podium have
15 to actually turn them off because they interfere
16 with the microphones.

17 And I would again like to take this
18 opportunity, in a minute I will have everyone
19 introduce themselves, but I would like to take this

20 opportunity to restate the purpose of the
21 Commission, and that is to look at Florida's
22 Sunshine Law and Public Records Law as a whole, and
23 to review these two laws with an eye towards reform.

24 We had a number of tasks set out in the
25 Executive Order creating a Commission and I have to

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1 say I think we have done a very good job in covering
2 those issues, as well as others. If you remember
3 that the Governor did not limit us to the items
4 listed in the Executive Order, but allowed us to
5 consider any item brought to us by any member of the
6 public or the press, and we had quite a few items
7 brought to us.

8 In fact, they are still coming to us on a
9 regular basis, but I would like us to remember that
10 we have to remain focused and keep our eye on the
11 charge. We have done a very good job of not flying
12 off on tangents.

13 It was difficult in going through the testimony
14 to actually identify recommendations made to the
15 Commission as opposed to complaints brought to the
16 Commission. But again, I think we have done a
17 fairly good job of that.

18 I would like to remind everyone, it is not our
19 job to interpret or question the application of the

20 law in a specific or given situation. That type of
21 interpretation and review is up to the courts. We
22 are simply to look at the law with an eye towards
23 reform.

24 With that said, I would like to have the
25 members of the Commission introduce themselves one

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1 more time. We will start with Jeanne Grinstead.

2 MS. GRINSTEAD: I am Jeanne Grinstead, Deputy
3 Managing Editor of the St. Petersburg Times and the
4 past President of the Florida Society of Newspaper
5 Editors.

6 CHAIRMAN PETERSEN: We have Judge Carassas on
7 the phone with us this morning. Judge, could you
8 introduce yourself?

9 JUDGE CARASSAS: Good morning, Madam Chair.
10 John Carassas, I am a County Court Judge here in
11 Pinellas County, former member of the Legislature.

12 CHAIRMAN PETERSEN: Thank you. Secretary
13 Sheldon.

14 SECRETARY SHELDON: I am George Sheldon. I
15 just got appointed to the Commission, so I got on
16 the Commission just in time for you to expire. I
17 look forward to the opportunity. I would also like
18 to thank you for the action you have already taken
19 on the records of the Department, because I think it

20 has done so much to have an impact on where this

21 agency is.

22 CHAIRMAN PETERSEN: Representative Weatherford.

23 REPRESENTATIVE WEATHERFORD: Thank you, Madam

24 Chair. My name is Will Weatherford, I am a State

25 Legislator in the House of Representatives in

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1 District 61 which is north of Tampa. Judge, I just
2 want to say that I know the reason you are not up
3 here is because you wanted to hang out down there
4 with your Tampa Bay Devil Rays fans. We miss you.

5 JUDGE CARASSAS: Thank you.

6 CHAIRMAN PETERSEN: Paula Dockery.

7 SENATOR DOCKERY: Paula Dockery, Senator from
8 District 15, including Lakeland, and I thoroughly
9 enjoyed serving with you, Madam Chairman, and look
10 forward to the conclusion of business at the end of
11 the day.

12 CHAIRMAN PETERSEN: Mr. Zadra.

13 MR. ZADRA: Madam Chair, I am Mark Zadra,
14 Assistant Commission with the Florida Department of
15 Law Enforcement sitting in for Commission Bailey
16 today.

17 CHAIRMAN PETERSEN: Thank you, and I am Barbara
18 Petersen, I am Chair of the Commission and President
19 of Florida's First Amendment Foundation.

20 This morning as I said we have a very short
21 agenda and hopefully it will go well, and there are
22 a couple of big items still left out there for us to
23 deal with, but I am hoping that everyone had the
24 opportunity to read the materials provided and then
25 we will vote, it might go a little bit easier.

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1 We are going to start this morning with Trade
2 Secrets which is under tab three. We do, there is
3 an update to that in your packet JoAnn tells me. It
4 is this, it is a four-page document. I think this
5 is it right there.

6 It is in the brown folder and under tab two you
7 will see that we have a summary of, and this was
8 sent to the members of the Commission quite sometime
9 ago, but it is a summary of all of the action that
10 we took at the August meeting.

11 And I do apologize. It had been my hope to
12 have more of the report done for your approval, but
13 it is quite a burden to get this thing pulled
14 together. So I am still working on it.

15 We will have a draft available to you, I hope
16 within the next month and then we will take your
17 written comments and responses, work them into the
18 report and then we will have a final version in time
19 to present it as requested by the end of the year.

20 So first we are going to start with Trade
21 Secrets, the proposed legislation. It is in the
22 brown packet and I am going to ask Senator Dockery
23 to take this one.

24 SENATOR DOCKERY: Thank you, Madam Chair. If
25 you, members, if you remember this came up really as

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1 a result of some of the recent legislative action,
2 and in particular a large expenditure that was going
3 to be made with very little, if none, legislative
4 action and a state department was using trade
5 secrets as a reason for having 71 or so
6 confidential, confidentiality agreements signed.

7 And when we started to discuss this we heard
8 that individuals from Enterprise Florida were very
9 nervous about what we were doing. So in an effort
10 to try and address the real issue without effecting
11 those legitimate economic development type
12 activities, I asked the Senate Committee on
13 Governmental Operations to help craft something that
14 wouldn't have those unintended consequences. So we
15 sent this out to you so you have a chance to kind of
16 look at it over.

17 Since I am not that familiar with exactly how
18 they crafted this, and I am going to go through and
19 then Jim Ray from the committee is here to help

20 answer any questions.

21 If you recall the gentleman who came from

22 Enterprise Florida to talk to this, mentioned the

23 fact that what my main objection was, was really

24 more because it was a transportation project rather

25 than an economic development project, and I thought

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1 we could address it simply by excluding
2 transportation projects, but this is how the
3 committee thought would best address it.

4 So over the last few years the Legislature has
5 attempted to reduce a number of public records by
6 creating uniform extensions where it is appropriate
7 to do so.

8 For example, instead of providing specific
9 exemption for each agency that receives sealed bids
10 or proposals there is one exemption in the Public
11 Records Act that identifies every agency.

12 Another example is the Uniform Exemption for
13 Security System Plans. Uniform exemptions help
14 reduce the total number of exemptions, ensure that
15 the same information is protected by all agencies
16 and promote a greater procedural consistency across
17 agencies.

18 The proposed Bill would create a uniform
19 exemption for proprietary confidential business

20 information. The Bill is based on an exemption for
21 alternative investments held by the State Board of
22 Administration.

23 Agencies select proprietary, confidential
24 business information, including trade secrets for
25 many reasons. Such business information can be

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1 obtained as part of an agency's regulatory
2 responsibility during the bid process and in
3 contractual and other types of negotiations.

4 Currently there are a number of exemptions that
5 protect proprietary, confidential business
6 information or trade secrets. Most of these
7 exemptions are agency specific so they're not
8 available for use by all agencies.

9 The proposed Bill contains definitions for
10 proprietor and proprietary, confidential business
11 information. Both of these definitions are based on
12 the existing statutory provisions.

13 The Bill makes proprietary, confidential
14 business information held by an agency confidential
15 and exempt. The exemption applies retroactively.

16 The Bill also establishes a uniform process for how
17 to deal with public records requests for
18 proprietary, confidential business information.

19 First the proprietor of the information must

20 verify under penalty or perjury that the information
21 is proprietary, confidential business information.
22 The proprietor must identify and locate what
23 information, including trade secrets is protected.
24 The proprietor also must state that the information
25 is intended to be and treated as private and that it

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1 is not publicly available elsewhere and that release
2 of the information would be harmful to business
3 operations.

4 Under the Bill any person may petition the
5 court for access to the exempt information. The
6 petition must be filed in Leon County if the
7 information is held by a state agency. The petition
8 must be served upon the state agency and the
9 proprietor.

10 The court can release the information if it
11 finds that the record or portion thereof is not a
12 trade secret, that compelling public interest is
13 served by the release of the record or portions
14 thereof which exceed the public necessity for
15 maintaining the confidentiality of such record, and
16 that the release of the record will not cause damage
17 to or adversely affect the interest of the
18 proprietor of the released information of the
19 private persons or business entity or the agency.

20 The Bill also repeals Statute 815.045 which was
21 interpreted by the courts to be an exemption for
22 trade secrets, but it does not repeal other
23 exemptions for proprietary, confidential business
24 information that individual agencies may have.
25 Typically those exemptions are examined during

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1 the Open Government Sunset review process five years
2 after the exemption is effected. The Bill is made
3 subject to Open Government Sunset Review Act.

4 CHAIRMAN PETERSEN: Thank you. Any questions?

5 In reading this proposed legislation it takes care
6 of actually one of the issues that we dealt with in
7 August, and that is redundancy.

8 It creates a universal exemption, and I like
9 the fact that it actually collapses two exemptions,
10 proprietary business information and trade secret
11 information which are very much alike in nature into
12 one exemption.

13 We still have the recommendation approved in
14 August, that we would review the exemptions, the
15 redundant exemptions and recommend repeal of
16 redundant exemptions, but this is a huge step in the
17 right direction.

18 And I think that there is also the fact that it
19 has to be reviewed allows for accountability, and I

20 have worked on similar legislation in the past and I
21 think that this goes a long way towards our goal of
22 reducing exemptions.

23 SENATOR DOCKERY: Thank you, Madam Chair, and I
24 just want to point out that we wanted to make sure
25 we weren't causing any problems, so we did reach out

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1 to Enterprise Florida and to the Senate Committee on
2 Commerce. We didn't create this in a vacuum and
3 everybody seems to be okay with it. It doesn't seem
4 to find anything that is going to cause any kind of
5 breach.

6 So I think we dotted our I's, but what I would
7 like to ask for at this point is for the Commission
8 to give a statement of support for the general
9 language, because it still may need to be tweaked a
10 little bit.

11 CHAIRMAN PETERSEN: Absolutely, and I think we
12 are going to be tweaking from now until April. So
13 do I have a motion that we adopt the concept of
14 creating a universal exemption for proprietary
15 business information and trade secret information?

16 Remember that this is creating an exemption
17 even though it is technically not new. It is
18 creating an exemption and it requires a two-thirds
19 vote, which I think is basically everybody that is

20 here plus one.

21 We have Judge Carassas on the phone and I see

22 that Renee Lee has joined us now. So do I have a

23 motion?

24 REPRESENTATIVE WEATHERFORD: So moved.

25 CHAIRMAN PETERSEN: Do I have second?

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1 SENATOR DOCKERY: Second.

2 CHAIRMAN PETERSEN: JoAnn.

3 MS. CARRIN: Carassas.

4 JUDGE CARASSAS: Yes.

5 MS. CARRIN: Dockery.

6 SENATOR DOCKERY: Yes.

7 MS. CARRIN: Grinstead.

8 MS. GRINSTEAD: Yes.

9 MS. CARRIN: Lee.

10 MS. LEE: Yes.

11 MS. CARRIN: Petersen.

12 CHAIRMAN PETERSEN: Yes.

13 MS. CARRIN: Sheldon.

14 SECRETARY SHELDON: Yes.

15 MS. CARRIN: Weatherford.

16 REPRESENTATIVE WEATHERFORD: Yes.

17 MS. CARRIN: I believe that is it. It is

18 unanimous.

19 CHAIRMAN PETERSEN: Second on our agenda is

20 Economic Development, and this as you know, this is
21 also in your packet. It is easily labeled for
22 recognition, Economic Development.

23 It is a recommendation rather than actual
24 language or an attempt to amend the law. We have a
25 lot of testimony on this issue and a lot of

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1 confusion I think among a large number of people,
2 because I think as we identified in some of our
3 earlier meetings, frequently projects are identified
4 at the local level as being an economic development
5 project when technically they may not be an economic
6 development project.

7 And this is a very difficult and very
8 complicated issue, and we all understand the
9 justification for the economic development agency
10 exemption. Is there a copy of it in the packet,
11 that is 288.075?

12 MS. LEE: Tab four.

13 CHAIRMAN PETERSEN: Tab three maybe? The
14 economic development agency exemption, 288.075
15 allows an economic development agency to maintain
16 the confidentiality of records provided to it by a
17 person or a company wanting to locate, relocate or
18 expand its business interests in the state of
19 Florida.

20 The information provided to an economic
21 development agency which is defined in the statute
22 must keep that information confidential if requested
23 to do so by the private person or entity providing
24 the material. It is confidential and exempt for a
25 period of 12 months.

