



First Amendment Foundation

FAF Sunshine Report

Volume I Spring 2012

WELCOME!

This is the inaugural edition of the *FAF Sunshine Report*, a quarterly newsletter designed to keep you informed of the activities of the First Amendment Foundation and its members. We hope you find the *Sunshine Report* informative and that you'll help us with its development by sending us your thoughts and ideas for articles and items of interest to be included in future editions. Email info@floridafaf.org.

A Good Legislative Session

Although a key bill supported by the FAF failed to pass, the 2012 legislative session was the First Amendment Foundation's most successful in recent years. Lawmakers passed a significant new addition to the public records law, making clear that all records generated by an officer-elect before he or she is sworn in are public. Eight new exemptions to the public records law were approved, but only one was problematic. Still, there was disappointment that House Speaker **Dean Cannon** failed to allow a vote on a measure that would have amended the Sunshine Law to give citizens a reasonable opportunity to speak at public meetings of any board or agency. The Senate-passed measure, SB 206, was sponsored by Sen. **Joe Negron**, R-Stuart; the House companion, HB 355 was by Rep. **Marty Kiar**, D-Southwest Ranches.

During each year's 60-day legislative session, FAF tracks bills that would affect open government and provides letters to lawmakers and committee staff laying out reasons for the foundation's objections to or support of each measure. This year, there were a total of 78 bills on the FAF tracking list, considerably fewer than the 108 in 2011 and 122 in 2010.

Of the bills we tracked, 25 passed the Legislature, an average total. Almost all were reenactments of current exemptions under the Open Government Sunset Review Act of 1995. A few were actually narrowed, including the exemption for economic development records. Only one new exemption, HB 629, by Rep. **Ed Hooper**, R-Clearwater, was objectionable; it makes confidential the dates of birth of those government employees whose home addresses are already exempt from disclosure. The FAF and several media organizations have asked Gov. **Rick Scott** to veto the legislation.

The addition to the public records law was passed with the support of Gov. Scott, following a year-long effort by the FAF and numerous media organizations to obtain records – including emails – generated by the governor, his staff, and his transition teams between the time Scott was elected and the day he was sworn into office. The governor acknowledged that some of those records were “inadvertently” deleted. The legislation – HB 1305 by Rep. **Janet Adkins**, R-Fernandina Beach, and SB 1464 by Sen. **Don Gaetz**, R-Destin – makes clear that officers-elect are subject to the public records and sunshine laws from the time elections are certified. Scott signed the bill into law on March 25.

336 East College Avenue, Suite 101 Tallahassee, Florida 32301 (800)337-3518

Become a Member of the First Amendment Foundation Today!

<http://www.floridafaf.org/join>



FAF Sunshine Report

The FAF annual Sunshine Recognition Luncheon, hosted by FAF trustee **Mike Vasilinda**, was a big success with all tables sold again this year. **Pete Weitzel**, founder and trustee emeritus of FAF, was the keynote speaker. Honored guests included legislators and former recipients of the Pete Weitzel/Friend of the First Amendment Award, including 2011 winners Mayor **Jeff Triplett** of Sanford and Mayor **Buddy Snowden** of Lake Helen.

FAF Sunshine Brigade Members Garner National Recognition

Sunshine Brigade members **Jerry Couey** and **Alan Isaacson** have been named OpenGov Champions by the Sunlight Foundation, a Washington, D.C.-based non-profit committed to improving access to government information through the use of web-based technology. OpenGov Champions are recognized for their efforts at making government more open and accountable. In bestowing the honor on these two Santa Rosa County residents, the Sunlight Foundation made specific mention of the successful campaign by Couey and Isaacson to force TEAM Santa Rosa, a publicly-funded economic development organization, into compliance with Florida's open government laws.

Articles and Press Releases

- <http://sunlightfoundation.com/opengovchampions/>
- <http://www.pnj.com/article/20120325/NEWS01/203250337/Two-Santa-Rosans-honored-bringing-TEAM-Santa-Rosa-out-shadows>
- <http://www.educatedechoes.com/>
- <http://www.youtube.com/watch?v=6CIH9XIBhHc>

To learn more about the FAF Sunshine Brigade and OpenGov Champions Jerry Couey, a retiree living in Milton, and Alan Isaacson, an ordained minister and senior pastor of New Harvest Fellowship in Pace, click here:

<http://www.floridafaf.org/resources/sunshine-brigade>

The New E-Manual is Here!

The *Government-in-the-Sunshine Manual* is available for the first time in an e-edition through Amazon.com for only \$9.99. Kindle software for a PC, Mac, iPad and iPhone is available for

free download on the FAF website:

<http://www.floridafaf.org/electronic-sunshine-manual>.

