



# The Voter

The League of Women Voters  
of the Space Coast



Volume 32: No. 3

November, 2011

Mission: The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

## November & December Events



### November – Lunch and Speaker Mitch Needelman

Mr. Needelman will be speaking on duties of the Clerk of the Courts in Brevard County.

**Where:** Palm Café at Kiwi Club  
30 Tradewinds Drive  
Indian Harbour Beach, FL  
*(upstairs in banquet room)*

**When:** Wednesday, November 16, 2011

**Time:** 11:30 a.m.

**Menu:** Chicken Breast Marsala with shitake mushrooms  
or Crab Stuffed Tilapia Rolls with lemon-dill sauce  
*(Includes Caesar salad, starch, vegetables and  
dessert of fine cookies and brownies)*

**Cost:** \$20.00

**RSVP:** Doreen Archer – 321-622-4071 by Wednesday,  
November 9<sup>th</sup> at 5 p.m.

### Two Events for December

**Holiday Luncheon** on Thursday, December 1 and **Ecological Tour of Indian River** on Wednesday, December 14<sup>th</sup>

#### Holiday Luncheon

**Where:** Black Tulip Restaurant  
207 Brevard Avenue  
Cocoa, FL 32922

**When:** Thursday, December 1, 2011 at 11:30 a.m.

**Menu:** There will be a choice of 4 entrees and dessert.

**Cost:** \$20.00

**RSVP:** Doreen Archer – 321-622-4071 by Sunday, November 27<sup>th</sup> at 5 p.m.

**2<sup>nd</sup> December Event is Ecological Tour of Indian River on Wednesday, December 14<sup>th</sup> from 11:30 to 1:30. Cost is \$25.00. Boat leaves from Cocoa Beach. More details in December Voter.**

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**Underwriter this month  
Brevard County, Florida**

**Clerk of  
the Court**

**Mitch Needelman**



## President's Corner

**Barbara Whitley**

Hello Leaguers,

I begin this months column with sad news . Marilza Novaes-Card, our Children's Issues Chair is leaving us. She and her family are re-locating to South Korea. This leaves a hole in our hearts as she has become a warm and welcoming person on the Board. I will personally miss her smile which is so responsive to everyone and her attentive look as she listens to everyone's point of view. I have been so appreciative of all her hard work. She has been a vital and active member of the Board. She has started some very important work with the Superintendent of Schools and his staff . It is important that we complete her plans.

To move on but not very far, we need members who would like to be more active or who could give the League some time. We do need Committee members and also some help with planning future events. I know that many of you volunteer for many other things and have busy lives. The League does have some very small jobs that would only take a small amount of time and we could really use a little help.

I also wanted to take this time to let you know that we are planning a full fall and spring calendar of events that even includes a boat ride on the Indian River. Those of us who are interested in our Natural Resources want to know about what "changes" are happening to the water and pollution controls of the river.. We have been discussing what they have done to the river so we are going to take a ride and let an environmentalist tell us. Let Susan Little know if you are interested in this type of adventure.

The League is working to keep up with all the changes that are happening in our local world. Remember only a small change can make a lifetime of difference to someone. A change in funding, in quality of education or a change in laws may not effect all but then will effect the next generation.. The League is working to investigate issues, facilitate community dialogues, lobby and communicate with elected officials. We have the opportunity to decide whether to let things slide by us or do something greater and get involved.

See you at League.

Barb



## New Members

**Barbara & Anthony Dutton**

Addresses, phone numbers and e-mail addresses of new members will be sent to you by e-mail.

## Voter Service



**Ayn Marie Samuelson – Chair**

### How to Make a Public Records Request in the County

Citizens may request public information from our government under Chapter 119, Florida Statutes, Public Records Law, that governs access to public records. Brevard County crafted Administrative Order AO-47 that provides for public records management, guidelines and procedures for all county administrative personnel, department directors and staff to assure compliance and uniformity with regard to the handling of such requests and copies of those public records not exempted by state law.

Their authority is set forth as such as:

- Chapter 119, Florida Statutes – The Public Records Act
- Section 257.36, Florida Statutes – Records and Information Management
- Rule 1B-24, Florida Administrative Code – Public Records Scheduling and Disposition
- Rule 1B-26, Florida Administrative code – Records Management Standards
- Board Policy BCC-22

Section 119.011(1), Florida Statutes, defines public records as: “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing, software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the county.” Public records also include all paper and/or electronic documents maintained by county employees or county officials, including any archived documents stored in private or public facilities.

Under Florida law, citizens are not required to place a public records request in writing. If you choose to do so, you can make your public records request by completing the form found on the Brevard County website at

<http://web.brevardcounty.us/PublicRecordsRequest/>.

