

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 07-107

WHEREAS, an open and accessible government is the key to establishing and maintaining the people's trust and confidence in their government and its ability to effectively serve its citizens; and

WHEREAS, the state of Florida has a long history of providing public access to the records and meetings of public entities; and

WHEREAS, Florida must continually strive to be a national leader in open government reform; and

WHEREAS, streamlining and clarifying applicable laws and policies will result in making government more open, accessible, and accountable to its citizens; and

WHEREAS, a formal review of Florida's open government practices will promote consistency, eliminate redundancy and provide public servants the tools they need to serve the people of Florida with integrity and transparency; and

NOW, THEREFORE, I, CHARLIE CRIST, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

#### Section 1.

The Commission on Open Government Reform ("Commission") is hereby created within the Office of Open Government in the Executive Office of the Governor. The Commission is established to review, evaluate, and issue recommendations regarding Florida's public records and public meetings laws.

#### Section 2.

The Commission shall consist of 9 members appointed by the Governor. Members shall serve a term beginning on July 1, 2007 through December 31, 2008. All appointees shall serve at the pleasure of the Governor, and the Governor may fill any vacancy that occurs. Membership in the Commission shall reflect a broad spectrum of interested parties, including, but not limited to:

1. A representative of a state agency;
2. A representative of the Florida Senate;
3. A representative of the Florida House of Representatives;
4. A representative of Florida law enforcement;
5. A representative of city or county government;
6. A representative of the First Amendment Foundation;
7. A representative of the media;
8. An attorney with experience in First Amendment issues and litigation;
9. A private citizen who is a resident of Florida.

From the members, the Governor will appoint a Chair. The Commission shall meet at least once every three months at a time and place designated by the Chair. A majority of the Commission's members constitutes a quorum. A quorum must be met in order for the Commission to vote on any proposed action or recommendation.

### Section 3.

The Commission shall review, evaluate and issue recommendations concerning Florida's laws as they relate to the public's right of access to government meetings and records. The Commission will consider, but not be limited to, the following issues:

1. The relevance and redundancy of all exemptions to government meetings and records. The Commission shall recommend the repeal or creation of exemptions, including new exemptions for categories of information, based on the following criteria:
  - a. Does the exemption allow the state or its political subdivisions to effectively and efficiently administer a governmental program?
  - b. Would the administration be significantly impaired without the exemption?
  - c. Does the exemption protect personal identifying information of a sensitive nature, the release of which would be defamatory or damaging to the good name or reputation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this subparagraph, only information that would identify the individuals may be exempted.

- d. Does the exemption protect information of a proprietary nature which is used to protect or further a business advantage, the disclosure of which would injure the affected entity in the marketplace?
2. The fees and charges imposed for inspecting and copying public records in light of advances in information technology.
3. The collection, storage, retrieval, dissemination, and accessibility of public records through advanced technologies, including internet access.
4. The current policies regarding the public's right to participate in agency meetings subject to the Sunshine Law, including but not limited to the right to speak at meetings and whether such meetings conducted through the use of telephone, video conference or other remote electronic means is consistent with rights guaranteed by the state constitution.
5. The relative position of Florida, as compared to other states around the nation, in regards to the condition and efficacy of open government practices.

The Commission shall hold at least three public hearings at locations throughout the state to solicit input from all members of the public, media, and government. These hearings will occur at locations and times convenient for the public as determined by the Office of Open Government.

The Commission shall compile its findings and present a final report to the Governor, the Senate President and the Speaker of the House of Representatives by December 31, 2008. The final report shall include specific recommendations regarding the issues identified above. Additionally, the report shall recommend proposed legislation or rule changes and modifications, if any, to Article I, Section 24, of the Florida Constitution.

#### Section 4.

Members of the Commission shall not receive compensation for fulfilling their duties as a member. Members of the Commission who are employees of the State, if any, may receive reimbursement from their respective agencies to the extent allowed by Section 112.061, Florida Statutes. The Office of Open Government within the Executive Office of the Governor shall provide administrative support to the Commission and shall seek state agency technical assistance, as needed.

Section 5.

All state agencies under the direction of the Governor are hereby directed, and all other state agencies are hereby requested, to provide such assistance to the individuals carrying out the directions in this Executive Order as may be requested in furtherance of the objectives described.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the state of Florida to be affixed, at Tallahassee, the Capitol, this 19<sup>th</sup> day of June, 2007.

---

GOVERNOR

ATTEST:

---

SECRETARY OF STATE