

**Palmetto City Council
October 15, 2001 7:00 PM**

Elected Officials Present:

**Pat Whitesel, Mayor
Shirley Bryant, Vice-Mayor
Tamara Cornwell, Council Member
Donna Keefer, Council Member
Mary Lancaster, Council Member
Brian Williams, Council Member**

Staff and others present:

**Alan Prather, City Attorney
Karen A. Conlon, City Clerk
Chief Kenny Bright Palmetto Police Department
Mike Hickey Public Works Department
Margaret Tusing, Planning & Zoning Director
Diane Ponder, Administrative Assistant**

Chief Bright gave the invocation followed by the pledge of allegiance to the United States flag.

Kyle Tusing was recognized for representing Palmetto Elks Lodge #2449 at the State Soccer Shoot.

Kathryn Kermode spoke to Council regarding an upcoming book she has written about the history of Sneads Island.

1. BANKING PROPOSALS

Proposals for the city's banking services were made by Republic Bank, South Trust Bank and Bank of America. Council Members will consider the proposals and award the bid at the October 29, 2001 Council Meeting.

2. 2ND READING & PUBLIC HEARING ORDINANCE NO. 01-715

Ordinance No. 01-715 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY CODE OF ORDINANCES TO REPEAL THE EXISTING CABLE TELEVISION ORDINANCE OF PALMETTO AND ADOPTION OF A NEW CABLE TELEVISION ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO

TIME WARNER ENTERTAINMENT - ADVANCE/NEWHOUSE PARTNERSHIP d/b/a TIME WARNER COMMUNICATIONS TO OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY; SETTING FORTH CONDITIONS AND CONTAINING CERTAIN LIMITATIONS; PRESCRIBING CERTAIN PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Whitesel opened the public hearing. Attorney Porges, representing Time Warner, advised Council the proposed ordinance had been changed to reflect a fictitious name change by Time Warner Communications to Time Warner Cable, further stating all other aspects of the ordinance are identical to the original ordinance. After no further public comment, Mayor Whitesel closed the public hearing.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 01-715.

3. 2ND READING & PUBLIC HEARING ORDINANCE NO. 01-716

Ordinance No. 01-716 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM CG (GENERAL COMMERCIAL) TO RS4 (SINGLE FAMILY RESIDENTIAL; 5,000 SQ. FT. LOT); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0101/DAVID P. LEWIS, 16TH STREET WEST)

Mayor Whitesel opened the public hearing. Attorney Kimberly Rosa, representing Mr. Lewis, addressed Council concerning the zoning request. Planning/Zoning Administrator Margaret Tusing advised Council the legal description has been corrected to read Lots 11, 12, 13, 14, 15, 16 and 17. After no further comment, Mayor Whitesel closed the public hearing.

MOTION: Mrs. Keefer moved, Ms. Bryant seconded and motion carried unanimously to adopt Ordinance No. 01-716, contingent upon the change in Section 1, lots 10 through 17 to be lots 11, 12, 13, 14, 15, 16, 17.

4. 1ST READING ORDINANCE & APPROVE FOR ADVERSTING - NO. 01-717

Ordinance No. 01-717 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA RELATING TO VESSEL CONTROL AND WATER SAFETY, PROVIDING FOR DEFINITIONS,

AREAS OF ENFORCEMENT, MEANS OF ENFORCEMENT, CAREFUL AND PRUDENT OPERATIONS, AND SPEED CRITERIA; PROVIDING FOR REGULATIONS IN AREAS OF REGULATED WATER ACTIVITY; PROVIDING FOR EXEMPTIONS, PENALTIES, PROCEDURES, SEVERABILITY AND EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to approve Ordinance No. 01-717 for advertising and schedule a public hearing November 5, 2001.

5. CANVASSING BOARD MEMBER

MOTION: Mrs. Keefer moved, Mrs. Lancaster seconded and motion carried unanimously to appoint Vice-Mayor Bryant to the Canvassing Board.

6. JOB DESCRIPTION – ADMINISTRATIVE ASSISTANT

Topic was placed on the October 29, 2001 agenda.

7. CONSENT AGENDA

- A) **Minutes:** September 24, 2001 – Minimum Standards Workshop
October 1, 2001 – City Council

- B) **Special Function Permit:** Revival Under Tent
Manatee County Schools Family Fishing Day
Alvarez Restaurant 25th Anniversary Party

City Clerk Conlon was instructed to meet with Mrs. Alvarez regarding parking and placement of speakers so the function would not interfere with adjacent businesses.

The September 24, 2001 minutes were corrected to reflect a typographical error and to reflect “Mr. Williams suggested citizens be advised not to put tree debris in the city streets.”

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to approve the Consent Agent with the stipulation Mrs. Conlon speak with Mrs. Alvarez concerning placement of speakers and parking.

8. DEPARTMENT HEAD REPORT

Chief Bright had no report.

Mrs. Conlon

Mrs. Conlon discussed the Longevity Plan. The topic was placed on the October 29, 2001 agenda.

During the first meeting with FEMA, the city was advised it is prohibited from helping residents with tree debris removal by going onto private property. If the city does so, it may not be eligible to receive any reimbursement funds. Mrs. Conlon distributed material on low interest rate loans available to residents of the city for property loss during Tropical Storm Gabrielle. Discussion ensued on how residents with large trees down can receive help. Attorney Prather cautioned against using public funds for assistance that did not affect the public's safety, health and welfare.

MOTION: Ms. Cornwell moved, Mrs. Keefer seconded and motion carried unanimously to waive the city's debris fee for one month from this date, to be extended from this time on a need basis, for the designated debris removal of trees on private property from curbside only, with city public workers not allowed to go onto private property to pick up debris.

Mr. Hickey

Jeff Siewert, Jones Edmunds & Associates, briefly updated Council Members on the Carr Drain and Oakridge projects, discussing the reductions in construction costs. Carr Drain will be funded from SWFWMD this year and Oakridge will also begin this year. Both of the projects will be advertised within the month. The 17th Street project was discussed. Mr. Siewert stated CRA Director Lukowiak has been given a proposal on Jackson Park. Mr. Siewert will give an update on the entire program to Council Members at the October 29, 2001 City Council Meeting.

Attorney Prather had no report.

Mr. Williams entered the meeting at 8:10 p.m.

9. MAYOR'S REPORT

Tampa Bay Partnership is seeking projects that will be ready for construction by July 1, 2002. Mayor Whitesel discussed Council's past suggestion of putting a four-way signal at the intersection of US 41 and 7th Street, whereby FDOT would provide the signalization equipment excluding the map.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to contact Tampa Bay Partnership to be able to issue funding for a four-way light at 7th Street and US 41.