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1 That period of confidentiality can be expanded
2 for an additional 12 months at the request of the
3 person providing the information. The difficulty
4 comes in trying to really figure out when the
5 exemption is misused or misapplied, and I spent
6 quite a bit of time in the last month trying to
7 figure this out.

8 I went back and looked at the history of
9 288.075. I went all the way back to 1995, and read
10 as much as I could about what is going on in other
11 states.

12 That was a question, I think Judge Carassas
13 asked that question at our last meeting. We
14 provided you with a report from the National Freedom
15 Information Coalition about how other states deal
16 with economic development agency projects, and we
17 pretty much all, most states treat economic
18 development agency projects much the same as the
19 state of Florida does.

20 So JoAnn and I last week or the week before sat
21 down with representatives from Enterprise Florida
22 and OTTED trying at least for me to get a better
23 understanding of the process, and it became pretty
24 clear pretty quickly that there are different types
25 of projects, and most of the traditional economic

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1 development projects flow through Enterprise Florida
2 and OTTED, and that these are sometimes purely state
3 projects. Sometimes they're state and local
4 government projects. So they have a variety of
5 different components and they get a very thorough
6 vetting, both from Enterprise Florida, from OTTED,
7 from the legislative budget process.

8 So we have less concern and also at the end of
9 the project or at some point in the project there is
10 reporting on whether the target company met the
11 requirements or the incentives it was required to
12 meet and that is a public document. So we have some
13 opportunity for oversight there.

14 The problem seems to be, one, the
15 misinterpretation of the exemption primarily or
16 almost exclusively at the local level.

17 And then second, perhaps the application of the
18 definition to projects that are not truly economic
19 development projects.

20 I think it is beyond my capacity and beyond the
21 capacity of this Commission to really delve in and
22 try to fix this problem. So you will see the
23 recommendation and I am sorry, I meant to add a
24 second recommendation here.

25 The first recommendation would be that the

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1 education, that the Florida Economic Development
2 Council, which JoAnn and I work is an association of
3 the local economic development agencies.

4 That the Florida Economic Development Council
5 work with the Office of Open Government to ensure
6 that the local EDAs understand the exemption. So
7 that it be would an educational effort. We keep
8 talking about education and training, education and
9 training, and I think a lot of the problem is a lack
10 of education and training.

11 So that the Office of Open Government will work
12 with the Florida Economic Development Council to
13 provide education opportunities to the local
14 economic development agencies.

15 The second part of this recommendation is
16 recommending that the Legislature review the
17 economic development agency exemption in 288.075 and
18 consider either adding a definition of economic
19 development projects so we understand the scope of

20 the exemption.

21 We had talked in August about possibly amending

22 the definition of what is an economic development

23 agency. I don't think that is viable or possible

24 because there is a wide variety and we don't want to

25 harm the process either at the state level or the

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1 local level.

2 So it may be possible that we could define what
3 is an economic development project for the scope of
4 the exemption and/or stipulate that strictly local
5 projects, those that do not have an Enterprise
6 Florida or OTTED component. These are strictly
7 local projects, that those projects must be, cannot
8 be a binding agreement, cannot be entered into until
9 a certain number of days after the information has
10 been made public.

11 This was actually the law from 1995 until 2001,
12 economic development projects, no one could enter
13 into, state agencies or local governments could not
14 enter into a binding agreement until 90 days after
15 the information had been made public. That 90-day
16 window was deleted in 2001.

17 So it is not unprecedented that we would have
18 some opportunity for oversight of the strictly
19 willful projects. The number of days I would leave,

20 again, to review and consideration by the
21 Legislature. I think it is beyond our ability to
22 figure that out.

23 So that would be the recommendation, the
24 education and training which to me is sort of a no
25 brainer, and then a recommendation that the

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1 Legislature review the exemption with the idea of
2 trying to define economic development projects
3 and/or creating an opportunity for public oversight
4 of projects that are strictly willful.

5 And I have some examples of projects that
6 require or are a part of a larger Enterprise Florida
7 OTTED type projects, Project Extreme in St.
8 Petersburg. The City of St. Petersburg City
9 Commission approved \$13 million for Project Extreme.

10 That was part of a bigger project that had county
11 government, city government and the state's money
12 and incentives all into one pot.

13 While we don't like exactly the way that was
14 approved, it did have thorough vetting at the state
15 agency level.

16 Then I have a \$35 million expenditure approved
17 by the City of Orlando in total secrecy. That was a
18 totally local project and there was no opportunity
19 for public oversight, no vetting, no review until

20 after the expenditure had been approved.

21 So we have both types of examples and that

22 would be my recommendation if I explained it

23 properly. It is a very complicated, very

24 complicated issue. Any questions?

25 MS. LEE: Yes, Madam Chair.

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1 CHAIRMAN PETERSEN: Yes, ma'am.

2 MS. LEE: Thank you. I certainly like the

3 first two parts of the recommendation, and if there

4 is some way to vote on these separately or split it

5 out, would you do that, please? I would be voting

6 no on the third part of that.

7 CHAIRMAN PETERSEN: So we would split it out

8 to -- now remember, we are not recommending that

9 this -- we are recommending review by the

10 Legislature.

11 MS. LEE: I understand.

12 CHAIRMAN PETERSEN: So we would have three

13 recommendations then. One, the education component.

14 Two, review 288.075 to add a definition of economic

15 development project, and then three, recommend that

16 the Legislature review 288.075 to require some

17 opportunity for public oversight before a local

18 government EDA enters into a binding agreement. So

19 I think we have to have a motion to amend.

20 MS. LEE: So moved.

21 CHAIRMAN PETERSEN: Do we have a second on
22 that?

23 REPRESENTATIVE WEATHERFORD: Second.

24 CHAIRMAN PETERSEN: Then a voice vote. Let's
25 do a voice vote on the recommendation to amend the

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1 recommendation. So all those in favor.

2 (Chorus of Ayes.)

3 CHAIRMAN PETERSEN: Now, do we have a motion on
4 recommendation one, the education component?

5 MS. GRINSTEAD: Move approval.

6 CHAIRMAN PETERSEN: Second?

7 MS. CARRIN: Carassas.

8 JUDGE CARASSAS: Yes.

9 MS. CARRIN: Dockery.

10 SENATOR DOCKERY: Yes.

11 MS. CARRIN: Grinstead.

12 MS. GRINSTEAD: Yes.

13 MS. CARRIN: Lee.

14 MS. LEE: Yes.

15 MS. CARRIN: Petersen.

16 CHAIRMAN PETERSEN: Yes.

17 MS. CARRIN: Sheldon.

18 SECRETARY SHELDON: Yes.

19 MS. CARRIN: Weatherford.

20 REPRESENTATIVE WEATHERFORD: Yes.

21 MS. CARRIN: It is unanimous.

22 CHAIRMAN PETERSEN: A motion to adopt

23 recommendation number two, that the Legislature

24 review 288.075 towards the purpose of adding a

25 definition of economic development project. Do I

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1 have a motion?

2 MS. LEE: Move approval.

3 SENATOR DOCKERY: Second.

4 MS. CARRIN: Carassas.

5 JUDGE CARASSAS: Yes.

6 MS. CARRIN: Dockery.

7 SENATOR DOCKERY: Yes.

8 MS. CARRIN: Grinstead.

9 MS. GRINSTEAD: Yes.

10 MS. CARRIN: Lee.

11 MS. LEE: Yes.

12 MS. CARRIN: Petersen.

13 CHAIRMAN PETERSEN: Yes.

14 MS. CARRIN: Sheldon.

15 SECRETARY SHELDON: Yes.

16 MS. CARRIN: Weatherford.

17 REPRESENTATIVE WEATHERFORD: Yes.

18 MS. CARRIN: It is unanimous.

19 CHAIRMAN PETERSEN: Okay, recommendation number

20 three recommends that the Legislature review section
21 288.075 to amend the law, allowing an opportunity
22 for public oversight of any local government
23 economic development project at some point before
24 the local government economic development agency
25 enters into a binding agreement. Do I have a

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1 motion?

2 MS. LEE: Madam Chair, are you reading from
3 some place specifically on that recommendation?

4 CHAIRMAN PETERSEN: No, I am reading from my
5 piece of paper. It is in there, it is in your brown
6 folder.

7 MS. LEE: I was under the impression that the
8 recommendation stated that we would ask that local
9 government could not enter into a binding agreement
10 until 90 days.

11 CHAIRMAN PETERSEN: Ninety days used to be the
12 requirement. I just said, X number of days, because
13 I don't know that 90 days might be too far in
14 advance, then I thought maybe 30 days. I honestly
15 don't know enough about it to be able to recommend a
16 time period.

17 So what I am suggesting is that we ask the
18 Legislature to review the exemption and that with an
19 eye towards requiring disclosure at some point

20 before a binding agreement and let the Legislature

21 come up with the time frame.

22 I thought, well, 10 days, I thought some of

23 these complicated projects that might not be enough,

24 but we don't want to impede upon the process. We

25 simply want to allow an opportunity for public

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1 oversight.

2 It says until XX date because I don't have the
3 expertise and I am not sure that we do here on the
4 Commission to be able to figure out what would be an
5 appropriate window. Ninety days was the requirement
6 until 2001.

7 REPRESENTATIVE WEATHERFORD: Madam Chair.

8 CHAIRMAN PETERSEN: Yes.

9 REPRESENTATIVE WEATHERFORD: Maybe a
10 compromise. I share some concerns that Renee has in
11 regards to economic development particularly with
12 local governments. I certainly want to make sure
13 that the exemption is not being over utilized or
14 being used by people who shouldn't be using it.

15 However, with that also being said, I don't
16 want to take away the autonomy of the local
17 government to enter into these negotiations. They
18 are very sensitive.

19 Having been a big proponent of the economic

20 development, I have served on the committee in the
21 Legislature and being very involved in it, I can
22 tell you that a lot of these negotiations that take
23 place with these companies are very, very sensitive
24 and sometimes just the very whisper of word getting
25 out of what is happening can blow up the deal.

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1 So what I would suggest you do is my thought is
2 if we have it as one recommendation, the two parts.
3 We already have that we are going to review 288 and
4 maybe not, as opposed to being specific and saying
5 we are going to review section 288 and have a
6 specific element that deals with local government,
7 the two people in the Legislature that are most
8 likely going to be working on this are sitting here
9 right now.

10 So what I think we can do is say that the
11 Senator and I take under advisement that there is a
12 concern about this portion of 288, maybe we ought to
13 look at tightening it up or having some kind of
14 oversight over local governments as opposed to
15 making a formal recommendation. I am not sure I
16 could support that either because it is so vague
17 right now we don't really know what it means.

18 CHAIRMAN PETERSEN: And I would agree. I
19 attempted to leave it as vague as I could simply

20 because I am asking. I mean, the recommendation

21 would be that the Legislature would review.

22 I think it is pretty clear, at least in my mind

23 that through education we will go a long way. The

24 example I used about the City of Orlando, it was a

25 misapplication of the exemption because they had

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1 actually been issuing press releases about the new
2 deal, but then refused to provide the record even
3 though the exemption said it applies only until the
4 information is otherwise made public.

5 So that was clearly a misapplication and most
6 of these are I believe from what I have been able to
7 tell. We might solve all of our problems through
8 education and a definition of what it means to an
9 economic development project.

10 So we could perhaps spell out some of the
11 things they might consider allowing. What I will do
12 perhaps is more formally draft this and then we will
13 send it out to the members of the Commission and we
14 will with all of them frankly, but we could say,
15 recommend review of 288 with the consideration of a
16 definition of economic development projects and
17 allow them some opportunity for public oversight of
18 those economic development projects which are
19 strictly local in nature. Does that sound better?

20 REPRESENTATIVE WEATHERFORD: Yes, I think that
21 is better, but I still have the same concerns with
22 regards to taking away the autonomy of local
23 governments. I just want to be careful that it
24 doesn't have the body, that it does not appear, we
25 don't create the appearance that we think that local

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1 governments are all acting out of line.

2 We need to create some oversight to make sure
3 that when they are doing their economic development
4 negotiations that they are in line with what we are
5 doing.

6 Frankly as a state we benefit from the
7 exemption, both Enterprise Florida and OTTED and
8 then you go to the local governments and say we are
9 not going to give you the same ability. I am not
10 really sure that is the right thing to do. I am not
11 comfortable with going that far yet.

12 I would prefer to keep it very vague and say,
13 Legislature we need to work on education and we need
14 to work on the review of 288 and maybe put in there
15 something about take a look at what local
16 governments are doing and how that process is
17 working and maybe define economic development
18 project as part of that, but I am not really
19 comfortable personally with suggesting that we

20 create an oversight just yet, because I am not

21 really sure that is what we need.

