



FIRST AMENDMENT FOUNDATION

Protecting and Advancing Open Government in Florida for Over 25 Years

FAF Sunshine Report - Vol. 3 Fall 2012

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PETERSEN WRAPS UP ANNUAL SUNSHINE SEMINARS

Two weeks, eight seminars, and 2,000 miles on a rental car. Who's tired?

In 1995, the First Amendment Foundation started an annual series of Sunshine Seminars, offering basic open government training to citizens, the media, and government officials and employees. It's a tradition the Foundation has continued and this year, FAF President Barbara Petersen conducted eight seminars, starting in Niceville and ending in Deerfield Beach. Each of the seminars was hosted by a local newspaper and the League of Women Voters and the South Florida chapter of the Society of Professional Journalists were co-sponsors. Volunteer members of the Media Law Committee of the Florida Bar conducted a session on media law issues after Petersen's training sessions.

This year, it was standing room only for most of these perennially popular seminars, and a couple, including the seminar hosted by the Lakeland Ledger, sold out weeks in advance. The responses from our attendees was overwhelmingly positive: 93% of attendees responding to a post-seminar evaluation, said they found the seminar to be "very informative", and of the 206 who responded to the question, "Overall, how would you rate the seminar," 159 - or 77% - responded "excellent". And a whopping 99.5% rated Petersen as "very knowledgeable" on the subject of open government.

In addition to our annual sunshine seminars, the Foundation provides individualized training sessions for organizations and groups interested in learning more about Florida's sunshine laws. If you're interested in scheduling a workshop or training session, please contact Rosemary Calhoun at rosemary@floridafaf.org. And keep an eye on the FAF calendar for events and seminars happening in your area, <http://www.floridafaf.org/about-us/calendar>.

FAF CREATES NEW LEGAL FELLOWSHIP POSITION

Florida is routinely in the forefront of national discussions on access to government information, and with the profusion of high profile news stories involving public record disputes - the George Zimmerman case, the voter roll purges, and Governor Scott's "lost" transition team emails are recent examples - the Sunshine State is one of America's prominent battlegrounds for open government.

The First Amendment Foundation is Florida's first responder on open government - we answer open government questions through our toll-free FOI Hotline, provide expert analysis on an increasing number of legislative proposals, write position papers on key open government topics, and, most recently, respond to the erosion of open government through correspondence with government officials.

The demand for our legal services is growing, and in order to meet that increased need, FAF is creating a Legal Fellowship position - open to third year law students or recent graduates - to complement the Foundation's watchdog work. The Fellow will work directly with FAF's President Barbara Petersen and General Counsel Jon Kaney, providing assistance during the legislative session, answering questions from the FOI Hotline, and drafting position papers and legal briefs and correspondence. We're in the process of seeking grants and donations to help permanently fund the position and increase our ability to meet the increased demand for our services. Over time, we believe, the FAF Legal Fellows will become a network of experienced open government advocates in Florida and serve as a national model for other state FOI organizations.

If you're interested in supporting the Legal Fellowship Program or would like more information, please contact us at 800/337-3518.

FAF RECEIVES TWO PROJECT GRANTS

The National Freedom of Information Coalition has awarded the Foundation two important project grants, one that will allow FAF to develop a mobile app for iPhones and androids, and another to improve and continue the Sunshine Statutes project.

Mobile App

The mobile app will allow citizens, journalists, and government officials quick and easy access to basic information about Florida's open government laws, including links to the public records law, the open meetings law, and the judicial rule governing access to court records. In addition, the app will include information on how to make a public records request, a brief explanation of the rights under the open meetings law, and a section explaining what to do if denied access to a public record or government meeting, and how to respond if denied access to a court proceeding.

FAF is currently developing the content for the app, which will be available as a free download, and designed to be a convenient and easy to use tool for everyone wanting to access government meetings and records. The mobile app will be a great compliment to the e-Manual of our Government-in-the-Sunshine-Manual, which is now available through Amazon - you can get the free software and order the eManual through the FAF website, <http://floridafaf.org/electronic-sunshine-manual>.

Sunshine Statutes

The second grant will allow FAF to update and improve the Sunshine Statutes database for the next two years.

<http://www.sunshinestatutes.com/>

Over the past year, the Foundation worked with the Florida Society of News Editors and University of Virginia professor Waldo Jacquith to develop a database of Florida's statutes, which makes the state's laws easier to access and understand. The Sunshine Statutes is a private, non-governmental, non-partisan implementation of [The State Decoded](#), an open source project that provides a platform to display state-level legal information in a friendly, accessible, modern fashion. Florida is the second state in which this software has been deployed.