Asked Council Members to bring their calendars to set a meeting with other elected officials. Mrs. Keefer inquired about the Impact Fee Resolution. Mrs. Conlon will determine where staff is on this topic. Ms. Bryant commented in her

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disappointment on the recent joint elected officials meeting and whether or not the city should continue to participate. Discussion ensued on the charter government topic. Ms. Cornwell spoke on the immediate need to hire an attorney to represent the area cities in the fight against this type of government. Mayor Whitesel stated Florida League of Cities representative Ken Small is available in November to make a presentation. A date of November 19, 2001 was suggested for the joint meeting with other elected officials.

A copy of the Mayor's presentation on the city's areas of need has been distributed to Council Members.

Mayor Whitesel discussed actions taken to control traffic at Palmetto Elementary and Lincoln Middle School and the need for Council's direction to make the signalization official.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried unanimously to take action as suggested by Mayor Whitesel.

10. INDIVIDUAL COMMENTS

Ms. Cornwell

Suggested the city should contact schools, beginning at an early age, to educate students about the responsibility of pedestrians. Corp. Tyler discussed the programs the police department is currently sponsoring at the local schools, as well as a pizza/safety party at Palmetto Trace. Mrs. Keefer discussed the nursery at Palmetto Trace that will provide before and after school care.

Mrs. Keefer

Commented on the complaints she has received on the proposed sign ordinance.

Asked for the insurance report on the police department vehicle damaged in April.

Mrs. Lancaster

Asked for the report on the recent police department vehicle accident. Chief Bright stated he had not yet received it from the Sheriff's Department, but will forward it when received.

Mr. Williams

Inquired why Council Members was just now receiving information on Pacific Tomato Growers. Mr. Prather explained the circumstances of the memo, stating no item is pending before the city. Mr. Williams stated Council Members should also be copied in a timely manner.

Ms. Bryant

Deferred her comments until the next meeting.

11. CITIZEN COMMENTS

Shari Rader of the Palmetto Police Department stated co-workers relinquished their time to speak to her and requested the timer be turned off. A notebook was distributed to each Council Member. Ms. Rader stated the first piece of material was a memo from Maria Martinez, another police department employee, requesting that Ms. Rader be allowed to speak to Council on her behalf.

Attorney Prather inquired if Ms. Martinez was undergoing a disciplinary action, to which Ms. Rader replied no. Mr. Prather asked if Ms. Martinez had initiated a grievance or process with the city and if she was aware of the process. Ms. Rader stated she was in the process. Attorney Prather discussed the process set forth in the city's Personnel Policy that should be followed. Chief Bright stated he had met with Ms. Martinez today, she was in the middle of the procedure and her next move is to speak with the Mayor. Chief Bright stated the presentation was improper. Mayor Whitesel stated she had scheduled a meeting with Ms. Martinez for Tuesday afternoon. Mr. Prather expressed his opinion the administrative remedy has not been accomplished by Ms. Martinez in her grievance and it was premature to be coming to City Council.

Ms. Bryant discussed the By-Pass Policy, and the fact Ms. Martinez felt she had not had an appropriate meeting with Chief. Bright. Ms. Bryant stated she had received a memo from Ms. Martinez requesting a meeting with her rather than the Mayor because of a conflict. Mr. Williams stated the employee should be able to choose who to meet with based on Ms. Martinez' belief there was a conflict with meeting with the Mayor.

Ms. Rader stated there were other issues to come before the Council besides the issue from Ms. Martinez.

Attorney Prather discussed Section 5.09 of the Personnel Policy as it pertains to the procedure established for a grievance. He further stated Council is not in the appeal chain. The By-Pass Policy in Section 5.10 was discussed.

Ms. Bryant stated the distributed handbooks are now public record and questioned whether the city was going to solve the problem or let it fester.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to allow Shari Rader to have as much time as she needs to explain the issues.

Shari Rader explained she would read memos as they were distributed to Council Members. Each memo is a section in the handbook with the back-up documentation filed under the appropriate section number. A copy of the

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handbook, including memos, is attached as Exhibit A and is made a part of these minutes.

Mr. Williams asked Ms. Belzer and Ms. Giddens, who were mentioned in the presentation, if they concurred with the statement of Ms. Rader. Both individuals indicated their agreement.

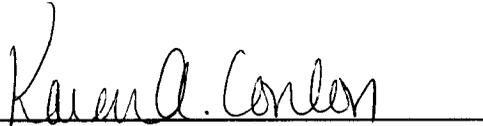
Discussion ensued on the public records request, personnel files being kept by individuals rather than being part of the permanent file, and case files not being finalized.

Carrie Belzer, Debra Hopft and Evelyn Murray spoke about the allegations brought forth by Ms. Rader. Lt. Hannaford spoke concerning the fact there is no retaliation at the Palmetto Police Department.

Chief Bright was asked to respond to Council Members in writing by October 22, 2001 concerning the topics brought forward by Ms. Rader.

Meeting adjourned at 11:15 p.m.

Minutes approved: November 5, 2001



**Karen A. Conlon
City Clerk**

**PALMETTO POLICE DEPARTMENT
MEMORANDUM**

TO: Dispatcher Maria Martinez

FROM: Chief Kenny Bright

DATE: October 12, 2001

SUBJ: Your request to meet with me and by-pass request

I would like to respond to your memo dated October 10, 2001 requesting to meet with Vice Mayor Shirley Bryant quoting the Palmetto Personnel Policies handbook By-Pass Policy. I called your home at 5:50 PM Thursday and left a message for you to call me on my cell phone. I also called your home at 7:50PM and left another message for you to call me on my cell phone. I still have not received your return call. On Monday October 8, 2001 my Administrative assistant Kathy gave me a letter that you sent to your file requesting that a meeting be arranged with me to discuss a meeting you had with Lt Hannaford on October 2, 2001. This letter was addressed to Sgt. Stinson, Lt. Hannaford, Capt. Lowe and copied (cc:) to Mayor Whitesel and City Council Members, Sharon Jones, Karen Conlon and File. You sent a copy to everyone except the person you wanted to meet with. You were scheduled to work Wednesday October 10, and Thursday October 11, 2001 from 6:00AM to 6:00PM both days. I attempted to meet with you on Wednesday, but you went home because of a sick child at 10:00AM. I again attempted to meet with you on Thursday, but you had left once again with a sick child. You have not returned any of my calls concerning this issue and I once again called your home at 11:20AM on Friday October 12, 2001, again with no response.