22 CHAIRMAN PETERSEN: Let me explain maybe and I

23 am hoping, the reason the report has been delayed is

24 because I have been thrashing around in the economic

25 development agency portion of that report.

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1 As I said, when it is an Enterprise Florida
2 OTTED project it has quite a bit of vetting and
3 expenditure of funds takes higher approval.

4 With the local governments they have the
5 authority to spend their own money, and when it is
6 strictly a local project like it was with the City
7 of Orlando, the City had total authority to expend
8 \$35 million of taxpayer money with no oversight, no
9 vetting by some higher authority, no approval of the
10 expenditure by some other authority.

11 So when I say, strictly local, I mean, it stays
12 right there and the public has no opportunity to
13 review or oversee any of that process as guaranteed
14 by the Constitution until the deal is done, and that
15 was in this article that was in the Orlando Sentinel
16 on the City of Orlando project.

17 They said, well, we will give it to you a week
18 after we make the decision, we will release all the
19 documents. By then the \$35 million is sold. And I

20 would point out that I agree with you in this
21 project, itself, had great benefits to the City of
22 Orlando, which was made very clear in the article.
23 It is just a question of allowing some other
24 opportunity, and I would be willing to amend again
25 the recommendation. Education, I don't believe, the

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1 Legislature deals with education, that is a separate
2 recommendation, but perhaps as I said, it is my
3 greater and greater conviction that if we simply
4 define what is an economic development project we
5 may not have to go, that is why I said, and/or in
6 this recommendation.

7 So perhaps what we could do is recommend review
8 with the possibility of adding a definition and then
9 requesting a review to see if that was working, you
10 know, two or three or four years down the road and
11 that way, stick it under the Open Government Sunset
12 Review Act even though technically it is not
13 expanding the exemption, but put it under a sunset
14 review process so we can look to see if it is
15 working and then with the education efforts and a
16 definition.

17 MS. LEE: You know, Madam Chair, I never have
18 any question about allowing the public to review
19 contracts or anything else in government. I do

20 understand how sensitive this area is and the

21 recruitment of businesses.

22 I guess one of the concerns I have is that if,

23 in fact, you open the contract to public scrutiny

24 for 90 days, which is a huge delay in terms of

25 recruitment or a company moving, what happens if one

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1 person objects?

2 What happens once that contract is out there
3 for 90 days? Is there a consequence? I mean, is
4 there a consequence to this? I mean, what are we
5 doing here?

6 CHAIRMAN PETERSEN: Again, 90 days is not
7 written into our recommendation, and in going
8 through the materials I think 90 days is too big of
9 a window.

10 As I understand that some projects are not
11 finalized until just days before. So 90 days is not
12 in the recommendation.

13 It would be and if someone objects it would be
14 the same as if someone objects to any action taken
15 by a local government. It would give your County
16 Commissioner, your City Commission the opportunity
17 to hear what the public thinks about what they are
18 about to do and the money they are about to spend
19 and the project they are about to approve, and it

20 may or may not change the minds of some of the

21 members.

22 MS. LEE: Why couldn't you do that on the first

23 day that the contract is on the agenda?

24 CHAIRMAN PETERSEN: What we are seeing is that

25 these things are on the agenda without any real

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1 public knowledge or information as to what it is.
2 Project Extreme is an example. It was put on the
3 consent agenda the afternoon of the meeting and the
4 City Commission approved expenditure of \$13 million
5 without the public having any idea what it was.

6 There was no discussion, no debate and it was done.

7 That is perhaps an abuse of the exemption or a
8 misunderstanding or misapplication and that is where
9 we are hoping, like I said, education of what this
10 exemption is will go a long way in -- because I
11 think the City of St. Petersburg, the City Council
12 has been educated in response to the public's
13 response to what they did.

14 So I think education. So what I am suggesting
15 is that we have the education would be already
16 approved and then what we do is maybe collapse back
17 in two and three to say, review 288 with an idea of
18 creating a definition and then subject a whole
19 exemption to a sunset review five years down the

20 road so that we have, we can review the exemption to
21 see if the definition and the educational process is
22 working and don't single out the local governments,
23 don't try to just work on the definition of economic
24 development project and then subject the whole thing
25 to sunset review to see if the education has been

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1 working.

2 MS. LEE: I see.

3 CHAIRMAN PETERSEN: Is that workable? So we
4 have now another motion to amend the recommendation.
5 This would be recommendation number two. We have
6 already approved the education component.

7 Amend recommendation number two to review, have
8 the Legislature review the economic development
9 exemption with an idea of attempting to define
10 economic development projects and then subjecting
11 the exemption to a sunset review five years from now
12 or five years from enactment to ascertain whether
13 the education project and the definition is
14 effective. So do I have a motion to amend the
15 recommendation?

16 REPRESENTATIVE WEATHERFORD: So moved.

17 CHAIRMAN PETERSEN: Second?

18 MS. LEE: Second.

19 CHAIRMAN PETERSEN: All those in favor.

20 (Chorus of Ayes.)

21 CHAIRMAN PETERSEN: Now we have a motion to

22 adopt the recommendation as amended.

23 SENATOR DOCKERY: So moved.

24 MS. LEE: Second.

25 MS. CARRIN: Carassas.

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1 JUDGE CARASSAS: Madam Chair, as I vote on
2 that, it is my understanding that we will not have a
3 third recommendation on this matter?

4 CHAIRMAN PETERSEN: That is correct.

5 JUDGE CARASSAS: Then I will vote yes to the
6 amended second.

7 MS. CARRIN: Dockery.

8 SENATOR DOCKERY: Yes.

9 MS. CARRIN: Grinstead.

10 MS. GRINSTEAD: Yes.

11 MS. CARRIN: Lee.

12 MS. LEE: Yes.

13 MS. CARRIN: Petersen.

14 CHAIRMAN PETERSEN: Yes.

15 MS. CARRIN: Sheldon.

16 SECRETARY SHELDON: Yes.

17 MS. CARRIN: Weatherford.

18 REPRESENTATIVE WEATHERFORD: Yes.

19 CHAIRMAN PETERSEN: Next week I will get all of

20 the language out and if you want to tweak it at all,
21 as I said I think we are going to be tweaking for
22 quite sometime.

23 Next we have Local Transformation Projects
24 which is under tab four. Renee, we asked for some
25 additional information on this. We had one city

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1 that has adopted and that was in your packet from
2 the last meeting, had adopted a resolution that we
3 amend the exemption in 337.168 to allow application
4 of the exemption or to include local government
5 within the exemption.

6 And as best as we can tell, because we did not
7 get a lot of information on this. We didn't get a
8 very thorough response and we asked for more
9 information.

10 The best I can tell it is the exemption under
11 337.168(1) that there are actually three separate
12 exemptions in this provision. And under 337.168(1)
13 is an exemption for adopting to electronic files for
14 reviewing official cost estimates of projects under
15 DOT until the contract for the project has been
16 executed or until the project is no longer under
17 active consideration. And the recommendation was
18 that we expand 337.168(1) to include local
19 government.

20 MS. LEE: Yes, that is correct. And Madam
21 Chair, if I could make some comments on this. This
22 request comes to the Commission from Charlotte
23 County, Florida and they have experienced
24 contractors in the area taking their official cost
25 estimates on documents and projects that they are

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1 planning in the future and using that to submit
2 their bids.

3 In this economic environment it makes it almost
4 impossible for them to get a better deal on the bid.

5 What they are seeking is to have parenting with
6 state government transportation projects.

7 Those cost estimates that are made by the
8 Department of Transportation are not released to the
9 public until a bid or a contract is made.

10 On the local government level they don't have
11 that kind of protection. When they make an estimate
12 for road projects, everybody in the world knows how
13 much they're going to spend, what they are
14 estimating the costs to be and the cost doesn't come
15 in any lower than that because that number is
16 revealed.

17 So they are asking to be treated the same as
18 the state is treated with their road projects.

19 CHAIRMAN PETERSEN: Do you know, Renee, I mean,

20 the only county we heard from was Charlotte County.

21 We have this recommendation from the League of

22 Cities that the Legislature subjected itself to the

23 same standard under the Sunshine Law as local

24 governments and state agencies.

25 I heard from, and I think we have gotten

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1 letters from 12 or more cities around the state that
2 the Association of Counties is adopting it, the
3 League of Cities has adopted it.

4 So I am wondering whether this problem is more
5 than just Charlotte County. I am a little nervous
6 in adopting it simply because we didn't care much
7 more than they adopted the resolution.

8 I understand the issue, but I am wondering if
9 it doesn't need to be embedded a little bit more
10 with some justification provided by the county.

11 MS. LEE: Let me say this, Madam Chair.
12 Certainly if there is a trade off and you compared
13 this to opening the legislative process more and the
14 resolution that we receive from counties and
15 organizations to do that, I certainly would support
16 doing that more than I would support this resolution
17 at this time.

18 So I would say that if all things in balance if
19 you are saying that we are requesting that the state

20 abide by the same sunshine and public record laws as

21 all governments, then I would support that versus

22 asking for the exemption.

23 CHAIRMAN PETERSEN: Well, what we did, actually

24 we voted in August on the access to the Legislature

25 issue, and since that the League of Cities has

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1 adopted its resolution as have a number of cities
2 independently of the League.

3 My point simply was this was a recommendation
4 without a lot of supporting information and without
5 any kind of widespread support from other local
6 governments and I am a little reluctant to recommend
7 a new exemption without something more than what has
8 been provided to us even though we did ask a second
9 time for more information.

10 MS. LEE: I certainly understand your issue,
11 because I don't know what has created the conditions
12 for them. I would suggest that, yes, probably every
13 local government is experiencing the same problem,
14 but they have dealt with it in a manner that somehow
15 they have been able to work around it. So I look at
16 this, maybe acknowledge it that we have received
17 this request, but not take any action on it.

18 SENATOR DOCKERY: Madam Chair.

19 CHAIRMAN PETERSEN: Yes.

20 SENATOR DOCKERY: It doesn't matter in fairness
21 in terms of local governments being treated the same
22 way as the state, or is there a problem for local
23 governments right now in terms of not being able to
24 get bidders at prices?

25 MS. LEE: Well, both. I think the answer to

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1 your question is, yes, it is a matter of local
2 government being treated the same as state
3 government, because the state government gets to
4 protect their cost estimates related to road
5 projects, the counties do not.

6 And it creates, it puts a number out there. It
7 tells people how much you have in your pocketbook to
8 spend. That is what the issue is and you are not
9 going to get any bids anymore than that even in this
10 environment where everybody is hungry for work.

11 CHAIRMAN PETERSEN: My problem is in dealing
12 with this issue is one, we just don't have very much
13 information. As I said, we got a letter from
14 Charlotte County saying we have adopted this
15 resolution, please consider it.

16 There are three separate exemptions in 337.168
17 and I don't know whether all three, I don't
18 understand or don't know whether all three of them
19 should be expanded to include local government,

20 whether just one should be expanded.

21 And my recommendation would be, again, I don't

22 think we have sufficient information and that

23 perhaps we suggest that the transportation

24 committees look at this issue and try to get more

25 information on it because we have not been provided

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1 with sufficient information to understand exactly

2 what it is they want.

3 SENATOR DOCKERY: Madam Chair, if I could just

4 comment. I absolutely agree with you and I am

5 becoming increasingly more and more critical of the

6 State Department of Transportation and the way they

7 do business.

8 I just want to point out that what is happening

9 at a national level and the distrust of the public

10 with the use of their tax dollars right now really

11 shines a light on us and our work and what we are

12 doing.

13 In my humble opinion the more government is out

14 in the sunshine, the better it is for the taxpayers,

15 not only in terms of protecting their dollars, but

16 in terms of them having oversight to see what we are

17 doing with their dollars.

18 I think this whole area of economic development

19 really needs to be looked at, because on one hand we

20 have the need and desire to create as many good
21 paying jobs as we can and a lot of times things are
22 brought forth as economic development and then we
23 will not really worry about it because we need to
24 create jobs.
25 That is so ripe for abuse because people aren't

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1 looking at it and these companies who have the
2 ability to go from state to state and pick the state
3 that have the ability to negotiate in private, that
4 may be where they are going, but just because
5 another state is doing that doesn't mean that we
6 should sacrifice the rights of our citizens to
7 understand how we are using their taxpayers'
8 dollars.

