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PETERSEN APPOINTED TO USER EXPERIENCE TASK FORCE



State Senate President Don Gaetz (R-Niceville) recently appointed FAF President Barbara Petersen to a special legislative panel assigned to improve online access to financial records and contracts.

The User Experience Task Force will evaluate ways to make data more accessible to the public by

UPCOMING SEMINARS

It's that time again! FAF's annual Sunshine Seminars are just around the corner. These one-day seminars provide an overview of Florida's public records and public meetings requirements in an informative and interactive format.

The seminars are helpful for anyone who uses public records, as well as for agency employees who are required to stay current on the law. CLE credits from the Florida Bar are pending.

Dates and locations for the seminars:

- [Lake City](#) - Oct. 16, 2013
- [Orlando](#) - Oct. 17, 2013
- [Sarasota](#) - Oct. 18, 2013
- [Miami](#) - Oct. 21, 2013
- [Stuart](#) - Oct. 22, 2013
- [Daytona Beach](#) - Oct. 23, 2013
- [Jacksonville](#) - Oct. 24, 2013

To register, click on the seminar location or contact Rhianna Reichert at (800) 337-3518 or email Rhianna@floridafaf.org.

CURRENT CASES

FAF frequently appears as amicus or support litigants in public information and Sunshine Law cases. Currently FAF is involved in five such cases.

- **Schweickert adv. Citrus County Port Authority.** FAF is assisting Schweickert in his challenge of the action of the governing board in hiring a consultant to perform a feasibility study for creation of a port. An advisory committee

consolidating existing state operational and fiscal information websites into a single website.

"Barbara Petersen is Florida's respected guardian of open records, open meetings and open government," Gaetz said. "Her leadership of the First Amendment Foundation gives credibility and reliability to this important work. Her expertise in advising public officials, the media, courts and citizens about access to records will lead to more transparency and user-friendliness through a consolidation of many complex and duplicative websites."

Gaetz was allowed one appointment to the four-member panel. The task force will begin work immediately and make its recommendations to the Legislature before the 2014 session.

"The people of our state are very fortunate to have the benefit of her ability and her insights in this important role," Gaetz said.

Petersen has served as president of the First Amendment Foundation since 1995 and has written numerous reports and articles on open government issues. She sits on the board of the National Freedom of Information Coalition and also served as chair of Florida's Commission on Open Government Reform.

"I'm honored by the appointment and grateful to President Gaetz for the opportunity to work on this very important project," Petersen said. "We need to take advantage of today's technologies that allow citizens easier access to public records, access that allows us to oversee our government and hold it accountable."

PUTTING PENSACOLA BACK INTO THE SUNSHINE

FAF President Barbara Petersen traveled to Pensacola on Aug. 19 for "Sunshine in the City," a series of three seminars designed to train city employees, board members, council members and the general public about Florida's public records and Sunshine Laws. The training sessions received so much attention that they required a larger meeting room than was previously booked. Government employees and council members attended the first two sessions. The third session, held in the evening, was geared toward the public, with Petersen providing basic information about the state's Sunshine Laws and how citizens might use those laws to obtain

sorted the applications and ranked them without holding a meeting. Then, the board voted on the selection by written ballot without divulging the votes of the members during the meeting. After suit was filed, the board conducted a thorough cure session and ended up selecting a different consultant. The board continues to maintain that it did not violate the Sunshine Law and a motion is pending for attorneys' fees.

- **Stanley adv. Orange County.** The county imposed a per-query fee for searching its emails in response to a records request from Stanley. His suit alleges that the per-query fee is unlawful. The county continues to claim its charges were lawful, but has changed its practice going forward.
- **Lee v. Board of Trustees of Jacksonville Police and Fire Pension Fund.** Lee requested documents from this board and was charged an unreasonable fee. The trial court ruled that the board had violated the public records law, but had done so in good faith. It therefore denied Lee his attorneys fees. The FAF appeared as amicus in the first DCA supporting Lee. The court held that the trial court was wrong to deny fees where it had found the board had violated the public records law. It is a very clear opinion. The board is now seeking discretionary review in the Florida Supreme Court. If the court grants review, the foundation again will file an amicus brief in support of Lee.

public records and attend government meetings.