I will meet with you at 2:00PM Monday October 15, 2001 at the beginning of your shift in my office. At that time you may discuss with me your concerns with Lt. Hannaford's meeting of October 2, 2001.


Kenny Bright
Chief of Police

Cc: Mayor Whitesel
Counsel
File

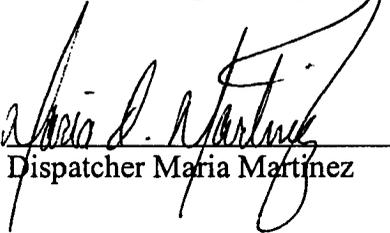
TO: Mayor Pat Whitesel
City of Palmetto Council Members

FROM: Dispatcher Maria Martinez

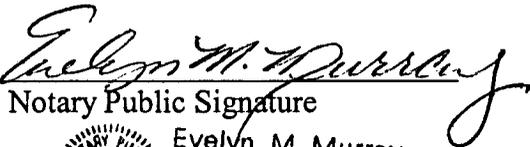
DATE: October 15, 2001

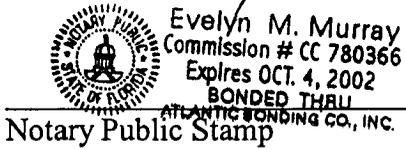
RE: Presentation of my Complaints

I respectfully request that Sheri Rader present my complaints and issues surrounding them, and to speak on my behalf at the City Council Meeting tonight. I started my 2:00 p.m. to 2:00 a.m. shift today. I feel that I could create an officer safety issue if I were to address the Mayor and Council Members regarding my problems, then return to my shift upset and try to responsibly perform my duties in Dispatch. I request the complaint be addressed tonight in my absence by Sheri Rader.


Dispatcher Maria Martinez

Sworn to and subscribed before me on this 15th day of October, 2001.


Notary Public Signature


Notary Public Stamp

To: Mayor Whitesel
City of Palmetto Council Members

From: Dispatcher Maria Martinez

Date: October 15, 2001

Re: Memo from Chief Bright dated Oct. 12, 2001

I wish to dispute the comment by Chief Bright that states, "I attempted to meet with you on Wednesday, but you went home because of a sick child at 10:00AM. I again attempted to meet with you on Thursday, but you had left once again with a sick child. You have not returned any of my calls concerning this issue and I once again called your home at 11:20AM on Friday, October 12, 2001, again with no response."

I was **not** absent all day of Wednesday. On Wednesday, I only took my son to the doctor, but I was present at work from 6:00AM until 10:30AM. After attending the doctors appoint I returned to my work station from 2:00PM until 6:00PM. On Thursday, I was at work until 2:00PM, I then went home because of a sick child.

I saw the Chief both days and he made no attempt to talk to me.

cc: Chief Bright
Karen Conlon
Sharon Jones

ORDER OF ISSUES TO ADDRESS

- I. DISPATCHER MARIA MARTINEZ - RESPONSE TO LT. HANNAFORD'S MEMO REGARDING SHIFT CHANGE**
- II. VIOLATION OF PUBLIC RECORD LAW & MAINTAINING SEPERATE FILES ON EMPLOYEES (CITY HALL, KATHY BROOKS, AND SUPERVISOR)**
- III. VANDALISM TO VEHICLE**
- IV. CHIEF BRIGHT'S PHONE CALLS TO DISPATCHER MARIA MARTINEZ'S HOME REGARDING SCHEDULING OF MEETING**
- V. CHIEF BRIGHT'S STATEMENTS AT PREVIOUS COUNCIL MEETINGS**
- VI. CREATED POSITIONS - ASST. PROP. EVIDENCE CUSTODIAN - MAINTENANCE MAN-**
- VII. CPL. WAITERS/ SGT. STINSON (RE: CPL. WAITERS WAS REFUSED THE OPPORTUNITY TO TAKE CASES WITH HIM TO CLOSE OUT, SGT. STINSON WAS AFFORDED THIS OPPORTUNITY, BUT MANY OF SGT. STINSON'S CASES WERE CLOSING BY SGT. DIAZ.)**
- VIII. THREE RECORD CLERKS**
- IX. P.P.D. TRUSTEES FRUSTRATIONS**

TO: Mayor Whitesel
City of Palmetto Council Members

FROM: Dispatcher Maria Martinez

DATE: October 14, 2001

RE: Right to Maintain Seniority

On September 25, 2001, Dispatcher Torres turned in her resignation to be effective on October 9, 2001 (reference resignation letter).

The morning of October 2, 2001, I was told by Sergeant Stinson that Administration needed a letter from the Manatee Technical Institute's Criminal Justice Academy (I was training to become a police officer) stating my status as a cadet (reference withdrawal form). I was on this date and currently am under treatment for a medical problem. Due to my medical condition I was not able to attend the required amount of days to successfully complete the program, and ultimately was dropped from the program. He also informed me that he needed a note from my doctor regarding my condition and the doctors recommended treatment (reference fax cover sheet and medical restriction from doctor).

On the afternoon of October 2, 2001, I was informed that I needed to meet with Lt. Hannaford in his office as soon as possible. He initiated the conversation by stating, "Your going to be mad at me, well...us". He continued by saying, " I don't know if you are aware of it or not but we are going to hire Laura (Flores) back full time". There are a lot of changes going on around here, he stated. He informed me that because Laura has more experience in law enforcement as a victim advocate, as a CTO (Certified Training Officer), and more seniority, that she would be working days (my shift) and I would have to choose the 2 p.m.-2 a.m. shift or the 6 p.m.- 6 a.m. shift (reference memo from Lt. Hannaford dated Oct. 3, 2001). He continued by stating that Administration had determined that both CTO's should be working the day shifts.

I reminded Lt. Hannaford that I had seniority over Laura. He stated that Laura had remained an active employee (as part-time) and therefore she retained her seniority. (Please reference City of Palmetto Personnel Policies, page 30 (M) regarding policy on seniority). He stated that I was not being demoted or reprimanded by the decision to move me to another shift. As an example he stated that Sgt. Taylor was being moved back to nights. I told him that was not the same situation. Sgt. Taylor would still retain his seniority when he returned to the road. His position was being eliminated, but as a Sergeant he did not lose his seniority.