9 So it is a really tricky situation that I am
10 going to have to look into much more in-depth as we
11 move forward, but transportation projects get kind
12 of lumped into that same area, because if you build
13 a road you are having an economic impact on that
14 area.

15 And what is happening, which also frustrates me
16 is not only the cost and the taxpayer's right to
17 know what you are paying, but also the people who
18 are privileged, have the privileged information
19 about what is happening, what is going in, and have

20 the ability to buy up surrounding land or plan
21 associated development whereas the rest of the
22 citizens don't.

23 So I think we need to look in total at how we
24 are moving very important information with their
25 taxpayers' dollars in a confidential vetting.

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1 CHAIRMAN PETERSEN: Representative Weatherford.

2 REPRESENTATIVE WEATHERFORD: Thank you, Madam

3 Chairman. I certainly agree with the Senator's

4 sentiments. I would say in this particular issue

5 that we are talking about in transportation, right

6 now the Department of Transportation is widening

7 Highway 54, which happens to be in my district.

8 They do a cost analysis in house that says it is

9 going to cost \$30 million. When they put it out to

10 bid those people don't know that.

11 Right now, three years ago you had two bidders,

12 now you have got 15. And actually what they are

13 finding out is that \$30 million road that they

14 thought was \$30 million is now being built for 15 or

15 12, a significant, significant decrease because the

16 competition level is larger, the margins are smaller

17 and so on.

18 Local governments, same road, let's say it is a

19 county road, but let's call it Highway 52 which is

20 also in my district, it is a state road, but to make
21 it simple here it is a county road. It is also
22 going to be \$30 million, they do a cost estimate, it
23 shows the same thing. They have to show that.
24 So every bid you get you would be guaranteed
25 beyond a shadow of a doubt it is going to probably

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1 be \$3 million and no less. The state is losing
2 money when we do that. I mean, the county is losing
3 money and at a time like this when the competition
4 level is steep and these people are trying to stay
5 in business, they are actually doing work at a very
6 low margin, I think we should take advantage of
7 that, and I need to learn more about that.

8 I think this is a great example, where in the
9 state of Florida we are usually really good about
10 mandating things to local governments, but I think
11 we have over-mandated. Clearly this is an area
12 where we can kind of set them free, take the
13 handcuffs off and let them take advantage of
14 something the state and DOT uses, which actually
15 saves taxpayers money. It is an area of physical
16 responsibility.

17 So whether or not we vote on it today, it is
18 certainly going to be an issue that I am going to
19 look at, because we are always trying to get more

20 bang for our buck and it is very simply they are at
21 a disadvantage when it comes to bidding out work,
22 because they have to show what the cost estimate is.
23 So I think it is a great idea.

24 CHAIRMAN PETERSEN: Well, perhaps again we
25 could make a recommendation that would require

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1 review of the exemption to ensure that local
2 governments are on a level playing field, and
3 perhaps and also with an idea perhaps to narrowing
4 two and three or getting at your issues, Senator,
5 with the lack of oversight.

6 Because again, I don't feel comfortable
7 recommending that we, recommend a new exemption
8 without having some more supporting documentation or
9 at least a written justification that we could base
10 our recommendation on.

11 So would you be comfortable with recommending a
12 review of the exemption for the purposes of making
13 sure there is sufficient public oversight, and yet
14 allowing local governments to be on the same playing
15 field? Again, as I said, I have no sense of whether
16 the exemptions in paragraphs two and three apply to
17 local governments and I would hesitate to recommend
18 one.

19 MS. LEE: They do not.

20 CHAIRMAN PETERSEN: So would you be comfortable

21 with recommending a review of the exemption?

22 MS. LEE: I would move approval of that.

23 CHAIRMAN PETERSEN: Do we have a second?

24 REPRESENTATIVE WEATHERFORD: Second.

25 MS. CARRIN: Carassas.

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1 JUDGE CARASSAS: Yes.

2 MS. CARRIN: Dockery.

3 SENATOR DOCKERY: Yes.

4 MS. CARRIN: Grinstead.

5 MS. GRINSTEAD: Yes.

6 MS. CARRIN: Lee.

7 MS. LEE: Yes.

8 MS. CARRIN: Petersen.

9 CHAIRMAN PETERSEN: Yes.

10 MS. CARRIN: Sheldon.

11 SECRETARY SHELDON: Yes.

12 MS. CARRIN: Weatherford.

13 REPRESENTATIVE WEATHERFORD: Yes.

14 CHAIRMAN PETERSEN: It passes. Next we have

15 tab five. If you remember at the August meeting we

16 approved a recommendation to endorse legislation

17 amending Chapter 39 as it relates to projects, as it

18 relates to reports of abused children, and also we

19 were going do include the elderly in the exemption,

20 but we had some concern because under the
21 legislation that was considered, but did not pass
22 during 2008, there was a provision in there that
23 specifically stated that children who had been part
24 of the Foster Care program would have access to
25 their records.

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1 We asked that that language be put back into
2 the proposal. We had a strong outpouring from a
3 large number of young adults who had been through
4 the Foster Care program complaining that they did
5 not have access to their own records.

6 So I think we are going to have the Department
7 discuss this. John, who is Assistant General
8 Counsel to the Department of Children and Families.
9 You will find the proposal under tab five.

10 MR. JACKSON: Madam Chair, Commission members.

11 I want to take this opportunity to thank the
12 Commission for all the great work that they do in
13 the state. And I would also like to take the
14 opportunity to thank the Commission for the support
15 and the guidance they provided to the Department,
16 and we have been trying for the past couple of years
17 open up the Department to the Sunshine more and more
18 in an effort to improve problems that seem to stick
19 with us for a long time. We have never been able to

20 solve them before, and I think under the current
21 administration and the previous administration over
22 the past couple of years we have gone a long way and
23 we are going further, especially with the help of
24 this Commission.

25 As Madam Chairman said previously the language

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1 that we are looking to add to the Bill right now is
2 some of the language that was in the last year's
3 Bill that did not pass in 2008.

4 Initially, this proposed language for the first
5 time mind you requires that the case file of every
6 child in the custody of the Department be maintained
7 in a complete and accurate manner, which probably
8 doesn't sound it is such an amazing thing we are
9 trying to reach, but it is something that is
10 necessary.

11 It insures that the child's case plans, the
12 names and addresses of all their placements while
13 they're in the custody of the Department and other
14 information that is normally collected in these
15 cases would be there for the child to access, and
16 access for free at no charge to the child, whether
17 the child wants to come in and review the file or
18 the child wants a free copy.

19 Lastly, it also makes clear that any individual

20 or entity that has custody of the file and refuses
21 to give that file to the child or refuses to provide
22 it to the child within a reasonable period of time
23 is subject to the same penalties and sanctions that
24 are provided in Chapter 119, the Public Records Law.
25 Now, why do we need to do something like this?

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1 Well, the Department has significantly stepped up
2 efforts to assist Foster children in making the
3 transition from state care to adulthood.

4 Over the past couple of years the Department
5 has been looking at everything we do to see if there
6 is anything we can do for these kids that hasn't
7 been done before.

8 One example it seems is that we are reaching
9 out trying to get jobs for these children, including
10 once they reach the age of maturity then other state
11 agencies, including our own agency.

12 Another example that has a major impact is that
13 the Department is giving Foster children a larger
14 voice in the system in the hopes of getting the
15 improvements done. So basically we are really
16 listening to what the kids say, because one thing
17 that Secretary Sheldon and previous Secretary
18 Butterworth figured out very quickly is that these
19 kids are smart. They know the system because

20 they're living in it and they have great ideas for

21 it.

22 One of the most common suggestions that came

23 from kids in meetings was that they did not have

24 access to their own records. And to put it another

25 way, not to over-dramatize it, I don't think you can

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1 over-dramatize it, they did not have access to their
2 past, and I just can't imagine what it would be like
3 to not really have access to your past. Not know
4 where you have lived, not know how to find where you
5 previously lived, where you have gone to school,
6 something like that, I just could not fathom what
7 that would be like, but for practical reasons, as
8 well.

9 I know from when I was a teenager and I first
10 started trying to get jobs and filling out lengthy
11 college applications, they need a lot of information
12 about your past. Information that wasn't at my
13 fingertips and I was not in the system, and children
14 that are in the system, that information is
15 certainly not at their fingertips.

16 I think it is essential and we hope that the
17 Commission will agree that kids should be entitled
18 to have that information, not only for their future,
19 but also for knowing their past.

20 It doesn't really ask a lot of the Department
21 to do this or to the state for that matter. We are
22 not talking about costing any kind of money. What
23 we are talking about is putting in the law and
24 making clear the rights of these children to have
25 these records.

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1 The next section that we want to add, again, is
2 language from last year. What it does is it
3 provides access to the complete record of these
4 children, including identities, to Foster parents
5 who have an approved home study of their home which
6 means that they are about to take in Foster
7 children, to the designee of a licensed residential
8 group home who also takes in numerous children and
9 an approved relative or non relative placement.

10 Some of the placements we give these children
11 are with relatives and sometimes with non relatives
12 if it can be worked out, and for pre-adoptive
13 parents, adoption parents and adoption entities that
14 work these adoptions.

15 So why is it needed? It allows the most
16 complete sharing of information for individuals who
17 take on the crucial task of becoming parents or
18 acting in place of parents for these children.

19 Honestly, the people that take on this task, and it

20 is no easy task, the people that take on this task,
21 they do deserve to know what they are getting into
22 and we want them to know what they are getting into,
23 because that way they can make the best
24 determination of whether or not they can provide the
25 child with what he or she needs, every child is

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1 different and have different needs. And they can
2 also have the information, they need the information
3 so they can adequately protect other members of the
4 household.

5 Some of the children do have problems and if an
6 adult or Foster parent or the prospective adoptive
7 parent or a relative or even a neighbor is going to
8 take in this child, they should know exactly what
9 they are getting into and exactly what is going to
10 be required of them to give this child everything
11 they need to thrive.

12 One other reason, I am sorry, I did forget one
13 thing. One other reason that I believe that we need
14 to do the amendment regarding the adoptive,
15 pre-adoptive, Foster parents, et cetera, getting
16 this information. Last year the Legislature amended
17 Section 63.085 of Florida statutes, and that section
18 list out or the amended section list out the
19 information that adoption entities must provide to

20 prospective adoptive parents who were matched by the
21 entity with children, and it is a long list of
22 things that they have to provide to these
23 prospective adoptive parents, and some it includes
24 the following. Records documenting all incidents
25 that require the Department, that being the

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1 Department of Children and Families, to provide
2 services to the child.

3 In other words, the materials generated as part
4 of the Department's Protective Service
5 Investigations. This amended 63.085 doesn't
6 specifically give authority for the Department to
7 provide these records even though it seemed implied
8 in the language and what we don't want to do is have
9 any confusion where we have an adoption entity that
10 comes to the Department and says, I need these
11 records, I am working on an adoption, the Department
12 says, no, you can't have them because the statutes
13 don't list you as one of the exceptions to the
14 confidentiality and then the adoption entity goes
15 back to the people that they are working on the
16 adoption with and say, sorry, I can't get these
17 records.

18 We want to make sure that it is clear in the
19 law that these records are available to the adoption

20 entities that are working on these adoptions,
21 whether it be the Department, obviously they are
22 available to us, but there are lots of entities out
23 there that work adoptions, private entities, private
24 adoption folds, and we want to make it clear in the
25 statute that they, too, can have the records so

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1 nothing holds up the adoption, and their adoptions,
2 as well as the ones we do are completely informed
3 and that is it.

4 CHAIRMAN PETERSEN: Thank you. Do you have any
5 questions, Senator Dockery?

6 SENATOR DOCKERY: Yes. This was the Bill that
7 Representative Weatherford and I ran last year and
8 on the Senate side we had five committee references
9 and we ran it through the process.

10 The portion on adoption became pretty
11 controversial and we brought all the interested
12 parties in and worked that out. So we were very
13 comfortable on the Senate side with how the Bill
14 ended up after it made it through the process.

15 Is that the version of the Bill now or can you
16 point out what the differences are?

17 MR. JACKSON: Our Bill?

18 SENATOR DOCKERY: At the end of the process
19 last year?

20 MR. JACKSON: Yes, I am pretty certain it was
21 at the end of the process, but I can double check
22 that.

23 SENATOR DOCKERY: Does it have the provisions
24 on granting the Secretary authority to release
25 records which was okay on the Senate side, but I

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1 think ran into some problems in the House.

2 MR. JACKSON: Well, that part of the language
3 which we discussed in August, what it does is that
4 it takes away the Secretary's authority and
5 discretion in that matter, but it still opens up the
6 records more broadly than they have been to the
7 general public all together.