You may also access the county website at [www.brevardcounty.us](http://www.brevardcounty.us), go to “Information/Services” at the left column on the home page, and click on “Public Records Request.” You will find the Public Records Request Form to fill out and submit to the County Manager's office. For the County to successfully respond to your request, staff will need to have either an email address or phone number, as well as a description of the specific records you are requesting.

*(Voter Service article continued on Page 5)*



## International Relations

### Mary Nicolay - Chair

The November International Relations Committee will meet on **Tuesday, November 15<sup>th</sup> from 1 p.m. to 3 p.m.** at the Satellite Beach Library. Our topic is **Can the Euro Survive?** It is suggested that members be reading up on INTERNATIONAL FINANCIAL ISSUES, especially the European Economic Union and the state of the Euro for the Ruth Almeida led meeting.

The date of our December meeting has been changed to **Friday, December 2.** We will meet at 10 a.m. at the FIT textile museum. Ruth Fink, creator of the Museum is going to join our group and give us some background along with docent, Trish Wimmer, former League member. There will be more details on this event at our November meeting.

Martha Bradshaw and her guest gave us a very interesting report on the Horn of Africa, one of the 2011 Great Decisions topics earlier in the year. An update on that part of the world follows in **Martha's report.**

The Committee's May 10 discussion topic was the Horn of Africa. We were fortunate in having as guest Ms. Solange Fontana who has worked with a NGO in Ethiopia and is currently with Oxfam UK based in Kenya with part of Sudan in her area of responsibility, food security.

The Horn countries (Djibouti, Eritrea, Ethiopia, Somalia and Sudan) are filled with poverty, internal displacement and death caused by drought, famine, and warfare both internal and external. Djibouti, Ethiopia and Sudan are ranked low on the UN Human Development Index; data on Eritrea and Somalia is unobtainable. Freedom House regards only Djibouti and Ethiopia as "partly free," the others as "not free." Eritrea has been called "Africa's North Korea," and Somalia is an archetype of the failed state.

Somalia's collapse began with the overthrow of dictator Siad Barre in 1991. Since then, fighting between tribal warlords, Islamists, invading Ethiopians and others has prevented various transitional governments from bringing the country under control. In the north, two regions, Puntland and Somaliland, have some autonomous control and stability, although many of the Somali pirates originate in Puntland. Successive UN humanitarian operations to provide relief to areas stricken by famine began in 1992 but ended in 1995; the US "Blackhawk Down" incident was related to the second. An African Union mission now attempts to bring security until a permanent government can be formed and put in place.

Al-Qaeda encouraged Islamists in a proxy war against the transitional government beginning in 2006,

and the central and southern parts of the country are now controlled by the Islamist group al-Shabaab (The Youth). Lack of security caused most international aid organizations to pull out, although some recently returned when al-Shabaab withdrew at least temporarily from the capital Mogadishu. Somalia came again to the world's attention this summer when the worst famine in decades caused tens of thousands of people to seek refuge in Kenya and Ethiopia. Al-Shabaab's continuing ability to operate in the capital was evident when a truck bomb killed 70 persons on October 4.

Although most of us were aware of the long conflict in the Darfur region of Sudan, few realized that fighting had also gone on for decades in the southern part of the country. Some conflict is between farmers and nomadic herders over access to land and water, but since Britain handed over the southern part of the country to the Khartoum government in 1955, with the exception of about ten years, various groups in the south have fought for self-determination. It is estimated that two million people, mostly civilians, died from direct fighting, drought and starvation in the civil war which ended with the signing of a Comprehensive Peace Agreement in 2005. In January 2011, people of the south voted for independence, which came about on July 9. The new country of South Sudan, the UN's 193 member, faces many problems including underdevelopment, lack of funding, and sufficient competent people to govern; some analysts foresee it also becoming a failed state. The south produces about 75% of Sudan's oil, but relies on pipelines, refineries and a port in the north to sell it, for which the north is attempting to charge a steep fee. Contested parts of southern Sudan were not included in the independence vote, and in recent months northern army troops and armed opposition groups have been fighting in the regions of Abyei, Blue Nile and South Kordofan.

The International Criminal Court has indicted Sudanese President Omar al-Bashir because of the Darfur genocide; the Bush administration put trade sanctions in place in 2007. The north would like to have sanctions removed and obtain relief from its huge external debt so that concessional loans could be obtained, but until its repressive policies are discontinued, that is unlikely to occur.

### Diversity Mission Statement

The League of Women Voters of the Space Coast will promote in all aspects of the League's activities, a philosophy of inclusion that reflects the diverse composition and issues of the community.



### OPPORTUNITY TO RAISE MONEY

The Supervisor of Elections is making available to the League (and other service non profit organizations) an opportunity to raise money for our local League. Any member, who would like to work during the upcoming elections, including the early voting days, will have the monies earned by the member paid to our 501C3 account in their name.