I then informed Lt. Hannaford that I knew that on several occasions that he called Laura while she was a part-time employee, and tried to persuade her to come back full time. Laura and I talk on the phone quite frequently and she informed me of Lt. Hannaford's calls to her. Laura's response to Lt. Hannaford was that she would have to work days and make as much as, or more than, she makes now. After Lori Torres resigned and the budget was changed to reflect increased salaries for dispatchers, Lt. Hannaford then informed Laura that he could now get her the day shift and more money (this is what Laura stated to me). After Lori Torres resigned, Laura Flores initially told me that she informed Lt. Hannaford that she would only come back if I willing agreed to leave my day shift. Apparently her decision changed.

I would first like to address the issue of seniority. Since my employment with the Palmetto Police Department every dispatcher that has made it to the day shift has made it as others with more seniority either leave the department, or transfer to another position. When a position becomes available on the day shift, the dispatcher next in seniority has always been given the option of remaining on their current shift or the opportunity to choose the day shift. We have previously had CTO's on the night shift and the day shift. In just recent weeks our only CTO left her day shift to work the night shift with her trainee, this enabled the trainee to receive instruction and obtain experience and preparation for working the night shift.

The trainees are the lowest on the totem pole in seniority and after finishing training they go directly to the night shift. So, why then would you not train them on the night shift and afford them the experience for the position that will ultimately be their work environment? The officers that are in training are sent to different FTO's (Field Training Officer) rotating the day and night shift during their training to obtain experience on both shifts and with different trainers.

While on the subject of seniority I would like to add that a few of our officers have left employment and later returned. Two of our officers left as Corporals, but when they returned they were not given preferential treatment regarding their seniority. They went back to the night shift and to the bottom of the roster, though they definitely had much more experience and training than the new recruits above them.

Laura started full-time employment in October 1998, and left full time employment in October 2000, from October 2000 until now she has been working part-time on Friday and Saturday nights, though not every weekend. I started full-time employment in May 1998, and left full-time employment in June 1999. I returned to full time employment in April 2000 (Records on file at City Hall reflect this). Though Laura remained with the department as part-time, her recent hours worked are minimal. From the beginning of June until October of this year, Laura worked a total of only 58 hours (reference Laura's time sheets).

Next, I would like to address the statement that Laura has more experience in law enforcement as a Victim Advocate. Unless the City of Palmetto creates a new position for such a job, or the city is willing to pay her overtime, how does this benefit the City of Palmetto or Laura as a "Dispatcher"? The Manatee County Sheriff's Office has on call victim advocates and the local mental health agencies provide this service for free and their counselors are also on call. There are other local agencies such as Hope and Rape Crisis that provide their services at no cost, and their counselors are on call around the clock. If Laura is on-duty as a dispatcher how will she leave her job to do counseling, and if she is off duty is the City willing to pay her over-time to go out on a call for what another counselor will respond to at no expense to the City.

Another comment that I would like to make is regarding Debbie Giddens as a CTO (Certified Training Officer). Since Cari Belzer transferred to the records department we have not had a full-time employee that has successfully completed and has been certified as Communications Training Officer. Laura Flores is a Certified Communications Training Officer, but until recent she was only part-time. Debbie Giddens attended the FTO (Field Training Officer) program. This course teaches a certified law enforcement officer how to become a Field Training Officer (FTO). The course is designed to teach an FTO how to train, observe, instruct, and evaluate an officer while he or she is in training. For the record, I am not in any way criticizing or belittling Debbie Giddens' abilities as a dispatcher or trainer. Although, do to issues with and surrounding vicarious liability, it is the departments responsibility to send dispatchers to the correct courses to become a Certified Communications Training Officer, and to keep them up to date on current and every changing policies and procedures that pertain to their position. **(reference Certificates regarding CTO and FTO)**.

I also wish to add that Debbie Giddens went on vacation, and during that time I was in charge of training the newest dispatcher Maryjane Cloud-Coody during her absence. In addition, I have in the past requested to attend the CTO course. My request was denied because I had future plans to attend the Academy at night, and I would not be able to attend out of town classes. I am no longer attending the Academy; therefore, I would be able to attend the course as soon the opportunity arises.

Once again Administration is deviating from past policies and procedures and trying to justify and rationalize their decision. I feel that I have earned the right to work the day shift, just as all past dispatchers who started out working the night shift and finally made it to working the day shift as they acquired the seniority to do so.

I put great thought and prayer into making this difficult decision to approach the Mayor and Council Members regarding this problem, because I know in advance that I will suffer the wrath of great retaliation for doing so. I can't help but feel that this action against me is partly in retaliation of the recent decision in Ms. Murray's case. I understand that because I was not fired for being absent and Ms. Murray was, she won her job back during the grievance hearing, and I sense that Administration blames me.

I am now respectfully requesting that the Mayor and Council Members take into consideration what I have written and intervene in this unjust decision made by Chief Bright and Lt. Hannaford. To change the current policies and to extend preferential treatment to a certain employee is not by any means fair, nor does it allow equal opportunity to all involved. Even the smallest of things such as the confidential phone roster, our ID numbers, and the clips on which our mail and subpoena's are placed are arranged by seniority. As Administration continues to get away with such tactics it only succeeds in encouraging them to continue their psychological and emotional assaults on those employees who do not benefit from their preferential treatment. It is decisions by Administration such as this one that continue to lower the moral within our department and succeed in creating a hostile work environment.

Thank you in advance for your time and attention regarding this matter.

cc: Chief Bright
Karen Conlon
Sharon Jones

PALMETTO POLICE DEPARTMENT
MEMORANDUM

TO: Chief Bright
FROM: Laurie Torres
DATE: September 25, 2001
SUBJ: RESIGNATION

I am submitting my resignation from the Palmetto Police Department, effective October 9, 2001, providing a two-week notice.

I appreciate the opportunity I had to work for the City of Palmetto.

Please consider me available to fill in at Dispatch on a part-time, as needed basis.


Laurie Torres

MANATEE TECHNICAL INSTITUTE

PROGRAM CHANGE/WITHDRAWAL FORM

ed in
books
28 31

State of Entry: Manatee

Student's Name: Macias

Course/Section Number: P4301015, 803

Basic Law Enforcement

Date of Withdrawal: 9-10-01


 Next scheduled class meeting date after last day in membership

Student Number: 45331-7451

Instructor's Name: Morgan

Date of Birth: 6/18/64

Assistant Director
 Fee Status
 Book Keeping
 Counselor
 Student Records
 Financial Aid

No Show


 Same as date of entry, student was never physically present in class

Achieved personal objectives

W 41 Any adult student who left school with a certificate of completion.