8 CHAIRMAN PETERSEN: That is the language that
9 we adopted in August. That was a concern in the
10 House, the discretion. And I think what, I don't
11 have the language with me, but what we approved at
12 the August meeting was language that said, these
13 records are open, but identifying information will
14 remain exempt.

15 So it is not discretionary, the Secretary
16 doesn't have the discretion. We simply made some
17 public records and exempt identifying information in
18 those records. Do I have that right?

19 MR. JACKSON: Correct. And one thing to point

20 out is, where the exceptions to that
21 confidentiality, the exceptions to the people that
22 can't have the records, now the exceptions are for
23 people that can not only have the records, like the
24 general public, but can also have the identities as
25 well.

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1 For instance, state agencies need the
2 identities, they get the records, whatever they do
3 with the records, however they assist the children
4 and with the addition of this language it also would
5 give the adoptive parents and pre-adoptive parents
6 and prospective Foster parents the identities as
7 well, at least of the children that they are
8 possibly going to adopt or Foster.

9 CHAIRMAN PETERSEN: Secretary Sheldon, did you
10 want to add anything?

11 SECRETARY SHELDON: The reason that we made the
12 change, there was a lot of questions on the Senate
13 and the House side about giving discretion to the
14 Secretary. I think they were not worried about
15 Secretary Butterworth, they were worried about the
16 subsequent Secretaries such as me.

17 So what we really did is I think dealt with the
18 concerns in the House and that was that you were
19 going to have a trigger happy Secretary who would

20 release everything. So basically what the new
21 language that you adopted in August says is that the
22 record is open, with the exception of certain
23 redacted materials, such as name identifiers.

24 I think any allegation of sexual abuse I think
25 is also exempt under that statute. So it really

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1 opens up the record broadly as opposed to giving
2 anybody discretion. I think the House would feel a
3 little more comfortable with that position.

4 CHAIRMAN PETERSEN: And I think it also strikes
5 the appropriate balance between the public's right
6 to oversee the actions of the Department while
7 protecting the privacy interest of the parties
8 involved. And I would really like to commend the
9 Department for its attempts to open itself up to
10 oversight and review.

11 These two, if we approve these two provisions
12 today they would be amended onto that Bill and it
13 would be one package.

14 As I said, I think today it brings back in the
15 two provisions that were part of the 2008
16 legislation, and then what we approved in August
17 addresses the issues and concerns raised the last
18 session by giving the Secretary the discretion.

19 Do we have any questions, any comments? Do we

20 have a motion for approval of both of these two

21 provisions?

22 SECRETARY SHELDON: So moved.

23 MS. GRINSTEAD: Second.

24 MS. CARRIN: Carassas.

25 JUDGE CARASSAS: Yes.

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1 MS. CARRIN: Dockery.

2 SENATOR DOCKERY: Yes.

3 MS. CARRIN: Grinstead.

4 MS. GRINSTEAD: Yes.

5 MS. CARRIN: Lee.

6 MS. LEE: Yes.

7 MS. CARRIN: Petersen.

8 CHAIRMAN PETERSEN: Yes.

9 MS. CARRIN: Sheldon.

10 SECRETARY SHELDON: Yes.

11 MS. CARRIN: Weatherford.

12 REPRESENTATIVE WEATHERFORD: Yes.

13 CHAIRMAN PETERSEN: Again, I would like to

14 commend the Department for opening up a process, and

15 also for all its hard work in working so carefully

16 and closely with us on this issue. I know it is

17 going to be a lot more work, but again, I would like

18 to thank you for your hard work on it.

19 Next on the agenda we have the Citizens Rights.

20 This was an issue we considered at the August
21 meeting. I wanted a little bit more time to
22 consider it, but basically the recommendation is an
23 enactment of a Fair Information Practices Act.

24 Basically what this does is make agencies look
25 at the collection of personal information and to

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1 justify its need to collect personal information.

2 We have some precedent already in the Social

3 Security number exemption.

4 An agency under current law is not to collect a

5 Social Security number without first justifying its

6 need for the number. This broadens that concept a

7 little further to include all personal information.

8 I mean, we have to remember if an agency does

9 not collect personal information, that information

10 does not become public record and we don't need to

11 create another exemption. So that is the first

12 component.

13 The second component and perhaps the most

14 important is it allows every person who is the

15 subject of the record to review the information that

16 collected to ensure that that information is

17 accurate and it sets out a process for contesting

18 the accuracy of the information.

19 There are some exceptions as to what public

20 records that right of access or that right of
21 context would apply to and it also stipulates that
22 this is not a substantive right, but is a mere right
23 of review.

24 I think if you had a chance to look at it, that
25 it is fairly limited in scope. It is not an earth

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1 shattering proposal, but it does give people the
2 right to review their own information and it is more
3 of a data protection issue than it is anything else.

4 Do we have any questions?

5 I should say this actually came from
6 legislation that was considered in 1994 and 1995,
7 when the data protection issue first reared its
8 head.

9 The Legislature has considered passage of
10 different forms or different versions of this act
11 for a number of years, and I in pulling this
12 together tried to clean it up and narrow it as much
13 as I could. Senator, did you have a question?

14 SENATOR DOCKERY: Well, what does this do?
15 Give us a couple of examples of who might have their
16 personal information with updating agencies? Are
17 you talking about licensees?

18 CHAIRMAN PETERSEN: Actually just about
19 everybody. Any licensees, not just state agencies,

20 but local governments, public utilities.

21 SENATOR DOCKERY: Anybody who has dealt with

22 the Department of Children and Families?

23 CHAIRMAN PETERSEN: Anybody who has dealt with

24 Department of Children and Families, anybody who has

25 applied for a driver's license, it is everybody

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1 basically. The types of problems that occur is say
2 an agency transposes a number of your home address.
3 Well, the credit reporting agencies frequently will
4 check public records to make sure that they have got
5 the correct address.

6 I live at 534 Williams Street, the utility
7 company or some agency transposes the number to 543
8 Williams Street. The credit reporting companies
9 call that up and all of the credit card companies
10 check that and all of a sudden my credit cards
11 statements are going to 543 Williams because they
12 just automatically change it.

13 They transpose numbers in say a Social Security
14 number. A Social Security number that they have now
15 misstated that person who has that Social Security
16 number is deceased. That is picked up and all of
17 sudden you are reported as having been deceased and
18 you start having problems there.

19 So this would allow you in those instances, it

20 gives you a mechanism for checking information and

21 for correcting information that may be incorrect.

22 SENATOR DOCKERY: And who would is the point of

23 contact would be an individual could go to, to

24 either check or correct their records?

25 CHAIRMAN PETERSEN: That I am not sure that is

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1 addressed in here, but I would presume that if it
2 says the Department of State, either with the Chief
3 Information Officer or the Office of Open Government
4 contact. I didn't address that in here specifically
5 and I don't think it is addressed if I remember
6 correctly.

7 SENATOR DOCKERY: I guess my underlying
8 question would be, would there be one central office
9 or would it be the agency to which your record is
10 listed with?

11 CHAIRMAN PETERSEN: It simply says making a
12 written request to the agency that collects. The
13 way it is worded, allowing each agency to set up its
14 own process, because again, perhaps at the local
15 level we have a City Clerk, every city has a City
16 Clerk and it would allow them to perhaps make sure.
17 Maybe that would be the point of contact.

18 Every agency has a records custodian. Maybe it
19 would be the records custodian that would allow the

20 agencies the latitude and discretion in terms of

21 setting up their own system for it.

22 Again, how often this would occur, I can't

23 really tell you. I know that there are, I want to

24 say at least half the states, don't hold me to that,

25 but a large number of states have enacted similar

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1 legislation, and I am not aware of any problem or
2 real burden, but when you do have a problem it can
3 be very frustrating in trying to correct it and this
4 gives you a process for the correction.

5 It doesn't create any exemption, it doesn't as
6 I said, create a substantive right, it just gives
7 you a mechanism for ensuring the accuracy of
8 information and making sure that agencies are not
9 collecting information that they don't need in order
10 to carry out their mission.

11 SENATOR DOCKERY: So just to be clear, this
12 only applies to an individual seeking information on
13 him or herself?

14 CHAIRMAN PETERSEN: Correct. If you look on
15 page 2, an individual who is the subject of personal
16 information that is collected or maintained.

17 SENATOR DOCKERY: Does it allow a parent or a
18 guardian to get the information on their child?

19 CHAIRMAN PETERSEN: That is a very good

20 question. I don't believe it does and we could
21 amend that. I don't believe it does, no. And you
22 will also want to note on section 3(d), the section
23 doesn't apply to information maintained in the State
24 University System.

25 In other words, you can't go and contest the

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1 fact that you got a D when you really didn't get a
2 D.

3 And then in personal information contained in
4 the following records and we might as you have the
5 opportunity to look at this or if it goes through
6 the legislative process they might identify even
7 more cases in which we may want to create
8 exceptions, but we could clearly amend it and
9 equally amend it to allow access by a parent or
10 guardian to information.

11 SENATOR DOCKERY: I was not suggesting that.

12 MS. LEE: Madam Chair. Considering the length
13 of the action that we just took to allow the
14 Department, DCF to open the records to people who
15 are in their custody or up for adoption or Foster
16 placement, I am a little concerned about how section
17 (d), actually it is section (d), but it is (1)(h),
18 how does that work? And this says --

19 CHAIRMAN PETERSEN: Can you tell me what page

20 you are on?

21 MS. LEE: The Fair Information Practices Act,

22 it is section (d) which starts, "This section

23 doesn't apply to," and (h), actually it is (2)(h).

24 CHAIRMAN PETERSEN: I have got it, thank you.

25 MS. LEE: Any automated or manual record

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1 maintained by the Department of Corrections or the
2 Department of Juvenile Justice regarding an
3 individual currently or formerly under the custody,
4 control or supervision of the Department of
5 Corrections or the Department of Juvenile Justice.

6 Those records then that are in DJJ would not be open
7 to a kid or the adoptive parent?

8 CHAIRMAN PETERSEN: What this would say is that
9 they're not open to Corrections under the process
10 laid out in here. In other words, I could not go to
11 the Department of Juvenile Justice as to the subject
12 of the record and say, you have got that wrong, I
13 didn't commit those three misdemeanors. So it would
14 just remove DJJ records from the correction process
15 authorized under Section (4)(a).

16 MS. LEE: Why would that be?

17 CHAIRMAN PETERSEN: Again, this was language I
18 took from, I would have to go back and look, but I
19 believe it is the justification or the rationale

20 would be the same as the State University System,
21 that we, you know, this doesn't authorize changing
22 the record. It requires the agency to vet the
23 request for change and then at least make that
24 request for change as part of the record, and if I
25 am a juvenile who has committed three misdemeanors,

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1 I might want to contest in the Department's records
2 and it would perhaps might throw into question what
3 is an adjudicative process.

4 That would be my understanding of why
5 Department of Corrections and the Department of
6 Juvenile Justice would not be included in the
7 opportunity for correction.

8 MS. CARRIN: So this applies to correcting, not
9 releasing information?

10 CHAIRMAN PETERSEN: Absolutely and it allows
11 you the opportunity to correct your own personal
12 information, no one else's information in a public
13 record.

14 MS. LEE: So if I were one day in the past a
15 delinquent child and there was a record in DJJ's
16 file that was incorrect, I would have no opportunity
17 to correct that?

18 CHAIRMAN PETERSEN: You would not have
19 opportunity under this act to correct that.

20 MS. LEE: Is there another avenue?

21 CHAIRMAN PETERSEN: I mean, what we are talking

22 about is just basically a data protection. I don't

23 know what other avenues, but I would presume that

24 you would have other have other avenues through the

25 court process to get that corrected, but this is

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1 basically just personal information in a public
2 record that you are the subject of.

3 Now, we can again, remember we are not
4 approving actual language here. This is all subject
5 to tweaking, but it is basically laying out the
6 concept for you, and I can go back and maybe find a
7 staff analysis for this legislation.

8 So it will require a little bit of digging as
9 to why and I don't know whether Juvenile Justice or
10 the Department of Corrections, whether the staff
11 analysis would address why they were accepted from,
12 but again I can understand the rationale. It is
13 just saying it would be very similar to including
14 the State University System.

15 MS. LEE: Would you state whatever
16 recommendation is going to be? If it is not this
17 specific one, which one is it?

18 CHAIRMAN PETERSEN: The recommendation would be
19 adoption of a Fair Information Practices Act similar

20 to this. It is the same as when we looked at the
21 DCF language and we looked at the trade secret
22 language, understanding that these rules change and
23 tweak, but the concept is this. Secretary Sheldon.