"The City of Pensacola's Sunshine in the City event was a big success thanks to Ms. Petersen," said Pensacola Mayor Ashton Hayward. "The Sunshine and Public Records Law training the city received was superb."

"Ms. Petersen did a fantastic job of connecting with the audience and answering questions from the public," he said. "Her communication style made the information clear and easy to understand. As CEO and mayor of the City of Pensacola, accountability and transparent government are my top priority. I highly recommend all public servants take advantage of the training and resources the First Amendment Foundation has to offer."

Jane Ballard, the city's public records coordinator said, "[Petersen's] seminars were a resounding success. We had a great turnout for her evening program as well. Much better than anticipated because we have never before provided anything of this nature to our citizens, and they were very eager to learn more about their rights in regards to what they can expect from their city government."

The following morning, Petersen traveled to the Greater Pensacola Chamber to conduct her final presentation. The chamber heard that Petersen would be in town and asked her to talk to chamber staff and board members.

Petersen also assisted the City of Pensacola in revising its public records policy manual.

If you would like to plan a training session for your staff or if you would like assistance revising your policies, please contact Rhianna Reichert at (800) 337-3518 or email Rhianna@floridafaf.org.

CS/SB 50, ANTI-SHUSHING BILL, IS SIGNED INTO LAW

TALLAHASSEE -- CS/SB 50, requiring that the public be given a reasonable opportunity to be heard before a board or commission takes action, cleared its final hurdle when the governor approved the bill.

Momentum began building for legislation guaranteeing the right to speak after two appellate courts held that Florida's famed Sunshine Law doesn't specifically grant the public an opportunity to speak to their elected representatives at public meetings. CS/SB 50, sponsored by Senator Joe

- **State Attorney 10th Circuit v. City of Lakeland.** A grand jury rendered a presentment pertaining to an investigation by the Lakeland Police Department. The trial court sealed the presentment and the docket sheet. SAO 10th appealed to the 2d DCA. The FAF is joining Citizens for Sunshine in filing an amicus brief supporting the state attorney.
- **Anderson v. St. Pete Beach.** The FAF has appeared as amicus for Anderson in support of his appeal of a judgment denying relief under the Sunshine Law in his suit challenging the propriety of a lengthy series of closed meetings dealing with a citizen's challenge to the adoption of an amended comprehensive plan.

Negron, corrects this grievous wrong by amending s. 286.011, F.S., the Sunshine Law, to specifically state that the public must be given a reasonable opportunity to be heard before a board or commission makes a final decision.

The right to speak at public meetings is subject to reasonable rules adopted by boards or commissions, though there are some minor exceptions -- emergency meetings, for example -- when the right to speak will not apply. According to First Amendment Foundation President Barbara Petersen, CS/SB 50 restores "a fundamental constitutional right to the people of Florida - the right to speak to their elected representatives."

The new law took effect Oct. 1. The language is available here: <http://laws.flrules.org/2013/227>. If you have questions about CS/SB 50, please contact Barbara Petersen at (800) 337-3518 or sunshine@floridafaf.org.

FAF STAFFING NEWS



FAF Executive
Director Katherine
Garner

Lots of staff changes at the First Amendment Foundation! FAF has hired Katherine Garner as its full-time executive director. Garner, who has been working remotely part-time, began full-time at the Tallahassee office on Oct. 1.

Garner worked for 16 years at the Freedom of Information Foundation of Texas, serving during eight of those years as executive director. She has a B.S. in Business Journalism from the

University of North Texas and an M.A. from the University of Texas at Dallas.

Rosemary Calhoun, FAF's office manager, has taken a position with the Florida Department of Revenue. Rhianna Reichert will be promoted to administrative assistant. She has been with FAF since February 2012.

FAF is also hiring a part-time development director and is currently interviewing candidates. It hopes to have the position filled by Nov. 1.

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