W 45 Any adult student who left school with a State of Florida diploma (GFD).

W 46 Location of classes was inconvenient

W 48 HS student in adult course for credit.

W 49 Moved.

W 50 Student died.

W 51 Any student in grades 9-12 taking adult course for high school diploma who has completed the class/program.

Reason Check ONE of the numbered reasons for withdrawal from the program

- 28 Any adult student who left the postsecondary adult job preparatory program as a program completor
- 29 Withdraws from one class but remains enrolled in another class in the same program
- 30 Student was previously unemployed and left program to take a job
- 31 Student was previously employed and left program to take a better job
- 32 Transfers from current program to enter another training program

- W 33 Achieved personal objectives
- W 34 Lack of interest
- W 35 Health reasons
- W 36 Transportation problems
- W 37 Child care problems
- W 38 Family problems
- W 39 Time the class/program was scheduled was inconvenient
- W 40 Unknown reasons
- W 41 Expelled from school
- W 42 Any adult student who graduated from school with a standard diploma
- W 43 Other Known reasons

Pink "From" Instructor

Student's Signature (if Available): [Signature]
 Date: 9/10/01

Instructor's Signature: [Signature]
 Date: 9/10/01

Yellow "To" Inspector



5550 26th Street W
Suite 6



Bradenton, Florida 34207
(941) 756-6906 Fax (941) 751-0976

facsimile transmittal

.....

To: Sgt. Stiakson Fax: 723-4816

From: De Lemor Date: 10/02/01

Re: Maria Martinez Pages: 2 (INCLUDING COVER SHEET)

CC:

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL. THE TELECOPY IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE RECEIVER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, PLEASE BE ADVISED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION MAY BE STRICTLY PROHIBITED BY LAW.

IF ALL PAGES WERE NOT RECEIVED CLEARLY, PLEASE CALL US AS SOON AS POSSIBLE.



.....

LIMONS FOOT & ANKLE CARE INC

5550 26TH STREET W., SUITE 6 – BRADENTON, FLORIDA 34207

TELEPHONE (941) 756-6906

To Whom It May Concern:

Maria Gomez is under treatment for a foot/ankle disability and has been in our office today for an appointment.

- _____ Please admit to class/work.
- _____ Should not be permitted to work from _____ until _____
- _____ Must wear open toed shoes due to recent surgery.
- _____ May wear normal footgear.
- _____ Must wear jogging, aerobic, or walking shoes.
- _____ May not take part in physical education activities of any kind from _____ to _____.
- _____ Permitted to return to work on _____
- _____ normal duties _____ limited activities.

RESTRICTIONS: Maria is under my care for a foot condition. Maria needs to soak her feet three times daily x 2 wks & then will be re-evaluated

Signature

 11/2/01

Dr. Shaun Limon -- Dr. Lisa Griffith-Limon

PALMETTO POLICE DEPARTMENT
MEMORANDUM

TO: Dispatcher Maria Martinez

FROM: Lieutenant Rex Hannaford

DATE: October 3, 2001

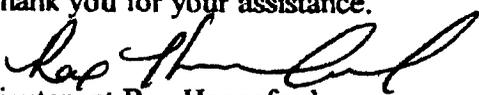
SUBJ: NEW SCHEDULE

On October 2, 2001 I spoke to you in my office in reference a change in your schedule. I advised you that the employment status of Laura Flores was changing from part-time to full time, and that she would be assigned to the day shift on Sergeant Stinson's squad.

With Flores being assigned to the day shift, you will be assigned to the overlap shift (2pm-2am). Your new schedule is a lateral move, and does not mean that you are being demoted or disciplined. I explained to you the Flores was being assigned to the day shift, because she has more experience (in and out of agency), and mainly because she is a CTO. The administration wants both the CTO's on day shift, because of their experience, training, and administrative skills.

You have always given a good effort in your job as a dispatcher, and shown a willingness to improve yourself. I know you are not happy with the changes, but hope they will not interfere with your employment at the department.

Thank you for your assistance.


Lieutenant Rex Hannaford

I have read and received a copy of this memo.

-----I agree with its contents.

I disagree with its contents and have made comments below.

Comments: *I am requesting a meeting with the Chief*

regarding this change

Signature

Date

cc: Chief Bright - Captain Lowe - Sergeant Stinson - Personnel File

**PALMETTO POLICE DEPARTMENT
MEMORANDUM**

TO: Dispatcher Maria Martinez
FROM: Lieutenant Rex Hannaford
DATE: OCTOBER 3, 2001
SUBJ: NEW SCHEDULE

On October 2, 2001 I spoke to in my office in reference to a change in your schedule. I advised you that the employment status of Laura Flores was changing from part-time to full-time, and that she would be assigned to the day shift on Sergeant Stinson's squad.

With Flores being assigned to the day shift, you will be assigned to the overlap shift (2pm-2am). Your new schedule is a lateral move, and does not mean that you are being demoted or disciplined. I explained to you that Flores was being assigned to the day shift, because she has more experience (in and out of agency), and mainly because she is a CTO. The administration wants both of the CTO's on the day shift, because of their experience, training, and administrative skills.

You have always given a good effort in your job as a dispatcher, and shown a willingness to improve yourself. I know you are not happy with the changes, but hope they will not interfere with your employment at the department.

Thank you for your assistance.


Lieutenant Rex Hannaford

I have read and received a copy of this memo.

-----I agree with its contents.

-----I disagree with it's contents and have made comments below.

Comments I am requesting a meeting with the Chief
regarding this change
Signature _____ Date _____

Cc: Chief Bright - Captain Lowe - Sergeant Stinson - Personnel File

the development, maintenance and classification and pay plan and of the pay plan for all Clerk.

structured in such a way that pay are established. The minimum is than the minimum rate of pay under the Act (FLSA).

an original appointment to a base rate of pay equal to the range for the class to which provided below.

with the approval of the Commission to City Council may be appointed to an position. The rate of pay not to exceed the pay range based upon written at both of the following

qualifications substantially minimum qualifications established for the position to which appointed; and

has experienced difficulty in filling the position at the minimum of the pay range. The employing department is the Human Resources Dept. The employee recently recruited for vacancies in the position and have demonstrated in the past equally or more suitable for the position. Appointment at the minimum

I. An employee's pay status is reviewed upon completion of probation and annually. Recommendations for salary increases will be based upon a system established by the department head.