24 SECRETARY SHELDON: Madam Chairman, I apologize
25 because I have not had the previous testimony of any

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1 of this, but the issues are really to the Department
2 of Corrections and Juvenile Justice. I am not sure
3 I really fully understand the rationale.

4 You have got a provision on page 1 of that,
5 (3)(c), which I think would speak to a lot of the
6 concerns that relates to Corrections and Juvenile
7 Justice that this section doesn't create any
8 substantive rights for someone in Corrections or
9 Juvenile Justice. But I am not sure that it is
10 necessary to carry it over to say that they would
11 not have the right to correct inaccurate
12 information.

13 CHAIRMAN PETERSEN: Or at least to dispute?

14 SECRETARY SHELDON: To dispute inaccurate
15 information. No substantive right is created by
16 this section.

17 CHAIRMAN PETERSEN: Would you feel more
18 comfortable if we just delete paragraph (h)?

19 SECRETARY SHELDON: It would seem to me the

20 Legislature should there be testimony which provides
21 a rationale for that edition could reinsert that,
22 but I really think with sub (3)(c), you are taking
23 care of any concerns that those two departments
24 might have that is creating substantive rights.

25 CHAIRMAN PETERSEN: I am perfectly comfortable

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1 with deleting paragraph (h). Representative

2 Weatherford, did you have a question?

3 REPRESENTATIVE WEATHERFORD: Thank you, Madam

4 Chair. Has there been discussions with other

5 agencies? I know we had one Secretary of an agency

6 of the implementation of this Fair Practices Act. I

7 mean, this issue has been around for a while, but

8 what are the comments from some of the agencies that

9 would be responsible for carrying this out?

10 CHAIRMAN PETERSEN: I haven't heard from

11 anyone. It has been floating in our package for

12 quite some time. It was, as I said, considered for

13 a number of years and I believe that this version

14 was the final version that addressed the concerns of

15 the agencies about any possible physical impact, and

16 again, it is a right to correct or to dispute.

17 It doesn't require the agency to correct, it

18 just gives you the opportunity to dispute the

19 accuracy of the information. The agency can then

20 review it and then decide whether, in fact, they

21 have incorrect information.

22 The example I used was say transposing numbers

23 in an address, and in that incorrect address it is

24 picked up by the credit reporting agency, by every

25 credit card you might have and then all of a sudden

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1 you are not getting your credit card statement.

2 You have the opportunity to go back and review
3 and find out where that mistake occurred.

4 SECRETARY SHELDON: I don't have a whole lot of
5 experience in the period of time I have been with
6 the Department on this, but we have some cases that
7 I am aware of that where say, a license for a
8 daycare operator was denied or an exemption for
9 hiring someone who had something in their
10 background, and while they may not necessarily
11 dispute it, if they did, they could have a 120
12 hearing on that, but they had disputed the
13 information that was in those files.

14 So we actually on the part of the agency in the
15 complications I am aware of, gave them that right to
16 review and correct and in a couple of cases we did
17 correct the information.

18 I think it is manageable. John Jackson is our
19 full time public records person and because of the

20 amount of interaction he has with the public we have

21 a lot of requests, but I don't know to what extent

22 it would affect other agencies.

23 CHAIRMAN PETERSEN: Do you have any sense, sir,

24 or any comments about this?

25 MR. ZADRA: Well, with respect to FDLE

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1 primarily this would concern our criminal history
2 records, and there is already under 943 a right to
3 personal review where an individual can review their
4 records and dispute, not actually a charge that they
5 were convicted of, but the ability if there is
6 erroneous information, of course, we are a
7 depository.

8 So if there was erroneous information that say
9 came from a clerk's office we would refer them back
10 to the originating agency. So from FDLE's
11 standpoint that is primary where we would hear from
12 individuals.

13 The others would be criminal investigations and
14 criminal intelligence, which are already exempt up
15 here where it says that first must be information
16 that is subject to public disclosure. So if it was
17 an act of criminal intelligence they wouldn't have a
18 right to review that anyway.

19 CHAIRMAN PETERSEN: And this would only apply

20 to records that are public records and not
21 necessarily records that are exempt from public
22 disclosure. So do we have more comments or
23 discussion? Jeanne.

24 MS. GRINSTEAD: I just have one question. You
25 said legislation was first considered in 1995, '96?

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1 CHAIRMAN PETERSEN: No, the legislation was
2 actually considered in the '80s. This was the
3 version I worked on, it was April, 1995.

4 MS. GRINSTEAD: I was just wondering whether
5 there were specific objections then that would apply
6 in 2009?

7 CHAIRMAN PETERSEN: There were specific
8 exemptions on some of the earlier versions and those
9 objections, and I believe there were also objections
10 because the Act as it was first considered by the
11 Legislature back in the '80s, was much broader and
12 it had substantive rights. Those issues were
13 addressed in '94 and '95.

14 So this is the most scaled down of the versions
15 that address those issues. I worked on the
16 legislation in '94 and '95.

17 MS. GRINSTEAD: Thank you.

18 CHAIRMAN PETERSEN: So to address the concerns
19 about the Department of Juvenile Justice and the

20 Department of Corrections, I will delete paragraph

21 (h) on page 2, and if we don't have anymore

22 questions or discussions do we have a motion to

23 approve?

24 SECRETARY SHELDON: So moved.

25 CHAIRMAN PETERSEN: Do we have a second?

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1 MS. GRINSTEAD: Second.

2 MS. CARRIN: Carassas.

3 JUDGE CARASSAS: Yes.

4 MS. CARRIN: Dockery.

5 SENATOR DOCKERY: Yes.

6 MS. CARRIN: Grinstead.

7 MS. GRINSTEAD: Yes.

8 MS. CARRIN: Lee.

9 MS. LEE: Yes.

10 MS. CARRIN: Petersen.

11 CHAIRMAN PETERSEN: Yes.

12 MS. CARRIN: Sheldon.

13 SECRETARY SHELDON: Yes.

14 MS. CARRIN: Weatherford.

15 REPRESENTATIVE WEATHERFORD: Yes.

16 CHAIRMAN PETERSEN: It is approved. Now the

17 last issue, I think JoAnn saved for the last because

18 it is without exception the most complicated issue,

19 and if you remember in our August meeting we

20 deferred action on the Social Security number

21 exemption.

22 We had two recommendations. One was that we

23 recommend creation of a system of unique identifiers

24 that would take the place of the Social Security

25 number.

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1 We learned after some research that that
2 authority was already in law under Chapter 606 and
3 as JoAnn informed us, at one point it was decided,
4 the Department of Revenue decided it was cost
5 prohibitive, but now there is some reconsideration
6 of a creation of unique identifier system.

7 The second recommendation dealt with the Social
8 Security number exemption and it is virtually
9 impossible to talk about this exemption without
10 drawing a picture of it.

11 But generally Social Security numbers are
12 exempt from public disclosure. We identified a
13 large number of exemptions for Social Security
14 numbers and agreed or recommended at our August
15 meeting that we repeal those exemptions where
16 collection of the exemption is not specifically
17 required by federal law.

18 If the Social Security number, if collection is
19 required by federal law, the state is required to

20 keep those Social Security numbers exempt.

21 There is a general exemption in Chapter 119 for

22 Social Security numbers. There are actually two or

23 three general exemptions. One is for court records

24 which we are not even going to talk about.

25 Then there is an exemption for Social Security

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1 numbers of government employees and an exemption for
2 Social Security numbers for everybody else, all non
3 government employees.

4 Both the Social Security number exemption for
5 government employees and for everybody else contains
6 an exception to the exemption, allowing access by a
7 commercial entity engaged in a legitimate commercial
8 activity for the purpose basically of identity
9 variation.

10 The difference is this, if it is a government
11 employee, Senator Dockery's Social Security number
12 is exempt from public disclosure. A commercial
13 entity engaged in legitimate commercial purpose can
14 get access to the last four digits of Senator
15 Dockery's Social Security number if they put their
16 request in writing, they verify that they are a
17 legitimate commercial entity and if they state the
18 purpose of their request, I would need this number
19 for identification verification purposes.

20 If they request my Social Security number under
21 the exception, my Social Security number is
22 generally exempt from the public disclosure. As a
23 non government employee if a commercial entity wants
24 my Social Security number they have to jump through
25 the same hoops, they have to put their request in

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1 writing, they have to verify that they are who they
2 say they are, and they have to state the reason for
3 the request, but they get my entire Social Security
4 number.

5 Government employees gets just the last four
6 digits, everybody else it's the entire number, and
7 this issue is so complicated and requires so much
8 more information than we are able to process in the
9 short time.

10 It has been thoroughly reviewed, both when the
11 exceptions were created, when they were subject to
12 Sunset review. My recommendation would be that we
13 ask the Legislature to review the Social Security
14 number exemption so that all people are treated
15 equally in terms of access to their Social Security
16 number.

17 I don't think we can decide whether it is the
18 last four digits or the entire number, but the
19 Legislature has got the expertise to review that,

20 they have got the background information, but that
21 they review it so that we have every Social Security
22 number is treated the same. That will give
23 everybody the same level of protection. It won't
24 elevate government employees over non government
25 employees.

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1 It will also bring tremendous relief to the
2 custodial agencies with access to Social Security
3 numbers, because right now, they have to say,
4 Senator Dockery, she is a government employee,
5 Barbara Petersen, she is not. We have a request for
6 access so they only get, they only get the last four
7 of Senator Dockery's. It is a huge problem for the
8 custodial agency.

9 So my recommendation would be review the
10 exemptions in Chapter 119, not the court exemptions,
11 because that is a separate issue, but the
12 distinction under Chapter 119 between government
13 employees and non government employees with the idea
14 that we treat all Social Security numbers in the
15 same manner and let the Legislature figure out which
16 ones, where do we go.

17 **REPRESENTATIVE WEATHERFORD:** So moved.

18 **CHAIRMAN PETERSEN:** Any questions about that?

19 I know last time we really got caught up in trying

20 to figure out which is the right way, and I don't
21 think we have the expertise or the information to do
22 that, but I know there has been a lot of testimony,
23 a lot of back and forth on this issue, but we were
24 asked to create some parity there for everybody's
25 Social Security number and I don't know how else to

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1 do it. Any comments or questions?

2 SENATOR DOCKERY: Madam Chair.

3 CHAIRMAN PETERSEN: Senator.

4 SENATOR DOCKERY: I remember we were on the

5 road at one of our meetings when somebody presented

6 on this. Who was it that presented to us?

7 CHAIRMAN PETERSEN: Sarasota Herald Tribune in

8 the Sarasota meeting, the Miami Herald.

9 SENATOR DOCKERY: Did somebody from an agency

10 present it?

11 CHAIRMAN PETERSEN: That was the representative

12 of the Social Security Administration at the

13 Kissimmee meeting. He is the one who really gave us

14 all the information. There was a lot of confusion.

15 A lot of people would believe that the Federal

16 Privacy Act requires that Social Security numbers be

17 exempt and he really helped a lot and explained to

18 us very thoroughly and very carefully, but the gist

19 of his testimony was that if federal law requires

20 collection, we must keep those numbers exempt.

21 So what we have done is go through all of the

22 exemptions under state law and matched where we

23 could to federal law and we provided a table at some

24 point, at one of the meetings that says, authorized.

25 So if it is authorized by federal law we have

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1 to retain the specific exemption and that is one
2 issue. And then the other issue is the general
3 exemption under Chapter 119, while not technically
4 authorized by federal law, we addressed that in the
5 redundant exemption discussion, because we have
6 multiple exemptions for Social Security number where
7 the number is not authorized. We could repeal those
8 and then they all fall under the general exemption,
9 and when they fall under the general exemption we
10 want to make sure that every person is treated the
11 same.

12 SENATOR DOCKERY: Do you recall the fact that a
13 gentleman mentioned what businesses are under
14 federal law allowed to ask for your entire Social
15 Security number?

16 CHAIRMAN PETERSEN: No, ma'am, I don't think he
17 addressed that issue at all, because the federal
18 government is not collecting Social Security numbers
19 in the same manner that the state is collecting

20 Social Security numbers.

21 Federal agencies can only collect numbers where

22 authorized, specifically authorized and they are to

23 keep them exempt. They don't otherwise have them.

24 MS. GRINSTEAD: Madam Chair.

25 CHAIRMAN PETERSEN: Jeanne.

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1 MS. GRINSTEAD: Acknowledging that this is a
2 complicated issue, would we consider a
3 recommendation for the Legislature to review this,
4 but with Commission support for creating an equal
5 system?