There are 3 election periods in 2012; late January, early August and November. Early voting will take place in the 5 Supervisor's offices and 3 county libraries. Days available will be from Saturday through the following Saturday immediately prior to the elections. The hours that the polls will be open will depend upon the locations and are limited to the guidelines set by Congress. The pay is approximately \$10.00 an hour.

Money earned by League members will go into our education fund and you will be notified of the amount, which will be a tax deductible donation for you. More details will be printed in future VOTERS.

If this is something that you might be interested in doing, please call **Ayn Samuelson at 773-8167** or **Barbara Jagrowski at 259-5942**.



### Children's Committee

#### Marilza Novaes Card - Chair

In an effort to organize ourselves for our Timely Topics presentation next February, members of this committee met with the Public School Superintendent, Dr. Binggeli, and Ms. Vicki Mace, the Director of School Choice. We discussed how the most recent bills on charter schools and vouchers, signed by Governor Rick Scott, affects education in Brevard County. We appreciated their willingness to speak with us and would like to share what we learned with our League members. I will address charter schools in this edition of the Voter and vouchers next month due to space limitation.

Brevard County has 8 charter schools. It used to have 9 but one closed for financial reasons. 2,612 students attend charter schools and several new applications have been received for additional charter schools. Dr. Binggeli pointed out that sometimes it takes several applications before a charter school is approved. It is expected to be fully prepared to fulfill its mission.

According to the recently signed SB 1546 bill, charter schools that receive two "A" grades and no grades below a "B" for the last three years and that have no financial emergency for the last fiscal year, qualify as high-performing schools. Charter schools classified as high-performing schools can replicate at the rate of one school per year. In Brevard County, three out of the 8

charter schools are high-performing schools. They are: Sculptor (Titusville), Odyssey (Palm Bay) and Royal Palm (Palm Bay).

Bill SB 1546 also describes "high performing systems" as "entities that operate at least 3 high-performing charter schools in the state; operate a system of charter schools of which at least 50 percent are high-performing; and not operate a charter school that has received a financial audit indicating a state of financial emergency".

These high performing systems can replicate at a rate of one charter school per year. At the moment, one charter school from a different county in Florida has applied for a replication in Brevard County. A challenge for the management companies is that they are required to have two board member meetings per year at the districts where their charter schools are located. We could face situations where out of state members of boards may be running charter schools in our district. One alternative to deal with this problem is for the charter school governing board to appoint a parental contact representative residing in the school's district. Dr. Binggeli cited Charter Schools USA and Imagine as examples of for-profit management companies. The management companies are publicly funded while privately operated. In other words, some of the tax dollars that would be going to public schools are going to these companies instead.

Dr. Binggeli and Ms. Mace explained that Brevard Public schools offer many choices. Some of them are the Academy of Law and Justice at Palm Bay H. S., Academy of Digital Arts and Media at Viera H.S., Merritt Island's da Vinci Academy of Aerospace Technology, Magnet schools, International Baccalaureate Program and the Virtual School. Dr. Binggeli reminded us that 99% of Brevard County public schools are "A" and "B" schools and that as the chart on the next page shows traditional schools did better than charter schools in the most recent FCAT Math and Reading tests. Brevard's FCAT test scores are totaled to get its rating. The charter scores are used in the total and that brings Brevard County's total down. He also mentioned the results from the Stanford University report on Charter Schools. It showed that 17% of charter schools outperformed traditional public schools, 37% had lower academic achievement and 46% had the same results. You might remember that I had discussed these results in our April 2011 Voter.

Results from the FCAT show that in Brevard County, students from public schools on average perform better than students in charter schools. The question to our legislators is "should resources be taken away from the Brevard public schools that are doing well and given to charter schools that are not performing as well?" (continued on Page 5)





(Continued from Page 5)

Presently, the **County Court** has jurisdiction to try criminal cases classified as misdemeanors, civil actions where the amount in controversy is less than \$15,000, small claims cases, landlord and tenant disputes, speeding, DUI, and other miscellaneous actions.

**The Circuit Court** is the state trial court of general jurisdiction. It has jurisdiction to try criminal cases which are classified as felonies, including capital cases; civil actions where the amount in controversy is \$15,000 or greater and cases which do not traditionally involve juries such as probate of estates, mortgage foreclosures, juvenile cases, injunctions, dissolution of marriage actions and adoptions.

Brevard and Seminole Counties make up the 18<sup>th</sup> Judicial Circuit Court in Florida. There are 20 circuits in Florida.

Judge Davidson was a County Court Judge in Brevard County from 1994 to 1998 and has been a Circuit Court Judge, Eighteenth Judicial Circuit - Brevard/Seminole Counties, 1998 to the present. During those years her division assignments have been Dependency, Criminal, Civil and Family, and since July 1<sup>st</sup> of this year she is serving as a Juvenile Delinquency Judge.

