




# FIRST AMENDMENT FOUNDATION

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

## FAF SUNSHINE REPORT – MARCH 2013

SUNSHINE WEEK SPECIAL EDITION

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## OBSERVE SUNSHINE WEEK WITH THE FIRST AMENDMENT FOUNDATION

Two events highlight the First Amendment Foundation’s 2013 observance of [Sunshine Week](#), the national initiative to promote a dialogue about the importance of open government and freedom of information. Sunshine Week runs from March 10-16.

**The foundation’s annual Sunshine Recognition Luncheon will be held on March 14 at the Governor’s Club in downtown Tallahassee.**

Florida [Chief Financial Officer Jeff Atwater](#) is the keynote speaker. [State Rep. Mike Fasano](#), R-New Port Richey, will receive the 2012 Pete Weitzel/Friend of the First Amendment Award.

Join the capital’s media corps and some of the state’s most influential politicians at this important event. Click [here](#) to reserve a table or purchase an individual ticket.



JEFF ATWATER



MIKE FASANO



DIANE K. ROBERTS



BARBARA PETERSEN

**Florida’s Third Annual Sunshine Summit is scheduled for Saturday, March 16, in Seminole, Fl., a short drive from downtown St. Petersburg or Tampa.**

Sponsored by the Florida Amendment Foundation and St. Petersburg College, the event will be held from 11 a.m. until 2 p.m. Noted Florida author and political commentator [Diane K. Roberts](#) will kick off the summit as the keynote speaker. In addition, FAF President [Barbara Petersen](#) will engage the audience in a lively discussion about how we can work together to reform Florida’s open government laws.

The Sunshine Summit is free and open to all, so please register now by clicking [this link](#). Lunch will be provided to all who register before March 14.

## THE BEST AND THE WORST OF THE 2013 SESSION, SO FAR

**Here, from an open government perspective, is a look at the best and the worst of the bills filed thus far for consideration during the 2013 legislative session.**

### THE BILLS WE LIKE:

**SB1004** – We have been waiting for this for a long time. This measure would create an index of public records held by each agency. It applies only to state agencies, the courts, and the legislature, but eventually could be expanded to include local governments. Imagine how wonderful that would be – a website that tells you which agency has what records.

**HB563/SB572** – This also is an excellent bill. It requires the Department of Economic Opportunity to create a website and post information concerning economic development and economic incentive projects. Currently, too much secrecy surrounds these projects, which spend tons of public money. This is the kind of transparency we like to see. Click [here](#) to read a letter of support sent by the FAF.

**SB50/HB123** – This bill amends the sunshine law to require agencies, both state and local, to provide the public with a reasonable opportunity to speak at public meetings. “Who would have thought we’d have to pass a law? This is a participatory democracy, right?” said FAF President Barbara Petersen. “If this bill doesn’t pass this year, I think we should send all of our legislators back to fourth grade and make them take Civics 101.” Click [here](#) to read a letter of support sent by the FAF.

## THE BILLS WE DON'T LIKE:

**HB403** – This bill would significantly widen the public records exemption for financial statements required from companies bidding on projects funded with public money. Under the bill, “financial statements that a governmental entity or agency requires a prospective bidder to submit when bidding in response to an invitation to bid, submitting a letter of interest, or responding to a request for proposals or an invitation to negotiate pursuant to a public procurement [would] be made exempt from public records requirements.” Click [here](#) to read a letter of concern sent by the FAF.

**SB376/HB731** and **HB249** – SB376 would expand the public records exemption for law enforcement personnel to include the names of their spouses and children. HB249 would create a public record exemption for email addresses of registered voters and voter registration applicants. FAF maintains that both measures are unnecessary and unwarranted and represent new efforts to erode open government policies. Click [here](#) and [here](#) to read letters of concern sent by the FAF.

**HB637** – This measure would create a public record exemption for information contained in an application provided to or obtained by an executive search committee regarding an applicant for a job with the state college system or university system. FAF believes this is bad public policy, it is not warranted by the facts or by recent experience, and it represents a significant effort to cloak the state’s Sunshine laws. Click [here](#) to read a letter of concern sent by the FAF.

## FAF LETTER SPURS NAPLES TO REDUCE PUBLIC RECORDS FEE

An effort by the Naples City Council to impose potentially onerous fees on people requesting copies of public records was reversed in early February after the First Amendment Foundation protested the move as contrary to state law and proper public policy.

A Jan. 8 call to the First Amendment Foundation’s hotline brought the matter to the attention of FAF President Barbara Petersen. Many items in the proposal were legally questionable, including a flat \$10 fee per CD. The proposal also called for a charge of 25 cents for each one-sided, 11 x 17 page of public records and 30 cents for each double-sided copy of the same size.

