

John Marks: Open government, yes; unfunded mandates, no

John Marks • My View • March 23, 2010

Re: "What is the League of Cities hiding?" (Bob Gabord, March 19).

Bob Gabordi's column with the misleading headline did have two facts that were accurate.

First, I am the president of the Florida League of Cities, having been honored by my colleagues from the 410 cities in Florida. Second, the Florida League of Cities does support open-record laws.

Throughout my career, I have been a strong advocate for transparency and openness in government, and I have more than proven this commitment to Florida's Sunshine Laws.

House Bill 1211 revises Florida's open meeting's and public record's laws. The bill creates an "open government bill of rights" describing state policy regarding public records. The bill transfers Florida's Sunshine Law and other relevant sections of Chapters 286, F.S. to chapter 119, F.S., on public records. The bill is substantially the recommendations by Gov. Charlie Crist's Commission on Open Government Reform. The House bill is 139 pages long and amends about 25 sections of the Florida Statutes.

The commission basically produced a good product, and I commend state Sen. Paula Dockery, R-Lakeland and state Rep. Clay Ford, R-Pensacola (and a former FLC president), for championing this cause. However, there are a couple of provisions of

the bill that cause concern for the Florida League of Cities.

House Bill 1211 deletes' section 119.07 (4) (d), F.S., which allows cities to charge a special service fee, in addition to the actual cost of duplication for a public record if the volume of the public-records request requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the city. The elimination of this section of the statute and other changes that are similar make this bill an unfunded mandate, according to the Legislature's own staff analysis.

The Florida League of Cities opposes all unfunded mandates. I am greatly concerned that proposals in the legislation would impose new unfunded mandates on city taxpayers. Unfunded mandates are bad policy, because it is unfair for state government to pass the cost of paying for state policies onto city taxpayers. Such cases create scenarios in which city taxpayers have no control over how their tax dollars will be spent.

This does not mean that I am against open government.

Senate Bill 1598 places new requirements, such as training, on volunteer citizen advisory committee members, and violations constitute a first-degree criminal misdemeanor. In other words, a volunteer could go to jail for up to one year. This threat of criminal penalties against citizen advisory volunteers is incompatible with my vision of promoting public participation by citizens in their own government, and it is only one of several measures being considered in this legislation that I believe are ill advised.

These provisions are not in the best interest of the members of the Florida League of Cities or the

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taxpayers of the city of Tallahassee. I have never forgotten whom I work for and will continue to work hard and stand up for things that I believe are in our citizens' best interest.

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