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IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA.

CASE NO.: 92-8005 (03)

JIM LEWIS,

Petitioner,

vs.

ALAN SCHREIBER, AS THE PUBLIC
DEFENDER OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA,

Respondent.

**FINAL ORDER
GRANTING WRIT OF MANDAMUS
UNDER FLORIDA STATUTES CHAPTER 119**

THIS CAUSE came on to be heard on June 10, 1992 for Final Hearing on the Second Amended Petition For Writ Of Mandamus and Count II one of Declaratory Judgment. Respondent filed his Motion To Quash And/Or Dismiss The Alternative Writ Of Mandamus issued by this Court, along with an Answer to the Alternative Writ and a Motion To Dismiss The Declaratory Judgment Count as amended.

The Court heard all of the Motions, reviewed the Answer, the Petition, the various case law submitted by the parties at two (2) previous hearings and that submitted in support of the parties' respective arguments this date along with the Court's own research into the issue and finds as follows:

1. This Court has jurisdiction over the parties and over the controversy as brought under Chapter 119 of the Florida Statutes.

2. Respondent's Motion to Dismiss and/or Quash is hereby denied.

3. The Court specifically finds that the Florida Supreme Court Opinion of Locke vs. Hawkes, 17 FLW S151, Opinion filed February 27, 1992 does not exempt the Office of the Public Defender from Florida Statute 119, the Public Records Law. The Office of the Public Defender has both constitutional and statutory duties and functions. The statutory matters which are the requested documents before this Court in this hearing - are subject to the Public Records Law and must be provided when a member of the public asks for them.

4. That the Court finds Mandamus is the proper legal vehicle to enforce Chapter 119, Florida Statutes and, therefore, rejects Petitioner's Declaratory Judgment argument.

THEREFORE, it is hereby Ordered that a Writ of Mandamus is hereby issued to the Respondent, ALAN SCHREIBER, as the Public Defender of the Seventeenth Judicial Circuit in and for Broward County Florida, to provide to the Petitioner the following records pursuant to the authority of Chapter 119, Florida Statutes, within ten (10) days of the date of this Order and the Writ having been signed by the Court:

A. The annual salaries for each employee of the Public Defender's Office for the Seventeenth Judicial Circuit in and for Broward County, Florida, along with verification of any wage increase or decrease for each named employee. While these records shall show the name of the employee, any reference to the employee's social security number, number of tax exemptions, date of birth, home address, telephone number, name of spouse and/or children shall be exempted from disclosure.

B. The personnel files of each employee of the Public Defender's Office of the Seventeenth Judicial Circuit in and for Broward County, Florida who were employed as of March 20, 1992. However, the name of the employee's spouse and children, and the employee's social security number, date of birth, number of tax exemptions, home address and telephone number, and any reference to a past or present medical condition of an employee shall be exempt from disclosure.

C. All applications for employment and resumes of all employees/persons employed by the Public Defender's Office of the Seventeenth Judicial Circuit in and for Broward County, Florida as of April 1, 1992. However, any reference to the name of the employee's spouse and children, and the employee's social security number, date of birth, number of tax exemptions, home address and telephone number, and any reference to a past or present medical condition of an employee shall be exempt from disclosure.

D. The personnel file and application for employment including any resumes of Lurline Hemjowski Craig, however, the name of any spouse, children, her social security number, her date of birth, number of tax exemptions claimed, her home address, telephone number and any reference to a past or present medical condition shall be exempt from disclosure.

E. All travel vouchers, travel documents, and request for travel for all personnel of the Public Defender's Office of the Seventeenth Judicial Circuit in and for Broward County, Florida for the years 1990, 1991 and 1992 through April 1, 1992 with the exemption as to the names of any witnesses interviewed during a particular travel relative open cases currently within the

Seventeenth Judicial Circuit in and For Broward County, Florida. For example, if personnel traveled to California for the purpose of taking a deposition in State vs. Jones, only that information on the request for travel need to be disclosed along with the travel dates and means of transportation utilized (i.e., airline, etc.). The name of the deponent and/or witness to be interviewed need not be disclosed nor any findings of that interview and/or deponent. Again, however, this shall only apply to open cases.

F. All requests for vacation whether said requests were approved or not for all employees of the Public Defenders Office of the Seventeenth Judicial Circuit in and for Broward County, Florida for the years 1991 and 1992 through the date of April 1, 1992.

G. All sick days and personal days for all employees of the Public Defender's Office for the Seventeenth Judicial Circuit in and Broward County, Florida for the years 1991 and 1992 through the date of April 1, 1992. However, exempted from the sick days request shall be the reasons for taking said sick day. Only the number of sick days taken and personal days taken by each employee is to be disclosed.

H. All files, resumes, notes, letters, contracts for employment, bills submitted, bills paid by or from the Public Defender's Office for the Seventeenth Judicial Circuit in and for Broward County, Florida to any and all outside consultants, firms, corporations, professional associations and/or other persons utilized by the Public Defender's Office for the Seventeenth Judicial Circuit for the years 1990, 1991 and 1992 through April 1, 1992, with the exemption that the tax numbers, social security numbers, spouses, children, dates of birth, home address and

telephone number and any reference to a past or present medical condition which would be contained in said records needs not to be disclosed.

I. Concerning the Petitioner's request number 7 of C-1 attached to the Complaint, all records which show the outlay of public funds spent and/or utilized to any source in connection with the "Kaplan Project", i.e., to any consultants, individuals and/or firms, shall be disclosed along with the reasons for the payment of said funds to said individuals, consultants and/or firms. If said individuals, firms and/or consultants were not paid for their services but were utilized in compiling statistics and/or in any other way assisting the Public Defender's Office of the Seventeenth Judicial Circuit in and for Broward County, Florida, records that would indicate the names of said persons, firms and/or consultants shall be disclosed with the exemption from disclosure of the names of any spouse, children, home address, home telephone number, medical conditions past and present, tax numbers, social security numbers and date of birth.

J. The Court hereby reserves jurisdiction to have an in camera inspection of any records as set forth in this Order to make a determination as to the exemption claimed and further to award statutory costs and attorney's fees under Chapter 119, Florida Statutes.

DONE AND ORDERED, at Fort Lauderdale, Broward County, Florida this 12th day of June, 1992.


PATTY ENGLANDER HENNING
Circuit Court Judge

Copies Furnished:

B. J. Cummins, Esq., Attorney for Petitioner
Diane Cuddihy, Esq., Attorney for Respondent