



**FIRST AMENDMENT FOUNDATION**

*Protecting and Advancing Open Government in Florida for Over 25 Years*

FAF Sunshine Report - Vol. 2 Summer 2012

## **Senator Mike Fasano Winner of 2012 Pete Weitzel/Friend of the First Amendment Award**



After State Sen. Mike Fasano questioned whether a privatization deal for the prison system had been given a complete vetting, Florida Senate President Mike Haridopolos stripped the New Port Richey Republican of his chairmanship of the Senate Budget Subcommittee on Criminal and Civil Justice Appropriations.

When he made a public records request for information about the State Board of Administration's investment decisions, Sen. Fasano received a bill for more than \$10,000 -- and wondered what type of barriers regular citizens would face.

After the Public Services Commission removed a link for public records requests from its website, Sen. Fasano demanded it be restored, complaining the PSC demonstrates a lack of access to public records.

These and other actions to improve transparency in government have led the First Amendment Foundation to present Sen. Mike Fasano with the 2012 Pete Weitzel/Friend of the First Amendment Award for his work during the 2012 legislative session.

The Pete Weitzel/Friend of the First Amendment Award was created in 1995 to recognize Pete Weitzel, former managing editor of The Miami Herald, and founder and past president of the First Amendment Foundation. The Award is given annually to someone in Florida who has made a significant contribution to the cause of furthering open government.

Barbara Petersen, President of the First Amendment Foundation, said in a letter to Sen. Fasano that his nomination for the award was based on his "commitment to ensuring that the people's interests were represented in the Florida Senate and that the legislative process remained open and accessible to its people." She said Sen. Fasano has "set a standard all those in government should emulate...We greatly appreciate your efforts on behalf of the public."

In a statement, Sen. Fasano declared: "I am humbled to be recognized by the prestigious First Amendment Foundation. Too often government goes too far in closing records from public scrutiny. I was honored to have worked with the Foundation during my tenure as a lawmaker, and in particular during this past year, to help keep public records what they should be: public."

The award will be presented at the Foundation's annual Sunshine Recognition luncheon on Thursday, March 14, 2013, at the Governor's Club in Tallahassee during Florida's annual Sunshine Week celebrations.

## Registration Now Open for FAF Fall Sunshine Seminars

Registration is now open for the Foundations' annual Sunshine Seminars, and spots are selling fast, so we encourage everyone to register as soon as possible. Here are the dates and locations:

\* Niceville, Tuesday, Sep. 18, hosted by the

*Northwest Florida Daily News* and Costa Leadership Institute at Northwest Florida State College

\* Tallahassee, Wednesday, Sep. 19, hosted by the

*Tallahassee Democrat* and FAMU's Division of Journalism

\* Jacksonville, Thursday, Sep. 20, hosted by the

*Florida Times-Union*

\* Lakeland, Wednesday, Oct. 10, hosted by

*The Lakeland Ledger*

\* Port Charlotte, Thursday, Oct. 11, hosted by the

Sun Newspapers

\* Melbourne, Monday, Oct. 15, hosted by

*Florida Today*

\* Deerfield Beach, Tuesday, Oct. 16, hosted by the *South Florida Sun-Sentinel*

This year's seminars are being co-sponsored by The League of Women Voters of Florida and the Society of Professional Journalists South Florida Chapter. Members of both organizations will receive a discount on registration fees. Doors open at

## FOI Hotline

The First Amendment Foundation operates a FOI Hotline, a free call for anyone, anywhere, with a question about Florida's open government laws - both the Sunshine Law and the Public Records Law. The Hotline is manned by two attorneys, FAF General Counsel Jon Kaney, of Kaney & Olivari, in Ormond Beach, and Barbara Petersen, FAF President. Kaney and Petersen also respond to open government questions submitted through the Foundation's contact page on its website, <http://www.floridafaf.org/contact-us>. The Hotline averages about 100 calls a month, most of them very general in nature. The Hotline has seen a recent spike in questions regarding requests for email correspondence sent or received by government officials and employees. In some instances, public record emails are being retained in a manner that makes retrieval extremely difficult and time-consuming, and the charges, which can be quite high, are being passed on to the requestor.