J. Demotions - An employee who is given a demotion appointment shall not receive an increase in base pay as a result of being demoted. The rate of pay upon demotion shall be determined by the reason for the demotion and the employee's status at the time of demotion.

K. Promotions - An employee shall be eligible for a pay increase upon promotion in accordance with the following procedures:

1. An employee who is promoted may, at the discretion of the department head, receive an increase in pay equal to as much as the maximum allowable percentage merit increase established for that fiscal year.

L. Lump Sum Awards - Lump Sum Awards are designed to provide a performance based cash award to employees whose performance exceeds expectations but who are not eligible for a salary increase because of having reached the maximum of the pay grade.

1. The award is determined by the department head.
2. When the amount authorized for a lump sum award is expressed as a percentage, that percentage is to be applied to the maximum salary for the position.

M. Part-Time Employees - Part-time employees are those who work less than thirty (30) hours per week. Such employees are not eligible for paid vacation, sick leave, retirement benefits, holidays or other benefits. They may be laid off or terminated at any time without notice or use of the grievance procedure.

If a part-time employee becomes full-time, they are immediately eligible for such benefits at the time of attaining full-time status, but seniority dates only from that date. No additional probationary period is required unless the employee is also promoted or transferred to a different job.

Part-time employees shall be paid on an hourly basis for time worked.

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD
PAY DATE: JUNE 22, 2001

Employee Name: Laura F. Flores

Employee Number: 637

From: JUNE 6, 2001

To: JUNE 19, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
06/06	Wednes.							
06/07	Thursday							
06/08	Friday							
06/09	Saturday	10						
06/10	Sunday							
06/11	Monday							
06/12	Tuesday							
TOTALS		10						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval	
06/13	Wednes.								
06/14	Thursday								
06/15	Friday	4							
06/16	Saturday	4							
06/17	Sunday								
06/18	Monday								
06/19	Tuesday								
TOTALS		12							
		GRAND TOTAL w/Adjustments: 22							

**ADJUSTMENT(S) TO PREVIOUS
 PAY PERIOD(S):**

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Laura F. Flores
 Employee's Signature

I certify the employee worked as stated.

 Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: AUGUST 17, 2001

Employee Name: Laura F. Flores

Employee Number: 637

From: AUGUST 1, 2001

To: AUGUST 14, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
08/01	Wednes.							
08/02	Thursday							
08/03	Friday	6						
08/04	Saturday							
08/05	Sunday							
08/06	Monday							
08/07	Tuesday							
TOTALS		6						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval	
08/08	Wednes.								
08/09	Thursday								
08/10	Friday	6							
08/11	Saturday	6							
08/12	Sunday								
08/13	Monday								
08/14	Tuesday	6 6							
TOTALS		12							
GRAND TOTAL w/Adjustments:		18							

**ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):**

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Laura F. Flores
Employee's Signature

I certify the employee worked as stated.

Kary B...
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: SEPTEMBER 14, 2001

Employee Name: Laura Flores

Employee Number: 637

From: AUGUST 29, 2001

To: SEPTEMBER 11, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
08/29	Wednes.							
08/30	Thursday							
08/31	Friday	7						
09/01	Saturday	7						
09/02	Sunday	8 4						
09/03	Monday	H/						
09/04	Tuesday							
TOTALS		18 ^{RA}						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval	
09/05	Wednes.								
09/06	Thursday								
09/07	Friday								
09/08	Saturday								
09/09	Sunday								
09/10	Monday								
09/11	Tuesday								
TOTALS									
GRAND TOTAL w/Adjustments:		18							

ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Laura Flores
Employee's Signature

I certify the employee worked as stated.

[Signature]
Supervisor's Signature

COMMENTS: _____

Association of Public-Safety
Communications Officials - International, Inc.
APCO Institute

Communications Training Officer

In recognition of having completed the requirements of the
APCO Institute, Inc. Communications Training Officer Program, including
*Motivating and Coaching Techniques, Evaluation of Trainees and
other Public Safety Telecommunications Issues,*
APCO Institute, Inc. awards certification as a
Communications Training Officer to

Cari Belzer


Dave Bubb, Director of APCO Institute

Issued: 02/07/2001

FL-G-2746

CDE - 24 Points

NCI

National Communications Institute

certifies

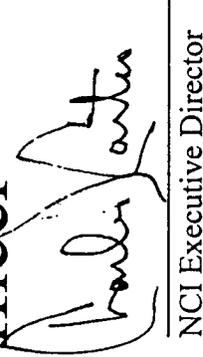
Laura F. Flores

*has successfully completed the 19-hour
NCI Basic Communications Officer (CTO) Course
and is awarded the title of*

Communications Training Officer

on this 7th day of June, 2000


NCI National Instructor


NCI Executive Director

Certification #FL060700CTO26



Manatee County Sheriff's Office
Certificate Of Training



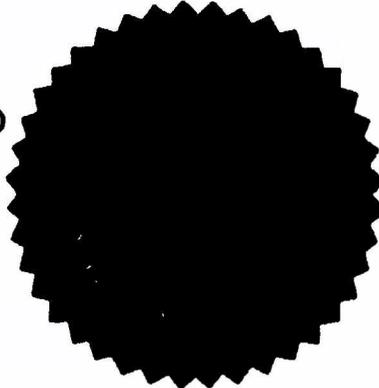
Debbie Giddens

has participated and successfully completed
Field Training Officer Course

(Forty (40) hours)

Charles B. Wells

Charles B. Wells, Sheriff



July 27-31, 1998

Date

304-64-5367

Social Security Number

By Smith

Training Representative

Certificate of Completion
SCHOOL BOARD
OF MANATEE COUNTY



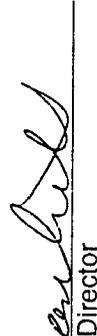
This Certifies That

DEBRA A. GIDDENS

has successfully completed the course requirements in
the FORTY hour FIELD TRAINING OFFICER, #17-98-051-04

Dated this Thirty-First day of July, 19 98


Assistant Director


Director

Ray Moran / M.C.S.O.
Instructor

CONFIDENTIAL DEPARTMENT I.D. LIST

EFFECTIVE: 9/13/01

ADMINISTRATION

- 101 Chief Kenny Bright.....
CELL PHONE.....
- 102 Capt. Garry Lowe.....
CELL PHONE.....
- 103 Lt. Rex Hannaford.....
CELL PHONE.....

