

98 cases

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN AND
FOR LEON COUNTY, FLORIDA

RICKY BERNARD ROBERTS

Plaintiff,

v.

CASE NO. 96-603

HARRY K. SINGLETARY, JR.,
as Secretary of the Department
of Corrections, State of Florida,

Defendant.

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FINAL ORDER

Bureau of Legal Services

THIS CAUSE came on to be heard on Plaintiff's Amended Motion for Summary Judgment. Hearings were held on May 7, 1997 and June 20, 1997. Based on the arguments of counsel, the pleadings filed by all parties concerning this motion, and the entire record in this action, it is ORDERED AND ADJUDGED as follows:

1. Certain issues raised in Plaintiff's Amended Motion for Summary Judgment have been denied in a prior order of this Court.
2. All remaining issues raised in Plaintiff's Amended Motion for Summary Judgment, and not previously resolved by order of this Court, are hereby denied.
3. Specifically, this Court rules that medical records of inmate Jerry White which were prepared after his death are confidential medical records and not subject to disclosure pursuant

to Florida Statutes, section 945.10(1)(a). The fact that inmate White had signed a release of medical records prior to his death does not waive this exemption from disclosure. The release did not specifically state that it would apply after Mr. White's death and therefore was extinguished by his death.

4. In addition, the Department of Corrections Execution Procedures Manual and execution checklist (collectively the "Manual") are exempt from disclosure pursuant to Florida Statutes, Section 945.10(1)(e).

5. This Court has reviewed the Manual and finds that the information contained therein, which was redacted or deleted by the Department of Corrections, is highly sensitive security information and not subject to disclosure. Release of such information would jeopardize the lives and safety of employees of the Department of Corrections, other inmates and the general public. Moreover, release of such information would compromise the Department of Corrections' ability to carry out an execution safely.

6. Furthermore, this Court finds that Plaintiff has not succeeded on any of its issues raised in its Complaint, and the Department of Corrections has complied with Chapter 119, Florida Statutes.

DONE AND ORDERED at Tallahassee, Leon County, Florida, 1997.

28th day of July, 1997.


F.E. STEINMEYER,
Circuit Court Judge

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