6 CHAIRMAN PETERSEN: Well, that is a good
7 question. Did everyone hear the question? Jeanne
8 is asking whether we would recommend that the
9 Legislature review this with Commission support for
10 a solution that treats everybody equally, or whether
11 we are just recommending that the Legislature review
12 this and reform the exemption so that everybody is
13 treated equally?

14 I don't know how -- we might not agree on the
15 solution they come up with in short of taking a vote
16 of all of the members, which we wouldn't be able to
17 do at the time, I am not sure because we will be
18 dissolved by then.

19 I am not sure how we could in advance approve a

20 solution to a review that we are just simply
21 recommending. It is not a concept issue
22 necessarily.

23 MS. GRINSTEAD: I would just say that by virtue
24 of the fact that the Commission is recommending a
25 review that would look at treating all persons

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1 equally, that is a statement by the Commission, in

2 itself, without --

3 CHAIRMAN PETERSEN: Without getting into

4 specifics?

5 MS. GRINSTEAD: Right.

6 CHAIRMAN PETERSEN: Any other questions? Do I

7 have a motion on the recommendation that we ask the

8 Legislature to review the two exemptions dealing

9 with executive agency or local government, not court

10 records, Social Security numbers, to review the

11 exemption so that all Social Security numbers

12 accessed under the exception to the exemption are

13 treated equally?

14 REPRESENTATIVE WEATHERFORD: So moved.

15 MS. GRINSTEAD: Second.

16 MS. CARRIN: Carassas.

17 JUDGE CARASSAS: Yes.

18 MS. CARRIN: Lee.

19 MS. LEE: Yes.

20 MS. CARRIN: Grinstead.

21 MS. GRINSTEAD: Yes.

22 MS. CARRIN: Petersen.

23 CHAIRMAN PETERSEN: Yes.

24 MS. CARRIN: Sheldon.

25 SECRETARY SHELDON: Yes.

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1 MS. CARRIN: Dockery.

2 SENATOR DOCKERY: Yes.

3 MS. CARRIN: Weatherford.

4 REPRESENTATIVE WEATHERFORD: Yes.

5 MS. CARRIN: Again, unanimous.

6 CHAIRMAN PETERSEN: I think she is excited,
7 because that was the last item of business and we
8 had a bet as to whether we could get done by 11:30
9 or not and I won.

10 The final report. We are going to discuss how
11 the final report and I guess that is sort of up to
12 me to explain the process. I am, as I said, working
13 on this report. I am not really bogged down trying
14 to figure out the economic development agency.

15 As you all know we have been given a huge
16 charge here in reviewing a law that has never been
17 reviewed in its entirety, and it seems every time I
18 uncover or turn over a rock I find a lot more. The
19 local transportation project being one of those

20 things.

21 My plan is this. Is to have a report and the
22 first thing I will do is draft a recommendation that
23 we approve today to send them to you for your
24 approval and then to amend, amend them to the
25 recommendations that we approved in August. So we

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1 will have a final statement of what our
2 recommendations will be, and we will then work on
3 the report.

4 My plan is to have it done and to you. Jeanne
5 is our initial editor, she is editing not for
6 content, but for grammatical and punctuation errors.
7 So I will finish the report, she will get it for her
8 edit and then it will go to all of you for comment
9 and then your comments or changes will be
10 incorporated.

11 If there is any question we might send it out
12 to all the members, and then the plan is to have the
13 final report, all the recommendations where we have
14 legislation or where we have agreed on legislation
15 for example. At the August meeting we approved a
16 recommendation to combine both the Sunshine Law and
17 the Public Records Law into one act, and to include
18 the Citizens Bill of Rights and a preamble to that
19 Act. I will attempt to get that drafted so at least

20 we have some starting point for the Legislature and
21 the legislative process, the drafting of all of
22 that.

23 So where we recommended specifically the
24 Chapter 39 changes, the Fair Information Practices
25 Act, where we made those specific recommendations,

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1 we will have drafted that.

2 So my first mission will be to get the report
3 finished, the first draft of that finished and then
4 to start working on the legislation with an eye
5 towards getting it all pulled together and to the
6 Governor, the Senate President and the House Speaker
7 by the end of the year.

8 MS. LEE: Madam Chair.

9 CHAIRMAN PETERSEN: Yes, ma'am.

10 MS. LEE: This body then would not be able to
11 approve the final report as a body?

12 CHAIRMAN PETERSEN: I think we can approve the
13 final report, but by response in e-mail. I don't
14 think that we have to take a vote on the final
15 report as long as we stick within the confines of
16 the recommendations.

17 Remember that the report is factual statements.
18 We will have the conclusions and the
19 recommendations, we have already approved the

20 recommendations. The conclusions and you have had a
21 chance to look at the recommendations and I am going
22 to send you the recommendations we worked on today
23 to make sure I have them correct.

24 There are no conclusions in the body of the
25 report. Now that is simply based on, the report is

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1 based on testimony and research. If necessary we
2 have a lot of questions about the conclusions and
3 the recommendations we could do a conference call,
4 but this will be the last meeting most likely where
5 we are all in the same room.

6 We could do a conference call if necessary, but
7 we have thrashed out all of the recommendations and
8 you have the opportunity to look at those and
9 question them. The body of the report is simply
10 based on testimony and research.

11 MS. LEE: So there won't be any commentary
12 explaining any of the recommendations or anything
13 like that?

14 CHAIRMAN PETERSEN: There will be the
15 conclusion. For example, we concluded that we do
16 not have the expertise to recommend specific
17 language regarding amending the Social Security
18 numbers. Therefore, we recommend that the
19 Legislature review that sort of thing.

20 You will have plenty of opportunity for written
21 commentary and to express your views and opinions on
22 the conclusions reached.

23 MS. LEE: Will they be incorporated into the
24 report if there are any differences?

25 CHAIRMAN PETERSEN: They would be appended to

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1 the report. We couldn't include them in the report,
2 but we could append them to the report. If I
3 misstated something, then that would be a correction
4 that would be, but if for example, you wanted to
5 disagree with a conclusion or a recommendation made,
6 I believe we could have the opportunity to add your
7 comments as an appendix to the report, but if the
8 recommendation, but if you disagree with a
9 recommendation, I think that you could provide
10 written comments. The members of the Commission
11 could submit written comments that we could put in
12 an appendix to the report.

13 The report, itself, will simply be the factual.
14 That is why I have read all of the transcripts, that
15 is why you see all of these notes scribbled
16 everywhere because I am relying on the transcripts
17 and the research.

18 MS. LEE: Will the report I guess be in the
19 same format as what we see in the front of the book

20 under tab two that says recommendations?

21 CHAIRMAN PETERSEN: No, ma'am. The report we

22 gave you, the first 40 or 50 pages of the report in

23 August, it is in that format. These recommendations

24 will be in the same order. The language might be

25 tweaked a little bit to make it a little bit more

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1 artful, but we have the body of the report, an
2 introduction and then each of the issues listed here
3 and discussion of those issues, the testimony
4 received, the research, what I have been able to
5 learn about the issues.

6 Then we have conclusions and recommendations at
7 the end. So there are no conclusory statements in
8 the body of the report. There are simply factual
9 statements in the body of the report. I can e-mail
10 again what I have gotten, like I said, I have done
11 significant reworking of the Economic Development
12 Agency, a portion of the report and it will still be
13 in draft. So you will have the opportunity to
14 comment and any factual corrections that need to be
15 made, but I could e-mail what we have got out to you
16 again so you can see how it is formatted, but it is
17 basically in the same format as most legislative
18 research reports.

19 SENATOR DOCKERY: Madam Chair. Will there be

20 an executive summary or a page that just list the

21 recommendations?

22 CHAIRMAN PETERSEN: There will be an executive

23 summary, yes, and the recommendations will be listed

24 at the end of that in shorter form perhaps than

25 maybe executive summary format, yes.

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1 SENATOR DOCKERY: I would like to suggest,
2 because I think Renee has some concerns, I would
3 like to suggest that when the report comes out and
4 you give us a time frame by which to comment, let's
5 say two weeks, that if there are serious concerns by
6 any member that we allow the rest of the membership
7 to say whether we want to change that. Not just
8 have something at the very end, but actually change
9 it within the report.

10 CHAIRMAN PETERSEN: That is what I meant to
11 say. That if we have some serious concerns that we
12 could do that my conference call and we could amend
13 anything, but even if you don't, you still don't
14 agree with the consensus of the body and you still
15 want the opportunity to say I think the Commission
16 should have done this and it decided not to, that
17 you would have the opportunity to add an appendix to
18 the report.

19 So the Commission agrees six to one to do this,

20 I am the one person who wanted it to be different, I
21 have the opportunity to put in my two cents in a
22 concise manner, but we still have the opportunity.

23 SENATOR DOCKERY: Can you remind me, did we do
24 anything, I remember as we traveled around we had
25 some great testimony. I think we were in south

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1 Florida, on how people handle their data and the
2 whole computer, the technology side of how to enter
3 so that when someone request it it can get the raw
4 data and manipulate it into the form that they want,
5 versus the agency telling you we have to charge you
6 \$40,000 to reconfigure that data? Did we do
7 anything in our recommendation to address that?

8 CHAIRMAN PETERSEN: Yes, ma'am, we did. Under
9 tab two on page 3, electronic access. We are
10 basically relying on the Agency for Enterprise
11 Information Technology to help with all of this, but
12 that agencies create standards for new or redesigned
13 agency databases, data dictionaries and medi data in
14 order to facilitate public access.

15 Again, this is so far beyond our expertise that
16 we could not recommend specific standards, and JoAnn
17 has had a number of meetings with the Agency for
18 Enterprise Information Technology to discuss helping
19 provide standards.

20 So we did address it, but not knowing enough
21 about it, I didn't feel comfortable and I think that
22 was the consensus of the members at the August
23 meeting, we just don't know enough about it, we
24 should just let the experts do it.
25 So we are recommending creation of those

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1 standards and we are requesting the assistance from
2 the Agency for Enterprise Information Technology.
3 Jeanne.

4 MS. GRINSTEAD: The Commission has accomplished
5 some important work for the Florida citizens and
6 representatives of the public over the last 14
7 months and I was just wondering if Senator Dockery
8 and Representative Weatherford could speak to the
9 support we can expect from the Commission's
10 recommendations in the 2009 Legislature?

11 SENATOR DOCKERY: I caught the tail end of
12 that. Say that again.

13 MS. GRINSTEAD: I am wondering if you can speak
14 to the support that the Commission can expect for
15 our recommendations in the 2009 Legislature.

16 SENATOR DOCKERY: Well, it is difficult to put
17 my hands around what other legislators are thinking.
18 Of course, with an election coming up we are not
19 even quite sure who will be here.

20 I am a little bit of an independent thinker. I
21 think that there are some things that we have done
22 coming out of this Commission that we have already
23 started to address in the Legislature that have a
24 good chance of passing. I think there are others
25 that probably aren't going to see the light of day.

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1 I think that we just have to pick the ones that
2 we think can go through. The challenge is really
3 going to be on the House side in terms of finding
4 sponsors unless you're hoping for this to be one
5 huge on the bus Bill, which I would recommend
6 against, because they're limited to six Bills each.

7 So you are going to have to find numerous
8 legislators. Representative Weatherford is not
9 going to be able to carry it all with only six Bill
10 slots and I am sure he has some other issues he
11 wants to do, too.

12 Certainly talking to the leadership of both
13 bodies and seeing if some of this could be done in a
14 committee work would be very, very helpful rather
15 than numbers. But I am very hopeful that the DCF
16 Bill will make it through.

17 The Fair Practices Act probably will need a
18 little educating of members to make it through as it
19 has been attempted in the past. I see it as

20 protecting individuals.

21 So I don't see why there should be a problem,

22 but just to give you an example, I had a Bill on

23 toughening penalties for killing law enforcement

24 officers. Well, you wouldn't think that there would

25 be anybody against that, but there were still some

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1 that were.

2 So it is really hard to tell where people are
3 going to fall on an issue, but I think that
4 recommendations coming from a Commission that took
5 the time as this Commission did to take the public
6 testimony around the state gives a much greater
7 weight to the importance and the cohesion on an
8 issue than what just one legislator did on their
9 own.

10 CHAIRMAN PETERSEN: Representative Weatherford.

11 REPRESENTATIVE WEATHERFORD: Yes, I think that
12 Senator Dockery did a good job of kind of wrapping
13 it up there, but I would just add. My hope is that
14 because Governor Crist is a champion on local
15 government, more so than any Governor we have ever
16 had in the history of the state, my hope is that he
17 kind of champions this through.