SUPPORT DIVISION

- 501 Mr. Dean Carter.....
PAGER.....
- 502 Ms. Evelyn Murray.....
- 503 Mr. Paul Murray.....
PAGER.....
- 504 Ms. Sheri Rader.....
- 505 Ms. Debbie Giddens.....
- 506 Ms. Kathy Brooks.....
CELL PHONE.....
- 507 Ms. Cari Belzer.....
- 508 Mr. Bernie Eckert.....
PAGER.....
- 509 Ms. Maria Martinez.....
- 510 Ms. Laurie Torres.....
- 511 Ms. Laura Flores.....
- 512 Ms. Debra Haupt.....
PAGER.....
- 513 Ms. Sandra Burgueno.....
- 514 Ms. Maryjane Cloud-Coody.....

RESERVE DIVISION

- 601 Ms. Gale Adams...PAGER...
(R01) WORK.....
- 602 Mr. Rick Groover..(R02).....
- 603 Mr. William Moreland(R03).....
- 604 Mr. George LaGasse..(R04).....
CELL PHONE.....
- 606 Mr. Dave Crum.....
(R06) CELL PHONE.....
- 608 Mr. Rodney Florey...(R08).....
- 613 Mr. Jason Stauffer.....
(R13) CELL PHONE.....
- 614 Mr. Brinton McClellan(R14).....
- 616 Mr. Bob Lathinghouse(602).....

- PPD Fax.....
- Sergeants Cell Phone.....
- C.I.D. Cell Phone.....
- Administrative Cell Phone.....
- Jack Weeks (Photographer).....
- SunCom No.....

ENFORCEMENT BUREAU

- 201 Sgt. Steve Greer.....
PAGER.....
- 202 Sgt. Robert Taylor.....
PAGER.....
- 203 Det. Sgt. Lenard Diaz....
PAGER.....
- 204 Sgt. Mike Stinson.....
PAGER.....
- 205 Sgt. Craig Himes.....
PAGER.....
- 206 Sgt. Lee Jones.....
PAGER.....
- 207 Sgt. Chris Gillum.....
PAGER.....
-
- 301 Cpl. Scott Tyler.....
PAGER.....
CELL PHONE.....
- 302 Cpl. Kris Ahler.....
PAGER.....
- 303 Cpl. Jerome Waiters.....
THI PAGER.....
- 304 Cpl. Tom Smith.....
PAGER.....
CELL.....
-
- 306 Off. Lorenzo McNeil.....
- 307 Off. Terri Nuwer.....
PAGER.....
CELL PHONE.....
- 308 Det. Garrett Makeever....
PAGER.....
- 309 Off. Duane Kauffman.....
PAGER.....
- 310 Off. Alex Gregoire....
CELL.....
- 311 Off. Scottie Camacho.....
PAGER.....
CELL PHONE.....
- 312 Det. Ramon Alvarez.....
PAGER.....
- 313 Off. Eugene Frangioni.....
- 314 Off. Chad Carnegie.....
PAGER.....
- 315 Off. Chris Vidoli.....
- 316 Off. Mike Kelly.....
- 317 Off. David Filipiak.....
PAGER.....
- 318 Off. Gabe Eckert.....
- 319 Off. Brian Ackerman.....
PAGER.....
- 320 Off. Jason Joel.....
PAGER.....
- 321 Off. Mike Johnston.....
- 322 Off. James Kiwacz.....
- 323 Off. Chris Metzger.....

To: Mayor Whitesel and Palmetto City Council Members
From: Dispatcher Maria Martinez
Date: October 14, 2001
RE: Violation of Public Records Law

On October 8, 2001, at approximately nine o'clock in the morning, I went into the Police Department and asked Kathy Brooks for a copy of my personnel file. Kathy stated, "Yeah, I can get you a copy." I asked, "Can I get a copy of it now?" Kathy then said, "I can't give it to you now because I am doing some work for Gary (Capt. Lowe), and I am busy doing other things." I left her office. As I was walking down the hall I remembered that we had a mandatory meeting at 4:00 p.m. I returned to her office and I saw Lt. Hannaford there, they were looking at the letter that Lt. Hannaford gave to me regarding the shift change. When I walked in they both stared at me. I asked Kathy, "Since we are having a mandatory meeting at 4:00 p.m. can I get the copy by then?" Kathy said, "Maria it won't be ready today, but Sharon can give you a copy at City Hall. I can get it for you but it won't be today. I can have it ready for you tomorrow, or did you need it for the four o'clock meeting?" I told her that it doesn't have anything to do with the meeting. I asked if I could have it first thing tomorrow morning and she said, "Yeah, I will have it ready for you." At that time, Lt. Hannaford told me that he was going to give me another memo regarding the one he had gave me on Oct. 3. He stated that there were some typos that needed correcting. (Lt. Hannaford gave me a revised letter after our 4:00 p.m. mandatory meeting).

After speaking with Kathy Brooks, I went directly to City Hall from the Police Department and requested a copy of my personnel file from Sharon Jones. I told Sharon that I had to go to work at my other job, but I would be returning to the Police Department for a 4:00 p.m. mandatory meeting. I asked her if I could pick up the copy of my personnel file on my way to the meeting. Sharon said, "Yes." Just before the mandatory meeting I picked up a copy of my personnel file from City Hall.

On October 9, 2001, at approximately 10:00 a.m. I went into the Police Department to Kathy's office, and I asked if my file was ready. She said, "No, because I spoke to Sharon and she said that she was going to give you a copy of your personnel file." I told Kathy that I was going to tell Sharon that I didn't need it from her (I was afraid that Kathy would not give me a copy if she knew that I already obtained one from Sharon). Kathy got upset and she raised her voice and said, "HOLD ON." She left her office walking toward Chief Bright's office. I heard the Chief ask, "Is that Maria?" The Chief stated to Kathy, "We're going to go ahead and give it to her. We'll get it to her." He walked up the hall and he glared at me and said, "We'll get it to you Maria when it is ready." The Chief then stated, "I will get with you about that meeting that you requested with me, but it won't be today. I will let you know." I said, "Ok," and left Kathy's office. (Dean Carter was present)

I then left the Police Dept. and went to City Hall and told Sharon Jones what had just happened in Kathy's office.

I went to Votec to pick up some documentation. I was on my way back to Palmetto at approximately 3 p.m., I called Kathy on my cell phone and asked if my papers were ready yet. She said, "Yes, but why do you need two copies?" I said, "Because I do." She asked, "But why do you need them?" I said, "Because I need it." She replied, "I don't understand why you need two copies." I said, "I just do." Kathy responded, "Your not going to tell me are you?" My answer to her was, "I have been legally advised not to say anything." Kathy said, "Ok", then hung up the phone on me. I arrived at the Police Department and went into Kathy's office. She handed me my personnel file. I told her, "Thank you," and I left.