The manual, which since 1985 has been a joint production of FAF and the Attorney General's office, is also available in paperback for \$17.95. To download an order form or order copies with a credit card, visit the FAF Store, <http://www.floridafaf.org/faf-store/publications>.

FAF President Travels the State

FAF President **Barbara Petersen** made over a dozen appearances during the first quarter of 2012, holding seminars and speaking to a wide variety of both public employees and private citizens around the state. Petersen also was invited to Elon, N.C., where she was keynote speaker at the North Carolina Open Government Coalition's Sunshine Day Celebration in honor of national Sunshine Week. She also gave the keynote address at the winter conference of the Florida Local Government Information Systems Association in Altamonte Springs.

In late March, Petersen did two sessions for 148 attendees in Yulee. The Florida Public Records and Sunshine Law Seminars were hosted by **John A. Crawford**, Nassau County Clerk of the Circuit Court, who had this to say about the presentation: "*We asked Barbara Petersen of Florida's First Amendment Foundation to come to Nassau County to educate our staff, local officials, and the general public about the Florida Sunshine and Public Records Laws because we believe it is crucial that people know that the government works for them. The FAF has consistently demonstrated its commitment to promoting transparency in government and protecting citizens' Constitutional right of access to public records and meetings.*"

If you would like Barbara to address your organization or membership about the state's open government laws, call Rosemary at 800/337-3518 or email rosemary@floridafaf.org.

Fall Sunshine Seminar Schedule is Set

We've been working with newspapers across Florida, looking for hosts for our annual series of sunshine seminars held each fall. Although exact locations have yet to be determined, here's the schedule for our 2012 Sunshine Seminars:



FAF Sunshine Report

- Sep. 18 Ft. Walton Beach**
Host: *Northwest Florida Daily News*
- Sep. 19 Tallahassee**
Host: *Tallahassee Democrat*
- Sep. 20 Jacksonville**
Host: *Florida Times-Union*
- Oct. 10 Lakeland**
Host: *The Ledger*
- Oct. 11 Port Charlotte**
Host: *Charlotte Sun Herald*
- Oct. 15 Melbourne**
Host: *Florida Today*
- Oct. 16 Ft. Lauderdale**
Host: *TBA*

The 2012 Sunshine Seminars, co-sponsored by the Florida League of Women Voters, are open to anyone interested in attending -- citizens, reporters, and government employees. Members of the Florida Bar Media & Communications Law Committee will be offering a 90-minute presentation on media law issues designed to inform reporters and bloggers, as well as those in government who work with the media. The seminars are approved for continuing education credit by various associations and organizations.

The fee for the half-day seminars is \$10 for FAF members and \$25 for non-members. Those wishing CLE credit must pay an additional \$50 fee. Check the FAF website for the most-up-to-

date information and registration forms. <http://www.floridafaf.org>

FAF Receives Webinar Project Grant

The First Amendment Foundation has received grants from the National Freedom of Information Coalition and the Edyth Bush Charitable Foundation to create a series of sunshine webinars. Once completed, the webinars will be offered through the FAF website on a regular monthly basis. FAF staff is developing the program content and will be working with webinar facilitator **Candice Odom** and a professional production team to create and produce the interactive webinars, which will also include a series of shorter hot topic sessions on access issues of broad general interest and concern -- such as the application of HIPAA to Florida government, for example, and permissible fees under the public records law.

The first Sunshine Webinar will be held in late summer 2012. Be sure to check the FAF website for more information and details on how to register. <http://www.floridafaf.org>

2012 FOI Summit

The National Freedom of Information Coalition, based in Columbia, MO, is holding its annual FOI Summit May 11 and 12 in Madison, WI. For more information on the Summit, including registration information and a schedule of events, visit the NFOIC website, www.nfoic.org.

Meet the FAF Staff

Barbara Petersen, President: Barbara has been with the First Amendment Foundation since 1995 when she was hired by FAF founder Pete Weitzel as the organization's first -- and only -- staff member. Before taking her current position, Petersen was staff attorney for the Joint Committee on Information Technology of the Florida Legislature. Born and raised in Washington, D.C. and Virginia, she's a graduate of the University of Missouri-Columbia and Florida State University College of Law.

Rosemary Calhoun, Office Administrator: A native of New Jersey, Rosemary moved to Tallahassee in 1993 from Pennsylvania, where she worked for the Pike County District Attorney. Her years of administrative experience include more than 10 years with the State of Florida, most recently as an operations analyst for the Florida Department of Financial Services. Calhoun started with FAF in Nov 2011.

Rhianna Reichert, Office Assistant: Rhianna is a Tallahassee native and is currently studying for a BS in Information Technology at Florida State University. She joined FAF in February.

If you're already a member and would like to increase your support of FAF, make a donation now! <https://www.floridafaf.org/give-now>