Judge Davidson's presentation educated us on courtroom procedures and the juvenile justice system. As of September 20, 2011 there were 750 delinquency cases pending in Brevard County. The mission of the Delinquency Court has 5 goals: protecting society, safeguarding the youth and families that come to the court's attention, holding youths accountable, imposing consequences, and rehabilitating juveniles. Eight percent of juveniles in delinquency court are responsible for the majority of court repeat business. These crimes include domestic violence, robbery, rape, disruption of an educational institution, battery, break-ins, theft and possession of illegal drugs.

What is the profile of this 8%?

- 15 years or younger for 1<sup>st</sup> referral to delinquency court.
- Chaotic families that lack structure, support, and supervision
- Failing in school
- Drug and alcohol abuse issues
- Running away and/or stealing

When a juvenile is arrested, DJJ (Department of Juvenile Justice) is called for a risk assessment. The child will be released to parents, taken to the Detention Center or placed on home detention. In both cases of detention, the juvenile must be seen by a judge within 24 hours and the judge decides: probable cause, detention, and appoints an attorney. If the juvenile remains in secure detention, the trial must be within 21 days. If the child is in detention he is assessed for educational skill

level and attends week day classes taught by Brevard County school teachers. Juveniles also receive mental health counseling, drug counseling and medical services. Visitation is limited to only parents, guardians and grandparents during limited hours on Saturday and Sundays. The Brevard Juvenile Detention Center opened in 1990 and has 52 beds (40-male, 12-female)

Juveniles have rights. They are:

- Trial
- Notice of charge
- Attorney
- 4<sup>th</sup> amendment right - must have probable cause to search or arrest juvenile
- 5<sup>th</sup> amendment right to remain silent
- Confront and cross-examine witnesses
- Burden of proof: beyond and to the exclusion of every reasonable doubt
- Right to appeal
- Right to attorney on appeal
- Transcript of trial

The rights of a juvenile do not include bond or a jury trial. Juvenile trials are open to the public. If the juvenile is found guilty there is a disposition hearing. (sentencing). The options of the judge are: judicial warning, probation, or commitment to the Department of Juvenile Justice from 30 days to 36 months.

There is jurisdiction over parents. They must attend court hearings, restitution, community service, parenting classes and cost of care.

In some cases a juvenile may be sent to the Adult System. The state Attorney **may** request the judge to transfer a juvenile's case to adult court. The State Attorney **may** directly file a juvenile's case in adult court, if the juvenile is older than 14 and commits certain felonies set forth in statute. However, a juvenile **must** be sent to the adult system under certain circumstances outlined by statute or the crime is punishable by death or life imprisonment.

There are long term consequences for juveniles who are found guilty of serious offenses. If guilty of a felony a DNA sample is taken. For certain offenses, a juvenile over the age of 14 must register as a sex offender. Other consequences of serious offenses may include not being able to live in or visit someone who lives in public or Section 8 housing; suspension of driver's license for 6 months to 1 year for drug, alcohol or tobacco offenses; ineligibility to serve in the military; inability to become a law enforcement officer if found guilty of domestic violence; not being allowed to possess a firearm until age 24 for felony convictions; inability to obtain State of Florida college financial aid and/or federal student aid and mandatory adult prosecution based on certain prior conviction

Photos from Program with Judge Lisa Davidson



Judge Davidson & Jo Shim



Charles & Barbara Whitley



Judge Davidson & Marilyn Collins

Children's Committee Members and Dr. Binggeli, Brevard County Superintendent of Schools



Brigitte Sinton & Doreen Archer



Dr. Brian Binggeli



Marilza Novaes-Card & Connie Hogerty

Calendar for November & December 2011

~Members Welcome at All Meetings~

- Thursday, November 3, Board Meeting at 10 a.m. in Space Coast Room (2<sup>nd</sup> floor) of Building C at the Government Center located at 2725 Judge Fran Jamieson Way, Viera, FL 32940
- TBA (to be announced) Children's Committee
- Tuesday, November 15 International Relations Meeting - Satellite Beach Library 1 p.m. to 3 p.m.  
Topic is "Can the Euro Survive?" led by Ruth Almeida
- Wednesday, November 16 Timely Topics with Mitch Needelman, Brevard County Clerk of the Courts - Palm Café in Indiana Harbour Beach at 11:30
- Monday, November 21 Local government committee meeting at 2 p.m. at Sun Coffee Shoppe on New Haven in Melbourne
- Thursday, December 1 Board meeting at Black Tulip at 10:30 a.m.
- Thursday December 1 Holiday Luncheon at Black Tulip at 11:30 a.m
- Wednesday, December 14 Ecological boat ride on Indian River 11:30 a.m. to 1:30 p.m.

**Voter: Monthly publication (except June, July, August)**

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**League of Women Voters of the Space Coast**

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