

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL DIVISION

JIM GILLUM, Sheriff
of Pasco County,

Plaintiff,

vs.

CASE NO.: 91-2689-CA

TIMES PUBLISHING COMPANY,
d/b/a St. Petersburg Times,

DIVISION: G

Defendant.

PEREMPTORY WRIT OF MANDAMUS

TO: Jim Gillum
Pasco County Sheriff
8700 Citizens Drive
New Port Richey, FL 34654

THIS CAUSE came on to be heard upon the Court's issuance of an Alternative Writ of Mandamus directing Jim Gillum as Sheriff of Pasco County ("Gillum") to appear before the Court on Friday, June 28, 1991 at 12:00 p.m. and show cause why he should not be required to permit the Times Publishing Company ("the Times") to inspect and copy the records enumerated in the Times' Amended Counter-Complaint for Writ of Mandamus.

The Court having reviewed the pleadings on file, including the Times' Counter-Complaint for Writ of Mandamus (the allegations of which are incorporated herein by reference), having heard argument of counsel and being otherwise duly advised in the premises,

YOU ARE COMMANDED:

Henceforth and without delay to produce for public inspection and copying according to the terms of and pursuant to Chapter 119

of the Florida Statutes (1989), the following records:

1. The records enumerated in Paragraph 6(a) of the Times' Amended Counter-Complaint for Writ of Mandamus, to wit: All information on file pertaining to Sheriff's employees who resigned or who were fired in connection with the review of the personnel department, except that you need not disclose medical records which are exempt pursuant to §112.08(7), Fla. Stat. (1989), you may redact the information set forth in §119.07(3)(k), Fla. Stat. (1989), and you need disclose only records of polygraphs as provided below.

2. The records called for by Paragraph 6(b) and 7(c) of the Times' Amended Counter-Complaint for Writ of Mandamus to the extent such records consist of polygraph machine graph strips and examiners' test results, including the bottom portion of the machine graph denoted "Findings and Comments" or similar designation, but you may redact from these documents any examinee's actual answers to questions or summaries thereof pursuant to §119.07(3)(c), Fla. Stat. (1989).

3. The records enumerated in Paragraph 7(a) of the Times' Amended Counter-Complaint for Writ of Mandamus, to wit: Records of all telephone calls made from all Sheriff's Office telephones and extensions ever assigned to or used by Christine Puto, except that you may redact and excise from said records pursuant to §119.07(3)(k), Fla. Stat. (1989), only the telephone numbers of confidential informants and the home telephone numbers and addresses of active and former law enforcement personnel, their spouses and children.

4. The records enumerated in Paragraph 7(d) of the Times' Amended Counter-Complaint for Writ of Mandamus, as modified by letter dated June 16, 1991 from Times reporter Larry Dougherty to David L. Swanson, Legal Counsel to Sheriff Gillum, to wit: All records, other than personnel files, of arrests and/or convictions for all Pasco Sheriff's employees and former employees hired during the administration of Sheriff Gillum.

YOU ARE COMMANDED FURTHER

to produce the records enumerated in Paragraph 7(b) of the Times' Amended Counter-Complaint for Writ of Mandamus to the extent you have not already done so, except that you may redact, pursuant to §943.058(3)(b), Fla. Stat. (1989), the names of personnel who have arrest records which have been sealed or expunged. Furthermore, to the extent records called for by the request reflect information which may be exempted from disclosure pursuant to a provision of the Florida Statutes related to juvenile records, you may redact such information from the records disclosed but shall submit unredacted copies of the records to the court for in camera inspection and shall also submit through counsel a memorandum of law describing the information and stating the specific section or sections of the Florida Statutes which you contend exempt the information from disclosure. The memorandum shall be filed with the court no later than seven days from service of this Writ upon you, shall identify each subject individual by a number or letter, and shall be served on opposing counsel who may respond by filing a memorandum with the court no later than seven days after service

of your memorandum upon them.

Based upon the representations of counsel for Gillum at the hearing on the Alternative Writ that he had provided all records called for by the request enumerated in Paragraph 7(e) of the Times' Counter-Complaint, the Court finds that the controversy is MOOT as to the Times' request for "All public records requests received by the Sheriff's Office [since] April 1, 1991."

DONE AND ORDERED in Chambers at New Port Richey, Florida this 10th day of July, 1991.

/s/ W. LOWELL BRAY, JR.
W. LOWELL BRAY, JR., Circuit
Judge

Copies furnished to:

Thomas H. McGowan, Esq.
David L. Swanson, Esq.