In order to create the database, FAF obtained a copy of the state statutes and found volunteers from around the country to help translate the statutes into necessary formats. The statutes are constantly changing and the grant will allow FAF to continue to obtain and update the statutes for two years.

FOLLOW FAF THROUGH SOCIAL MEDIA AND BE OUR FRIEND

As social media grows, the First Amendment Foundation grows with it. Recently, we made some changes to our Facebook Page and Twitter feed, and have joined LinkedIn. In the next few months, we'll be adding a You-Tube channel dedicated to Florida and national open government issues. When we last updated our Facebook page, many friends were lost in the transition. So make sure you are still our friend and follow us on Twitter and LinkedIn. We're using the hash tag #FLfoi in all of our posts, so it's easy to keep up and track open government issues as they develop around the state.

And keep an eye on the Foundation's website. We're very excited to be part of an NFOIC pilot project which will allow us to upgrade and migrate our current site to a new user friendly and better designed platform. The new platform will include a new FOI blog and a comment section. If you have any information that might be pertinent to our audience, please post it on Facebook, Twitter or LinkedIn. More diverse content is the best way to grow our audience and make more Floridians FOI aware.

<https://www.facebook.com/pages/FIRST-AMENDMENT-FOUNDATION/241129804113>

<https://twitter.com/floridafaf>

<http://www.linkedin.com/company/first-amendment-foundation>

GET YOUR PICTURE TAKEN AND MAKE A DONATION TO THE FAF

Are you projecting a professional image on your website, business cards, flyers, etc.? Are you interested in supporting the important work of the First Amendment Foundation? Well, here's a two-fer that's sure to make you happy!

Tallahassee photographer Mickey Adair has generously offered to help support the FAF - for a mere \$35, you'll get a 15 minute session with Mickey, including 3 poses burned to a CD for your own use. And the best part? Mickey will donate 40% of his fee to the First Amendment Foundation. A professional headshot typically runs about \$100 making this opportunity an awesome deal! Not only do you get a great photo to use as you wish but you are also supporting a great cause at the same time. This event is scheduled for the week of January 28th, 2013 and seating times will be limited. If you are interested in participating, please contact rosemary@floridafaf.org for more information.

THIS IS YOUR MONEY. KISS IT GOODBYE.

As a citizen, you have a right to know what your government's doing.

That means you can sit in on almost all meetings of public bodies, and you can request copies of most public records. Under Florida's Sunshine laws, which include public records, the keepers of the records are required to acknowledge your request promptly and respond in good faith within a reasonable amount of time.

In our watchdog role to keep you informed about your government, we use those laws regularly.

So it seemed routine to us three months ago when we requested public records on Mayor Alvin Brown's budget proposal and official emails about the chaotic opening of the new courthouse.

But we were disappointed when the records were not forthcoming, and the delay inexplicably stretched from a week to two weeks ... then to a month.

Finally, after five weeks and a fair warning to the Mayor's Office, we had to direct our attorneys to sue for access to these documents of the public's business. Within 48 hours, we got the records.

But the legal process isn't free or even cheap, so the law also says that if a government agency is found to have violated the Public Records Law, the citizen has a right to reimbursement of the legal fees paid to exercise his or her right to the records.

Otherwise the agency could always just stall - and the average citizen couldn't afford the lawsuit. As for journalists, we'd have to go to court every time we seek public records - and we seek a lot of them.

To make the point, we demanded reimbursement of our legal fees - \$16,000.

The city balked, denying there was any violation of the law or any liability for attorneys' fees.

But neither we - or any citizen - should have to pay thousands of dollars every time we wanted public records. So we said we would subpoena some of the mayor's staff to testify under oath about the willful violations of the Public Records Law.

After some negotiations, the city offered to pay \$15,000, and we felt we had made the point. (We'll donate a portion to the First Amendment Foundation, which fights for open

government in Florida.)

The check we just received (above), signed by Mayor Alvin Brown, is public money that could have gone to public safety or the library or the parks or any of the myriad other city functions struggling with slashed budgets. Instead, it's an expensive reminder to our city officials that their work is the public's business, and citizens have a right to watch and understand it.

If the Mayor's Office gets that message, it may have been money well spent.

Read more at Jacksonville.com:

<http://jacksonville.com/opinion/editorials/2012-09-07/story/your-money-kiss-it-goodbye#ixzz2AFZmhc6Y>

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