

Government Efficiency Task Force  
401 Senate Office Building  
September 19, 2011  
9:00 a.m. – 11:00 a.m.

- 1) Call to Order
- 2) Roll Call
- 3) Communications and Transparency  
    Jesse Panuccio, Deputy General Counsel, Executive Office of the Governor
- 4) Approval of Minutes
- 5) Confirmation of Staff
- 6) Consideration of Meeting Schedule
- 7) Member Introductions and Submission Discussion
- 8) Task Force Scope and Actionable Items  
    Consolidation and Reorganization  
    Regulation and Licensing  
    Outsourcing and Procurement
- 9) Public Comment
- 10) Adjourn



# Florida Government Efficiency Taskforce

## Government in the Sunshine: Open Meetings & Public Records

### Introduction

- This presentation provides a BRIEF OVERVIEW of Florida's public-records and open-meeting laws. It is not a substitute for careful review of applicable statutes.
- This presentation does **NOT** offer legal conclusions or advice regarding the applicability to the Taskforce of the open-meeting and public-records laws. For advice on such matters, the Taskforce should consult separate legal counsel or the Attorney General.



# **OPEN MEETINGS**

*Government in the Sunshine*



## **Open Meetings: Basic Requirements**

The “Sunshine Law,” section 286.011, Florida Statutes, provides a right of access to governmental proceedings of certain public boards or commissions.



## Open Meetings: Basic Requirements

There are three basic requirements:

1. Meetings of public boards or commissions must be open to the public.
2. Reasonable notice of such meetings must be given.
3. Minutes of the meetings must be taken, promptly recorded, and be available to the public along with all meeting materials.

## Open Meetings: All Discussions

- The Sunshine Law reaches more than just the formal actions and meetings of a commission.
- It extends to all discussions and deliberations between or among two or more members of a public commission if the discussion or deliberation concerns some matter on which foreseeable action will be taken by the board or commission.
  - E.g., emails, letters, and phone calls between or among board members if board business is discussed.



## Open Meetings: Use of Liaisons

The Sunshine Law is applicable to meetings between a Commissioner and an individual who is not a Commissioner when that individual is being used as a “liaison” between, or to conduct a de facto meeting of, board members.

## PUBLIC RECORDS



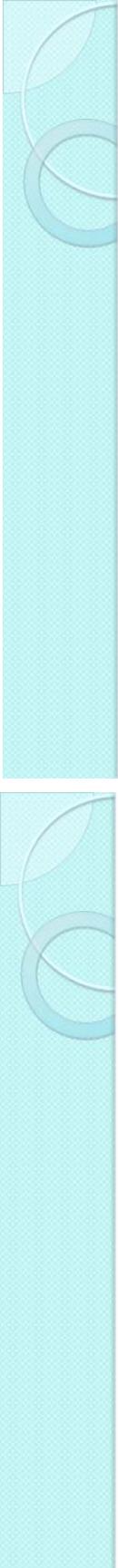
## **Public Records**

The Florida Constitution and Florida Statutes require certain public bodies to preserve and retain public records and to provide the public with access to those records upon request.

There are civil and criminal sanctions for violations of these laws.

## **Public Records**

Members and staff of the Taskforce should be aware of chapter 119, Florida Statutes, which sets out public records requirements.



## Public Records

Where appropriate, members and staff of the Taskforce should also be familiar with applicable retention schedules for public records.

## Public Records: Definition

Public records means “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”



## **Public Records: Definition**

### **Are personal notes a public record?**

- According to one case, “public employees’ notes to themselves which are designed for their own personal use in remembering certain things do not fall within the definition of a ‘public record.’”
- But, if notes are used to communicate, perpetuate, or formalize knowledge, then they may be a public record.

## **Public Records: Private Email and Other Electronic Accounts**

Even if a public record resides on personal servers or accounts (e.g., emails), it must be retained and preserved pursuant to applicable retention schedules.

The use of private email accounts does NOT change the designation or treatment of a public record.



## **Public Records: Private Email and Other Electronic Accounts**

If a person creates or receives a public record on a personal server, he or she may become the custodian of that record and may be responsible for retaining it as required by law.

## **Public Records: Exemptions**

**Are any public records exempt from disclosure?**

- Yes, pursuant to statute, there are a few limited exceptions to the required disclosure of public records.
- For example, some safety-sensitive information is exempt.

Government Efficiency Task Force  
Organizational Meeting  
412 Knott Building  
Tallahassee, Florida  
Tuesday, August 30, 2011  
10:00 a.m. – 12:00 noon

## **MEETING MINUTES**

### Members Present:

Representative Gary Aubuchon (by phone)  
Senator Lizbeth Benacquisto (by phone)  
Speaker Larry Cretul (by phone)  
Ms. Ann Duncan  
Mr. Matthew Falconer (by phone)  
Ms. Belinda Keiser  
Representative John Legg (by phone)  
Senator Patrick Neal (by phone)  
Lt. Col. Frances Rice (by phone)  
Mr. Eric Silagy  
Mr. Abraham Uccello  
Representative Rob Wallace (by phone)

### Members Absent:

Representative Frank Attkisson  
Mr. Michael Heekin  
Mr. Robert Stork

Acting Chair Abraham Uccello called the meeting to order at 10:07 a.m.