“A DVD doesn’t cost \$10 unless it’s made of gold...,” Petersen told the [Naples Daily News](#). “Everything they were trying to do in that original proposal was contrary to what the law says.”

Petersen [advised the council](#) that its changes appeared excessive and appeared to be in violation of statutory fee provisions in section 119.07(4) of state law. “Providing access to public records is a statutory duty imposed by the Legislature upon all record custodians and should not be considered a profit-making or revenue-generating operation,” she wrote.

The council heard Petersen’s message. At its February meeting, the council adopted a new fee policy in line with state law. Additionally, the council agreed to waive charges on modest public records requests – those costing up to \$5 per day. The council also modified an item that defined as “excessive” the use of clerical services beyond 15 minutes, instead opting for a 30-minute threshold – twice the minimum time stipulated by case law. A memorandum prepared by city employees acknowledged FAF’s role in this case.

## SPJ SOUTH FLORIDA CREATES NEW AWARD ON BEHALF OF FAF

The South Florida chapter of the Society of Professional Journalists recently honored the First Amendment Foundation by creating a new award on its behalf.

One of the new categories in the group’s 19th annual Sunshine State Awards competition this year is the “First Amendment Foundation Freedom of Information Award.” It will “honor a journalist or news organization for outstanding use of public records in reporting or advocacy of rights such as press freedom and public access.”

“Open government and public access to records are essential parts of a journalist’s job and, this year, we wanted to recognize those who take full advantage of Florida’s liberal laws regarding public records,” chapter President Jason Parsley said. “In addition, we have partnered with FAF to spotlight the amazing work the organization does here in Florida.”

Visit [www.spjsofla.net](http://www.spjsofla.net) for more information about the awards.

# VETERAN COMMUNICATIONS EXPERT APRIL SALTER JOINS FAF BOARD



April Salter, president and chief operating officer of [SalterMitchell Inc.](#), recently joined the First Amendment Foundation's Board of Trustees. SalterMitchell is based in Tallahassee, with offices in Washington, D.C., and Orlando.

For the past 30 years, April has provided senior business and communications counsel to Fortune 100 companies, government officials and policy leaders. She served as communications director for Gov. Lawton Chiles and worked for several key state agencies. She developed campaigns that won the nation's top public relations campaign award, a Silver Anvil, an Emmy, and dozens of state and regional awards.

Among her other accomplishments, April has helped preserve 90,000 acres of high-quality conservation lands while ensuring limited, responsible development. Healthy Kids, Plum Creek, Florida Trend, the Florida and Georgia Retail Federations, Humana, EDS, and State Farm have all relied on her for public relations counsel and strategy.

She is a graduate of Florida State University.

## YOUR RIGHT TO KNOW – IN THE NEWS

**Here are some recent media clips about – and other references to – the First Amendment Foundation and issues that concern all of us.**

**NWFdailynews.com, Feb. 4, 2013:** First Amendment Foundation President Barbara Petersen is never short on stories about Florida politicians playing fast and loose with the state's Sunshine Laws. [Read more.](#)

**Jacksonville.com, Feb. 4, 2013:** As it thinks about touting public comment guarantees at Jacksonville boards and panels, the city Ethics Commission wants to hear what other people think. [Read more.](#)

**Tampa Bay Times, Feb. 7, 2013:** Citing Florida's public records law, a judge ordered release of documents that outline the [Governor's Park] plan after reviewing 120 records that the Department of Environmental Protection tried to shield from public view. [Read more.](#)

**The Ledger (Lakeland), Feb. 10, 2013:** In a government of the people, by the people and for the people, the proceedings and records of the government belong to the people. This, Florida's government should make certain. [Read more.](#)

**Naples Daily News, Feb. 17, 2013:** Florida's government-in-the-sunshine laws, long the nation's leader in making sure the public's business is done in public, could use a freshening. [Read more.](#)

**PBS NewsHour, Feb. 21, 2013:** Barbara Petersen...blames the gun lobby for preventing any attempts to restrict gun access or to allow oversight. "It's not that we're against legal gun ownership. We just want to know and allow those who need to know who has a permit and who doesn't, who's got the right for a conceal carry and who doesn't. That's all we're asking." [Read more.](#)

**The Florida Times-Union, Feb. 22, 2013:** On the front lines of day-in-and-day-out journalism, it's important for us to remind public officials that they are public officials obligated to operate in front of their bosses — you. [Read more.](#)

**The News Herald, Feb. 23, 2013:** City, county and other government boards won't be gagging the public if Senate President Don Gaetz can help it. The Niceville Republican roundly supports a bill (SB50) that would ensure the public has a right to speak at board meetings. [Read more.](#)