

By the Committee on Health Regulation; and Senator Oelrich

588-2240-07

1 A bill to be entitled
2 An act relating to the Task Force on Open
3 Government; creating the Task Force on Open
4 Government within the Office of Open
5 Government; providing purposes; providing for
6 the appointment of members to the task force;
7 requiring that the office assist the task force
8 and provide certain services; requiring that
9 the task force meet before a specified deadline
10 to establish certain procedures and elect a
11 chair and vice chair; providing guidelines for
12 scheduling meetings; authorizing the chair of
13 the task force to call meetings; providing
14 requirements for voting on any proposed action
15 or recommendation of the task force; providing
16 for the locations of meetings; requiring the
17 task force to consider certain issues and
18 information; authorizing the task force to
19 recommend changes to laws, rules, and policies
20 governing public records; requiring the task
21 force to review certain documents; requiring
22 the submission of a final report to the
23 Governor, the Chief Justice of the Supreme
24 Court, the President of the Senate, and the
25 Speaker of the House of Representatives before
26 a specified deadline; requiring the report to
27 include certain information; providing for the
28 reimbursement of members of the task force for
29 expenses; providing for the future termination
30 of the task force; providing an appropriation;
31 providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Task Force on Open Government; creation;
4 membership; duties.--

5 (1) There is created a Task Force on Open Government
6 within the Office of Open Government of the Executive Office
7 of the Governor to review, evaluate, and issue recommendations
8 concerning the public-records and public-meetings laws as
9 provided in this section.

10 (2) The task force shall meet the requirements of s.
11 20.052, Florida Statutes. It shall consist of nine members:

12 (a) Three members appointed by the Governor;

13 (b) Three members appointed by the Speaker of the
14 House of Representatives;

15 (c) Three members appointed by the President of the
16 Senate.

17 (3) The office shall assist the task force and provide
18 all necessary data collection, analysis, research, and support
19 services.

20 (4)(a) Members must be appointed within 45 days after
21 the effective date of this act. No sooner than 55 days and no
22 later than 75 days after the effective date of this act, the
23 task force shall meet to establish procedures for the conduct
24 of its business and to elect a chair and vice chair.

25 (b) The task force shall meet at the call of the chair
26 but no less frequently than every 3 months.

27 (c) A majority of the members of the task force
28 constitutes a quorum, and a quorum is necessary for the
29 purpose of voting on any proposed action or recommendation of
30 the task force.

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1 (d) The meetings shall be held in locations throughout
2 the state for the purpose of taking public testimony regarding
3 the issues set forth in subsection (5).

4 (5) The task force shall consider the issues of
5 privacy and public access as they relate to the collection and
6 dissemination of information contained in public records
7 maintained by an agency as defined in s. 119.011, Florida
8 Statutes. With respect to such issues, the task force shall
9 specifically consider:

10 (a) How the collection, storage, retrieval,
11 dissemination, and accessibility of public records through
12 advanced technologies, including Internet access, has
13 affected:

14 1. The expectation of privacy regarding sensitive,
15 personal information contained in public records;

16 2. The role and effectiveness of the custodian of
17 public records as defined in s. 119.011, Florida Statutes;

18 3. The ability of agency networks to communicate with
19 each other;

20 4. The security and safety of residents; and

21 5. The interests of business, research, and media
22 industries in these records.

23 (b) How best to balance the positive and negative
24 effects of electronic access to public records.

25 (c) Whether agencies require excessive and unnecessary
26 information, and if so, the best manner in which to address
27 the issue.

28 (d) Whether categories of information, including, but
29 not limited to, personal identifying information, proprietary
30 confidential business information, and medical information,
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1 should be made confidential or exempt from public disclosure
2 in part or in totality.

3 (e)1. What information is and should be accessible
4 electronically, the circumstances warranting accessibility,
5 and the need for restrictions with respect thereto; and

6 2. Whether levels of electronic accessibility should
7 be established based on the nature of the information and the
8 user of the information, circumstances warranting the
9 establishment of levels of accessibility, and the need for
10 restrictions with respect thereto.

11 (f)1. What impediments exist with regard to preventing
12 the unauthorized or inadvertent disclosure of confidential or
13 exempt information in current and future agency records;

14 2. Who should be responsible for ensuring that such
15 information is kept confidential or exempt from public
16 disclosure; and

17 3. What, if any, penalties should be in place if such
18 disclosure occurs.

19 (6) The task force, as it considers appropriate, may
20 examine and recommend changes to laws, rules, and policies
21 governing all public records.

22 (7) The task force shall review, at a minimum,
23 documents compiled by the legislative, executive, and judicial
24 branches; the clerks of court; and The Florida Bar relating to
25 the topics of privacy, technology, and public records,
26 including official records and court records.

27 (8) The task force shall submit a final report to the
28 Governor, the Chief Justice of the Supreme Court, the
29 President of the Senate, and the Speaker of the House of
30 Representatives by January 1, 2008. The final report must
31 include specific recommendations regarding the privacy and

1 public records issues identified in this act. To the extent
2 possible, the report shall include proposed legislation or
3 recommendations for changes in rules. The report shall
4 identify any necessary support services, additional training,
5 and fiscal impact resulting from its recommendations.

6 (9) Members of the task force shall serve without
7 compensation, but are entitled to reimbursement for per diem
8 and travel expenses as provided in s. 112.061, Florida
9 Statutes. Per diem and travel expenses for task force members
10 who are employees of the state shall be provided from the
11 budgets of the employing agencies.

12 (10) The task force is terminated June 30, 2008.

13 Section 2. There is appropriated from the General
14 Revenue Fund to the Executive Office of the Governor the sum
15 of _____ for the purpose of reimbursement for per diem and
16 travel expenses as authorized by this act.

17 Section 3. This act shall take effect upon becoming a
18 law.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 2624

23 The committee substitute no longer creates a public records
24 and meetings exemption for certain information held and
25 discussed by the search committee of a public hospital in
connection with a search for a chief executive officer or
corporate officer.

26 The bill creates a Task Force on Open Government within the
27 Office of Open Government of the Executive Office of the
28 Governor to review, evaluate, and issue recommendations
29 concerning the public records and public meetings laws.
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