Staff called the roll and announced the presence of a quorum.

Acting Chair Uccello welcomed the members and then asked staff to read the Task Force Rules. Senator Neal moved to suspend the reading of the rules and adopt the rules. Lt. Col. Rice and Ms. Keiser seconded. The motion was adopted without objection.

Acting Chair Uccello opened the floor for nominations of a permanent chair. Ms. Keiser moved that Acting Chair Uccello be nominated for Chair. Senator Benacquisto and Ms. Duncan seconded. Acting Chair Uccello asked if there was any discussion. Seeing none, Senator Neal moved to accept the nomination of Acting Chair Uccello by acclamation. Ms. Duncan and Mr. Falconer seconded. With no objections, the motion was adopted by acclamation.

Chair Uccello opened the floor for nominations of a Vice Chair. Mr. Silagy moved that Senator Benacquisto be nominated for Vice Chair. Senator Neal seconded. Ms. Keiser moved to close the floor for nominations. The motion was adopted without objection.

Chair Uccello proposed a calendar for Task Force meetings on September 22, October 6, October 20, November 3, November 17, and December 8, 2011. Representative Legg moved that the September 22 meeting be moved to Monday, September 19 from 9a.m. – 11a.m. Lt. Col. Rice seconded. The motion was adopted without objection.

Chair Uccello moved that the other meetings occur from 3p.m. – 5p.m. in Tallahassee on their respective dates. The motion was adopted without objection.

Lt. Col. Rice moved to adopt the meeting dates as amended. Senator Benacquisto and Ms. Duncan seconded. The motion was adopted without objection.

Chair Uccello announced that Jesse Panuccio, Deputy General Counsel to the Office of Governor Rick Scott, was scheduled to appear before the Task Force to discuss communications and transparency as they relate to the Task Force. Mr. Panuccio was not present, so Chair Uccello moved to postpone the presentation to the first business meeting of the Task Force on September 19, 2011. The motion was adopted without objection.

Chair Uccello requested that members copy all email correspondence related to the business of the Task Force to [info@floridaefficiency.com](mailto:info@floridaefficiency.com).

Chair Uccello instructed staff to read Art. III, Section 19 (i), Constitution of the State of Florida, and s. 11.9005, F.S., which provide the constitutional and statutory authority for the Task Force. Chair Uccello outlined three objectives for the Task Force: a financial objective for a savings of \$3 billion, a time objective for providing recommendations for the 2012 regular legislative session and future sessions, and a culture change objective to achieve continuous and consistent results. Chair Uccello requested that each member submit three ideas for the Task Force toward those objectives by Monday, September 5, 2011. Items are to be submitted using the standard form to be distributed by staff.

Chair Uccello opened the floor for additional questions. Seeing none, Senator Benacquisto moved the Task Force rise. The meeting adjourned at 10:23a.m.

**Current Government Efficiency Task Force Meeting Schedule**

October 6, 2011 3:00 p.m. – 5:00 p.m.  
October 20, 2011 3:00 p.m. – 5:00 p.m.  
November 3, 2011 3:00 p.m. – 5:00 p.m.  
November 17, 2011 3:00 p.m. – 5:00 p.m.  
December 8, 2011 3:00 p.m. – 5:00 p.m.

**Proposed Meeting Schedule – Mondays**

October 3, 2011 3:30pm-5:30pm  
October 17, 2011 3:30pm-5:30pm  
October 31, 2011 3:30pm-5:30pm  
November 14, 2011 3:30pm-5:30pm  
December 5, 2011 3:30pm-5:30pm

**Proposed Meeting Schedule – Wednesdays**

October 5, 2011 6:15 p.m. - 8:15 p.m.  
October 19, 2011 6:15 p.m. - 8:15 p.m.  
November 2, 2011 6:15 p.m. - 8:15 p.m.  
November 16, 2011 6:15 p.m. - 8:15 p.m.  
December 7, 2011 6:15 p.m. - 8:15 p.m.

# MEMORANDUM

**To:** Jeffrey Woodburn, Staff Director  
**From:** Abraham Uccello, Chairman  
**Subject:** Strategy, Definition of Scope, Execution of Actions  
**Date:** September 15, 2011

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After careful consideration of the broad scope of our Constitutional mandate, it is imperative that the Government Efficiency Task Force initially pursue ideas that employ the strategy of changing the culture of government while solving for the following:

1. All ideas should explore improvements within each major area of Florida's government: Education, Health and Human Services, Criminal Justice and Corrections, Natural Resources and Transportation, General Government, and the State Court System, which
  - a. support an improved and needed organizational government function, which
  - b. deliver an improved, needed and valuable service, and
  - c. address the improved practices of procurement of products, goods, and services.

The success of the Task Force will be defined by the following:

1. Recommendations made specifically for consideration during the 2012 Legislative Session
2. Recommendations made to the Governor that do not require legislative adoption and can be enacted immediately in governmental agencies
3. Continued meetings in 2012 that produce efficiency recommendations, achieving a fiscal target of \$3 billion