



FIRST AMENDMENT FOUNDATION

Protecting Your Right to Know for 30 Years!

Winter 2013 - In This Issue:

SENATOR JOE NEGRON WINNER OF FAF'S FIRST AMENDMENT AWARD

COURT BATTLE OVER MAKING PUBLIC TEACHER VAM SCORES CONTINUES

THE LAW'S ONE THING, PRACTICE IS OFTEN ANOTHER

SUNSHINE LUNCHEON SET FOR MARCH 18

SARASOTA'S CLOSED MEETINGS COST TAXPAYERS \$17,000

PETERSEN REJOINS CENTER FOR INVESTIGATIVE REPORTING BOARD

FAF NAMES DEVELOPMENT DIRECTOR AND A LEGAL INTERN



BECOME A MEMBER

Become a Member of the First Amendment Foundation Today!
[Click here.](#)

JOIN OUR LIST

[Click to join our mailing list!](#)

SOCIAL MEDIA

Like us on **Facebook** 

SENATOR JOE NEGRON TO RECEIVE FAF'S FIRST AMENDMENT AWARD

Follow us on [twitter](#)

SUNSHINE LUNCHEON SET FOR MARCH 18

Save the date! FAF will sponsor its annual Sunshine Recognition Luncheon on March 18 at the Governor's Club in Tallahassee. 2014 marks the Foundation's 30th anniversary.

At the luncheon, FAF will present the 2013 Pete Weitzel/Friend of the First Amendment Award to Sen. Joe Negron, who successfully led the legislative fight for adoption of CS/SB 50 giving members of the public the right to be heard at government meetings. The luncheon will be held from 11:45 am to 1:30 pm.

SARASOTA'S CLOSED MEETINGS COST TAXPAYERS \$17,000

The City of Sarasota, admitting two of its members met with a private business group in violation of Florida's Sunshine Law, agreed to pay \$17,000 to Citizens for Sunshine, which sued over the closed session that the two commissioners attended to discuss ways to deal with the city's homeless population. Overall, including its own legal expenses, the Sunshine Law violation cost the city around \$50,000.

PETERSEN REJOINS CENTER FOR INVESTIGATIVE REPORTING BOARD

FAF President Barbara A. Petersen has rejoined the board of the Florida Center for Investigative Reporting, saying it was good to be back working



The First Amendment Foundation named State Sen. Joe Negron, who vigorously supported the "Anti-Shushing" bill, as recipient of the 2013 Pete Weitzel/Friend of the First Amendment award. The bill guarantees members of the public a reasonable opportunity to speak before their elected and appointed representatives.

"Senator Negron's unwavering determination to ensure the passage of CS/SB 50 restores a fundamental

constitutional right to the people of Florida - the right to speak before their elected representatives at public meetings," said Barbara Petersen, FAF President.

The award will be presented at the Foundation's annual Sunshine Recognition luncheon March 18, 2014, at the Governor's Club in Tallahassee during Florida's annual Sunshine Week celebrations.

The award was first given in 1995 to recognize the contributions made by Pete Weitzel, former managing editor of The Miami Herald, and founder of the First Amendment Foundation, in the area of open government. The award is given annually to someone in Florida who has made a significant contribution to the cause of furthering open government. Past recipients of the award are listed on the Foundation's website, www.floridafaf.org.

COURT BATTLE OVER MAKING TEACHER EVALUATION SCORES PUBLIC CONTINUES

By Frank Denton

The Florida Department of Education and the Florida Education Association have asked for a rehearing of the First District Court of Appeal decision declaring public-school teachers' "value-added measurements" (VAM) public record.

The VAM is a calculation for each teacher comparing the scores his or her students are predicted to achieve on the FCAT with the scores actually obtained. The amount by which the actual FCAT score is higher, aggregated across the students, is the "value added" by the teacher. It is part of, generally half of, the teacher's performance evaluation, with the rest being subjective, e.g., classroom observations, at the school level.

The Florida Times-Union's parent company, Morris Publishing Group, made a public-records request for three years of VAM records. The DOE refused the request, and the Times-Union sued. Then the FEA joined on behalf of the defendants.

The circuit court ruled for the DOE and FEA, calling the VAM scores a teacher evaluation and thus exempt from the public-records law.

"with a strong and aggressive investigative reporting team." Petersen said.

Petersen also serves on the boards of the National Freedom of Information Coalition and the Florida Society of News Editors and is currently a member of the legislative task force that will make recommendations to the 2014 Legislature on increasing state government transparency through various department and agency websites.

FAF NAMES DEVELOPMENT DIRECTOR AND A LEGAL INTERN

Jane McNabb, a veteran fund raiser who previously worked at Florida State University and the Florida Chamber of Commerce Foundation, will join the First Amendment Foundation in January as development director. McNabb worked for the Florida Chamber of Commerce Foundation for 10 years during which she designed and implemented a 10-year blueprint for Florida's future called "New Cornerstone: Foundations for Florida's 21st Century Economy."

Most recently, McNabb has worked with Shoreline Community College Foundation in Washington state. She has also been a development officer with the St. Joe Community Foundation, the University of North Carolina at Charlotte, FSU and Virginia Tech. In 2004, she was recognized as the Fundraising Professional of the Year by the Big Bend Chapter of the Association for Fundraising Professionals.

FAF also has a new legal intern, Callaway Griffith, a third-year law student at Florida State University. She is active in several organizations at FSU including Phi Delta Phi International Legal Honors Fraternity. She also serves as a FSU Law Student Ambassador and mentor. Griffith will assist in analyzing open government legislation in the

But the Times-Union appealed, and a three-judge DCA panel overturned the lower court's decision and said the VAM data, "collected and collated by DOE, is not part of a given teacher's evaluation until the data is sent to a teacher's school system, which by statute is the agency which prepares the evaluation."

"While (the public records statute) provides that the evaluation of a public school teacher is not subject to disclosure under the public records law, it does not follow that any information or data used to prepare the evaluation is likewise exempt from disclosure. To so hold would be to expand an exclusion to the public records act beyond what was plainly intended by the Legislature, which a court may not do."

The DOE and FEA now are asking the full, 18-member DCA to reconsider its decision. In their motions, the FEA said the DCA panel "misapprehended" the exception for employee evaluations, and the DOE agreed, adding that a full rehearing is appropriate because "This case is of exceptional importance."

(Denton is Editor of the Florida Times-Union/jacksonville.com and a trustee of the First Amendment Foundation.)

THE LAW'S ONE THING, PRACTICE IS OFTEN ANOTHER

Sen. Negron's right to be heard bill was a response to civic groups and activists around the state who felt they closed out at meetings by their city councils, county commissions or school boards, but in at least one instance the law's intent of greater public participation appears to have backfired.

The Citrus County Commission adopted a Public Participation Ordinance that sets the law's minimums as its standard - effectively denying Citrus County residents speaking rights that local custom had previously granted them.

The new ordinance allows comment only at the beginning of meetings and at public hearings.

Commented the Citrus County Chronicle: "the board has ... subverted the very intent of a state law the ordinance claims to accommodate." Theodora Rusnak, president of the Citrus County Council, a civic alliance, wrote "How sad that Sen. Negron's good intentions have been so badly twisted."

[Click here to see Rusnak's editorial on the issue.](#)

upcoming Florida legislative session
and help in answering Hotline calls.

FIRST AMENDMENT FOUNDATION

If you are already a member and would like to
continue your support, make a donation now!



DONATE NOW

STAY CONNECTED

