



First Amendment FOUNDATION

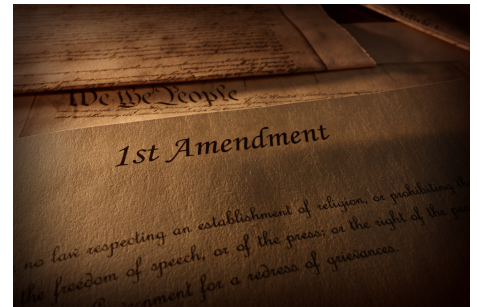
Protecting Your Right to Know Since 1985

FIGHTING FOR OPEN GOVERNMENT

Throughout 2021, we have seen threats to First Amendment freedoms and open government. From the legislature targeting protests to local governments excluding the public and reporters from meetings, we have seen attempts to limit the rights of the public to petition the government and the rights of the press.

The First Amendment Foundation has not been silent. We advocated against legislation restricting protests. We wrote to governments that prohibited journalists from attending council meetings and spoke out against law enforcement policies restricting reporters from questioning officers about crimes. We were one of only a few organizations asked to provide comment regarding proposed changes to restrict recording depositions of law enforcement officers. We addressed public records and Sunshine Law exemptions that protected third-party contractors and utilities at the expense of the public's right to know.

In 2022, we will continue to speak up for government transparency. We will fight for your right to use your voice before state lawmakers and local leaders. Throughout the legislative session, we will call for public access to records and meetings. We will collaborate with governments to educate and serve as a resource. Our work is sustained through your generous support of our commitment to open government. Thank you for your donations and your time. We are grateful for your dedication to our mission.



Report produced by **Pamela C. Marsh**, Executive Director, and **Virginia Hamrick**, Staff Attorney

MORE 2021 HIGHLIGHTS

- Education
- Legislative wins
- Research
- Freedom of Information Helpline
- Virtual Events
- Accountability
- Intern Spotlight

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EDUCATION

FAF adapted to the challenges of the pandemic and provided nine virtual trainings to different government entities and organizations. FAF also assisted journalists who recently moved to the Sunshine State and wanted to learn the ins and outs of Florida's open government laws. **We plan to provide more trainings in 2022, both online and in person.** If you or your employer is interested in training, please contact FAF at info@floridafaf.org.

Pamela and Virginia also participated in panels and forums on a range of topics, from Marsy's Law and Florida's meeting requirements during the pandemic to attacks on academic freedom at the University of Florida.

LEGISLATIVE VICTORIES

The 2021 legislative session was notable for the limited public participation and access to lawmakers due to COVID-19 (the restrictions were in place while most of the state was open for business). Along with Patricia Brigham, then-president of the League of Women Voters of Florida, Pamela argued that true democracy requires participation of the people and a government that recognizes the public's voice matters.



Despite the obstacles to public participation, FAF was able to narrow exemptions and defeat some exemptions, including the recurring exemption for applicants of public university and college presidents. That bill was defeated on the Senate floor, and lawmakers quoted FAF in debate. The Legislature passed 15 exemptions bills during the regular session and two during each special session.

Importantly, the Legislature passed Senate Bill 400, which prevents an agency from bringing a declaratory action against a person seeking public records and asking a court to determine whether the information sought is exempt from disclosure. The bill was signed into law. **It is a critical victory for members of the public exercising their constitutional right of access and protects individuals from being dragged into court for seeking information about their government.**

RESEARCH

Virginia submitted a paper to the National Freedom of Information Coalition FOI research paper contest and presented the paper at NFOIC's annual conference. The paper was also published in the Journal of Civic Information. She reviewed public records logs made to state agencies and found that only 14% would be entitled to a fee waiver for requests made in the public interest by nonprofit organizations or journalists. Just 4% of the total requests were made by journalists. Based on this report and similar studies, a fee waiver for requests made in the public interest would have a minimal effect on agencies.

In 2022, we hope to look for new ways to improve Florida's public records law.



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Freedom of Information Helpline

We responded to more than 285 calls and emails to our Helpline, assisting journalists, nonprofits, and individuals seeking records and access to meetings. We also provided guidance to records custodians and government officials regarding compliance with the public records and meetings laws.

FAF provided direction to reporters who had been denied access to surveillance footage. To assist these reporters, FAF identified court cases prohibiting the denial of records that have already been released. After the reporters confronted the agency with FAF's case law, the agencies provided the records.

In addition, FAF wrote to agencies on behalf of reporters and individuals who had not received records. The records custodians subsequently provided the records.

We are enjoying a wonderful evening reflecting on [@RosemaryOHara14](#)'s exceptional career.



Virtual Events

FAF hosted two virtual events honoring influential voices in Florida journalism: retired editorial page editors, Rosemary O'Hara of the *South Florida Sun-Sentinel* and Mike Clark of the *Florida Times-Union*. Coworkers, friends, and community leaders shared their favorite memories with Rosemary and Mike about how the two shaped their communities and the state. We are grateful for all who participated and purchased tickets.

FAF also held its first virtual auction. It was a thrilling experience with many last-minutes bids. Thank you to all the authors who donated books and their time and to everyone who bid. It was a success, and we hope to do it again.

Accountability

FAF sought records from state agencies on the cost to defend laws found to violate the First Amendment. We also asked for records showing the cost to Florida taxpayers for sending officers to the Texas border. The total figure, which is likely to grow, was nearly triple the amount originally provided to a reporter.

Intern Spotlight

FAF's legal fellow and interns contribute to our legislative work and help respond to questions to our FOI Helpline. Our summer interns, both college students, submitted public records requests to every sheriff's office across the state for FAF's review of Marsy's Law policies.

With the help of a Gannett grant we received this year, FAF hopes to expand our internship program and introduce undergraduate, graduate and law students to the importance of open government.

Want to get involved or learn more about Florida's Sunshine Laws? Let us know!
info@floridafaf.org

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