The increased use of personal communication devices such as smart phones and iPads is also driving calls to the Hotline - Petersen, for example, has been working closely with a citizen seeking access to text messages relating to county business sent by a county commissioner on his private cell phone. The county has acknowledged that the texts are public record and subject to disclosure, but has told the citizen he has to go to the cell phone provider to obtain the requested records, which is likely a violation of the public records law.

If you have a question concerning the sunshine law or public records law, call the Foundation's FOI Hotline at 800/337-3518. And if you're looking for some basic information about making a public record request, check out Ten Practical Tips for the Public Records Requester, written by Jim Lake, an attorney with the firm Thomas & LoCicero in Tampa. This quick-and-easy

each seminar at 8:30 a.m.

For more specific information and to register for one of the seminars, go the FAF website, <http://www.floridafaf.org/continuing-professional-education-courses>.

guide is posted on the FAF website at <http://www.floridafaf.org/resources/requesting-public-records>.

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## Save the Date - Second Annual Sunshine Litigation Seminar

Plans are underway for FAF's second annual Sunshine Litigation Seminar to be held at USF/Tampa on Friday, October 12, and Angela Corey, special prosecutor in the George Zimmerman case, has been invited as the keynote speaker. The all-day seminar, designed for seasoned litigators and those new to sunshine law litigation, will include an overview of Florida's open government laws, and informative sessions on open government pleadings, filing a request for a writ of mandamus, requests for relief, and recovering attorney fees and court costs. Registration, which includes lunch and materials, is \$150 for FAF members and \$200 for non-members. The course has been approved for 6 CLE hours. For more information about the litigation seminar, call FAF staff at 850/224-4555.

## First Amendment Foundation to Launch Major Fund-Raising Campaign

Determined to increase its programs and services, the FAF Board of Directors has decided to launch a major fundraising campaign to boost the Foundation's endowment and ensure its long-term financial future. Thanks to a generous grant from the National Freedom of Information Coalition, the Foundation was able to engage a national fundraising consulting firm, Art & Science Group, to help design and launch the campaign. Firm principals, Ben Edwards and Emily Oliver, met with FAF board members in Orlando to discuss the outlines of the campaign and get input from the board. FAF trustees Pete Weitzel, FAF founder and past president, and Patsy Palmer of the law firm D'Alemberte and Palmer, will serve as co-chairs of the fund-raising campaign. If you'd like more information on how you can support the First Amendment Foundation and its programs, please visit our website, [www.floridafaf.org](http://www.floridafaf.org).

## Katherine Garner Joins FAF as Virtual Executive Director



In mid-July, Katherine Garner joined FAF staff as the Foundation's virtual Executive Director, and will be working directly with FAF President Barbara Petersen on membership development, social media, and special projects. Garner brings with her significant administrative and open government experience, having worked for the Freedom of Information Foundation of Texas for 15 years, serving as FOIFT executive director from 2001 - 2009. She serves as Treasurer and Grants Chair of the National

Freedom of Information Coalition, and will be working from her home in Dallas, TX. For more about Katherine, you can visit her website, <http://klgarner.com>.

GOVERNMENT-IN-  
THE-SUNSHINE  
MANUAL



2012 Edition

A Reference For Compliance  
with Florida's Public Records  
and Open Meetings Laws

Volume 34

## 2012 Manuals Sold Out!

If you've waited to get your copy of the 2012 Government-in-the-Sunshine Manual only to learn that the print version is sold out, don't despair! The 2012 Manual is still available through Amazon.com for the amazingly low price of just \$9.99. To download the free software and order your manual, visit <http://www.floridafaf.org/electronic-sunshine-manual>.

### Contact Information

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