18 Certainly we are going to go back to our
19 presiding officers in the House and the Senate and

20 try to get them engaged and fired up.

21 We are facing one of the toughest budgets we
22 have ever had in the history of the state. So a lot
23 of attention will be garnered towards the budget,
24 but particularly in the House, but what I think is
25 important and appropriate, is that all these

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1 different issues touched various areas. So we have
2 different committees as opposed to having one person
3 hearing one big onerous Bill, I think we piece it
4 out in those areas, almost prioritize.

5 I don't know if it is the job of this body to
6 prioritize, but certainly in the Legislature and we
7 would seek counsel from every one on this Commission
8 to kind of get our heads together what we feel like
9 is a necessity this year and recognizing the fact
10 that all great legislation usually takes longer than
11 a year to get passed.

12 Usually if you go back in history it takes a
13 while to educate the Legislature on anything, it
14 just does the way it has worked, but my thought
15 would be we prioritize it, what is the most
16 important, what is most pertinent today. Don't try
17 to hit the home run, you hit base hits and hopefully
18 over a couple of years we can really start to get a
19 lot of these recommendations done.

20 And I think that we can, especially with
21 Governor Chris going into his second year. I hope
22 he is reelected in two years, in 2010, and we will
23 have six years to work with him.

24 I am still around for six years, I know Senator
25 Dockery has got four more. So we are going to be

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1 around for a while and it is something that I think
2 we will both be working on for a while. So long
3 answer, but to make it short, I think there is a
4 good chance a lot of it will happen. I just
5 wouldn't put our hopes on getting it done in one
6 year.

7 CHAIRMAN PETERSEN: And I was going to add to
8 that. I think it would be unrealistic to think that
9 we can do all of this in one year. I am hopeful
10 that we can at least get all of it introduced in the
11 next two years and that it is not an immediate goal,
12 but more of a long term goal.

13 I mean, we have 100 years of local government
14 that we are looking at here and trying to reform and
15 I don't think we can do it in one year, but I think
16 with the Governor's support and the two members, the
17 legislative members on this Commission and the fact
18 that it is a very diverse group will lend some
19 weight to it, and I will be working very closely in

20 the 2009 session, and probably the 2010 session,
21 with JoAnn in the Office of Open Government on this
22 package and working with her during the legislative
23 session, before and after, trying to get Bills
24 drafted and moved and that sort of thing.
25 So I will be representing again the Commission

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1 as I did last year before the Legislature and hope
2 that we can work together.

3 We have got some great staff here today, I
4 would like to point out who know these issues and I
5 am confident that we can make some dramatic changes,
6 it just might not be until 2010.

7 MS. LEE: Madam Chair. One other question and
8 the subject you said raised a question with me. And
9 I think last year you restricted your activity with
10 the Legislature to Open Commission business?

11 CHAIRMAN PETERSEN: Yes, ma'am.

12 MS. LEE: Is that something that you will do in
13 this year as well?

14 CHAIRMAN PETERSEN: Yes, ma'am, I will
15 represent only the Commission on Open Government
16 Reform as I did last year. I registered as a
17 representative of the Commission and will do that
18 again and will not be representing First Amendment
19 Foundation issues, that will fall to our Director,

20 Adriana.

21 MS. LEE: Thank you for that.

22 SENATOR DOCKERY: Will we be coming back after

23 lunch or is this it?

24 CHAIRMAN PETERSEN: This is it.

25 SENATOR DOCKERY: May I make a few comments?

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1 CHAIRMAN PETERSEN: Yes, you may.

2 SENATOR DOCKERY: First of all, I would like to
3 thank you for the tremendous amount of work that you
4 have done. All of us who have served on this
5 Commission know that there was a lot of travel, a
6 lot of public testimony and we did a lot of reading,
7 but you were having to do so much more than most
8 Chairman of most committees or commissions did with
9 the sheer amount of data and information that was
10 coming in, and I wanted to recognize and thank you,
11 not only for that, but keeping us on task and
12 educating us along the way, and to JoAnn who is
13 absolutely awesome and as a State Legislator I want
14 to thank you.

15 We get a lot of requests from constituents who
16 have problems and we have referred quite a few to
17 you and we want to thank you for helping them get
18 the access that they truly deserved.

19 We were kind of knocking our heads against the

20 wall. So thank you and I have enjoyed working with
21 each and everyone of you and it has been an honor
22 and it was kind of interesting the last Commission
23 meeting we had right here in this very room.

24 So many recommendations were dying. We needed
25 a unanimous vote. Today everybody was in a much

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1 more agreeable mood. I want to thank your staff and
2 I want to thank Senate staff, and especially Jim Ray
3 and my aid who was here earlier, Rachael, because
4 when we brought up the issue that came up first on
5 the agenda today, last week and we all agreed we
6 wanted to do something, but had no idea what
7 direction to go in, I want to thank them for putting
8 in a lot of time and talking with all the various
9 groups that would be interested in the outcome of
10 that so that we weren't excluding anybody through
11 some unintended consequences.

12 Jim, thank you very much and I know that a lot
13 of our recommendations, no matter which committees
14 it is referred to is going to end up going through
15 the committee that you work on. So you are going to
16 be asked for help and advice and to educate other
17 members.

18 So I just wanted to let you know that even
19 though the Senate was not particularly involved as

20 staff to this Commission, they have done quite a

21 bit. So thank you all.

22 I guess we will communicate a little bit via

23 e-mail or on the phone or what-not, but since it is

24 our last official meeting it was really a pleasure

25 to get to know each and everyone of you.

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1 MS. LEE: I would certainly like to echo the
2 Senator's remarks. This has really been an honor
3 and a privilege to serve with each and everyone of
4 you. We have really tackled some very difficult
5 issues that have been brought before us.

6 There have been some disappointments for me,
7 but I understand. The organizations that have asked
8 me to bring forward some recommendations will
9 continue their work before the Legislature and other
10 areas, but I have appreciated this Commission's
11 willingness to listen and to be open to argument and
12 certainly to change recommendations when we needed
13 to.

14 So thank you, and to the staff of Open
15 Government. I certainly hope that this will be a
16 Cabinet level position one day. So good luck with
17 that.

18 CHAIRMAN PETERSEN: Anyone else?
19 Representative Weatherford.

20 REPRESENTATIVE WEATHERFORD: Thank you, Madam
21 Chair. First I want to thank you. You have just
22 been such a great person to work with and kind and
23 hard working and you have really been just a
24 terrific leader to this organization, to this
25 Commission. I think the Governor made a wise choice

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1 in picking you.

2 And certainly he deserves a lot of credit for
3 having been the first person ever to create a
4 Commission on Open Government. I know he is not
5 here, but I feel like we have met that charge and
6 certainly this is a very complicated, all
7 encompassing issue which you really steered us all
8 the way through.

9 I know you couldn't do that without JoAnn and
10 the staff of the Commission on Open Government. So
11 we really appreciate everything they have done and
12 to everybody on the Commission I have become friends
13 with and have enjoyed getting to know you and I know
14 we will be working together in the future to get
15 some of this stuff done.

16 But really I came in with zero, zero
17 understanding of local government laws. I had like
18 a second grade education when I came in on this and
19 I may be leaving with a high school diploma now, we

20 will see.

21 But really for someone who came into this not
22 knowing a whole lot, having not dealt with these
23 issues before it has been very eye opening for me,
24 and hopefully it will serve me well in the
25 legislative process to recognizing the importance of

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1 open government and making sure people have access
2 to records and that we are very, very easy to work
3 with, but the government level, because
4 unfortunately sometimes we don't do the best job of
5 doing that with our citizens we represent.

6 So thank you for everything, it has been an
7 honor to serve on this Commission.

8 SECRETARY SHELDON: Madam Chairman, even though
9 I have only been appointed to this Commission for
10 this one meeting, I have watched you work and I
11 think I have testified twice in front of this
12 committee.

13 What you all have done in the period of the
14 last year and-a-half is really remarkable. I think
15 this is the first comprehensive effort that has ever
16 been taken by the state.

17 I really do have to compliment the Governor.
18 When Secretary Butterworth and I came into the
19 Department of Children and Families it was very

20 clear to me. He made it very clear from the
21 beginning that this administration is going to be
22 transparent. And I think a lot of credit goes to
23 Secretary Butterworth for really opening up the
24 Department of Children and Families I think without
25 a doubt.

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1 And I have inherited what he has left in the
2 Department. Without a doubt I think the Governor
3 and Secretary Butterworth really demonstrated that
4 Sunshine is the best disinfectant. It really
5 restores the public's confidence, and I think the
6 reputation of the Department of Children and
7 Families is remarkably different than it was 15
8 months ago, and I think you all have really have
9 kind of extended that and I compliment you.

10 I also have known of your work, Madam Chairman,
11 for a long time and your commitment to open
12 government is probably unparallel. So I compliment
13 you and I compliment the staff. This has been the
14 best six-hour appointment I have ever had.

15 MS. GRINSTEAD: Madam Chair, I would like to
16 echo the comments of my fellow Commissioners. Thank
17 you for your hard work and I know you have a lot
18 more to go and I look forward to reading it. And
19 also thank you, JoAnn, and the entire staff.

20 CHAIRMAN PETERSEN: Judge Carassas, are you

21 with us still?

22 JUDGE CARASSAS: I echo what everybody said and

23 I appreciate all of your hard work and especially

24 staff, thank you.

25 MS. CARRIN: I would just like to say I have

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1 enjoyed working with each and everyone one of you
2 and will continue to do so as we move these issues
3 forward. It has just been a great group to work
4 with, so much cooperation and help from a staff
5 point of view.

6 So we will stay in touch and definitely be
7 working together again in the future. We thank you,
8 Madam Chairman, because without her support this
9 would not have happened.

10 On behalf of the Governor, I would also like to
11 pass along his thanks to you. He is going to try to
12 get with us later in the day, but there is a chance
13 he will be able to pass his thanks along himself,
14 but in the event he can't, I wanted to say thank
15 you.

16 CHAIRMAN PETERSEN: I guess as Chair I get the
17 final word. I really do thank you all for
18 participating in what has been I think a historical
19 process and a very eye opening process.

20 A friend of mine a long time ago told me that I
21 should never be surprised, I could be amazed, but I
22 should never be surprised. And I have to say the
23 level of citizen support has surprised me.

24 I have been doing nothing but Open Government
25 since 1991, I have been with the Foundation since

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1 '95. The citizen's support is still constant,
2 constant. We have had the City Clerk sitting in on
3 every meeting we have held, local government, state
4 agencies, it has really been a wonderful effort and
5 I am very pleased.

6 I don't agree with all of the recommendations
7 that have come out of this Commission or those that
8 didn't come out, but I feel very honored to have
9 participated in the process and it is such a diverse
10 group.

11 It reinforces my long held notion that these
12 are not partisan issues, but that everybody really
13 is in favor of citizen access and the right to
14 oversee government, and I think that our final
15 product is going to help carry the state of Florida
16 even further.

17 We are already recognized as a leader and all
18 eyes all over the country are looking at this
19 Commission and what comes out of it, and I really

20 appreciate all of your hard work.

21 The support staff has been fabulous, JoAnn has

22 been fabulous. I am a little disorganized sometimes

23 and she helps. I really do appreciate everybody's

24 effort and interest and all the work. So thank you

25 very much, you will be getting your final report.

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1 I would like to say one thing. Jeanne
2 corrected me after the August meeting. I didn't
3 lose my father, I misplaced him and I found him.

4 MS. LEE: Madam Chair, I want to give one more
5 big thank you to Pat Gleason who has really helped
6 this Commission enormously and she by far remains
7 one of the best public servants in the state of
8 Florida.

9 CHAIRMAN PETERSEN: Thank you all very much.
10 You will be hearing from us soon. Do we have a
11 motion to adjourn?

12 SECRETARY SHELDON: So moved.

13 CHAIRMAN PETERSEN: Thank you very much.

14 (Whereupon, the proceedings were adjourned at
15 11:30 a.m.)

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1 CERTIFICATE OF REPORTER

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5 I, CLARA C. ROTRUCK, do hereby

6 certify that I was authorized to and did report the

7 foregoing proceedings, and that the transcript, pages 2

8 through 102, is a true and correct record of my

9 stenographic notes.

10

11 Dated this 29th day of October, 2008 at Tallahassee,

12 Leon County, Florida.

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CLARA C. ROTRUCK

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Court Reporter

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