I feel that several Public Record Laws were violation by Kathy Brooks's actions. The first violation was by the intentional delay of providing me with a copy of my personnel file.

The Florida Supreme Court has stated that the only delay in producing records permitted under Ch. 119, F.S., "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt." "An agency's unreasonable and excessive delays in producing public records can constitute an unlawful refusal to provide access to public records." **(Reference highlighted portion of Page 31, Section J)**

In addition, Section 119.01, F.S., provides that "it is the policy of this state that all state, county, and municipal records shall be open for personal inspection by *any person*." **A public employee is a person within the meaning of Ch. 119, F.S. and, as such, possesses the same right of inspection as any other person. (Reference highlighted portion of Page 27, Section B).**

Secondly, when Kathy Brooks asked me "Why do you need it", while we were speaking by phone, she committed another violation. Ch. 119, F.S., requires no showing of purpose or "special interest" as a condition of access to public records. The legislative objectives underlying the creation of Chapter 119 was to insure the people of Florida the right freely to gain access to governmental records. The purpose of such inquiry is immaterial. **(Reference highlighted portion of Page 27, Section C)**

Furthermore, when Kathy Brooks stated, "No, because I spoke to Sharon and she said that she was going to give you a copy of your personnel file." She again violated the Public Record Law. "The fact that a particular record is also maintained by another agency does not relieve the custodian of the obligation to permit inspection and copying in the absence of an applicable statutory exemption." **(Reference highlighted portion of Page 29, Section F)**

Lastly, I would like an answer as to why there is documentation in different files. After requesting and receiving copies of my personnel file from Sharon Jones (City Hall) and from Kathy Brooks (Palmetto Police Department), I noticed that the Police Department had documentation that City Hall did not. Furthermore, my supervisor had documentation in his files on me that neither Kathy Brooks nor Sharon Jones had. This could possibly be a violation also. "An agency is not authorized to maintain personnel records of its employees under two headings, one open and one confidential, in the absence of statutory authorization. Absent a statutory exemption for such records, a city may not agree to remove counseling slips and written reprimands from an employee's personnel file and maintain such documents in a separate disciplinary file." **Reference Page 14, Section C**

It was brought to my attention that Kathy Brooks attended a Public Records Seminar with Sheri Rader, Cari Belzer, and Sgt. Lee Jones in August of this year. All of the Public Record Laws stated above were discussed at that seminar. In addition, she attended a Records Management Seminar in May of 1999. **Reference attached certificate**

Attached is a copy of the Administrative Assistant's Job Description, which states on Page 2, No. 5 (h) that she is responsible for maintaining the department personnel files.

In addition General Order A-4, Responsibility and Authority of Personnel, Section I (A) (4), Page 1., is included and highlighted.

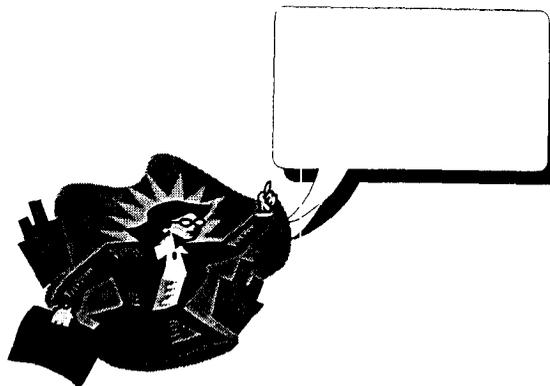
For your convenience a complete copy of Chapter 119 F.S. has been included for your review.

Please reference memorandum dated June 21, 1999, from Metro-Dade Police Department that was given to the Records Department by Chief Bright (his title was Capt. at the time).

cc: Chief Kenny Bright
Karen Conlon

Reference Material: Public Records - A Guide for Law Enforcement Agencies -
Published by The Office of Attorney General Bob Butterworth, 2001 Edition.

INTEROFFICE MEMORANDUM



To: Mike Hickey, P/W Director
Kenny Bright, Chief
From: Sharon Jones, Human Resources
Date: April 12, 2001

Article 3, Section 3.01 of the City of Palmetto Personnel Policy states, "The Human Resources Director is the official custodian of all personnel records for employees of the City of Palmetto. The personnel file maintained by the Human Resources Director is the official file of the employee." With the exception of Police training records and internal affairs records the official personnel file shall be kept in the HR office and include, but not be limited to the following:

Employment application, Background investigation reports, if applicable, a record reflecting each original appointment, reinstatement appointment, promotion appointment, demotion appointment, each transfer, each separation, each layoff, each reduction in pay, any changes in the employee's status, each change in the employee's rate of pay, each change in the employee's class title, any leaves of absence without pay, or any educational leave with pay, and any other personnel transactions pertinent to the employee's employment record.

Also included, a copy of any correspondence directly related to the employee's record, a copy of the Oath of Loyalty signed by the employee, a copy of the I-9 form, a copy of the certificate signed by the employee indication that he/she has received a copy of the official employee handbook or personnel policy, a copy of the certificate signed by the employee indication that he/she has received a copy of the City of Palmetto Drugfree Workplace policy and agrees to abide by it, and a copy of all performance evaluations.

Any employee may include in his or her personnel file a refutation of any material he/she considers to be detrimental.

Please remind your assistants that all originals are kept in the HR office and copies may be kept in the respective departments.

cc: Karen Conlon, City Clerk

from the desk of...
Sharon Jones
Director, Human Resources

H. May an agency require that a request to examine or copy public records be made in writing or require that the requestor furnish background information to the custodian?

No. Nothing in Ch. 119, F.S., requires that a requesting party make a demand for public records in person or in writing. As noted in AGO 80-57, a custodian must honor a request for copies of records which is sufficient to identify the records desired, whether the request is in writing, over the telephone, or in person, provided that the required fees are paid.

In addition, a person requesting access to or copies of public records may not be required to disclose his or her name, address, telephone number or the like to the custodian, unless the custodian is required by law to obtain this information prior to releasing the records.¹⁵²

If a public agency believes that it is necessary to provide written documentation of a request for public records, the agency may require that the custodian complete an appropriate form or document; however, the person requesting the records cannot be required to provide such documentation as a precondition to the granting of the request to inspect or copy public records.¹⁵³

I. Is an agency required to: answer questions about its public records; create a new record in response to a request for information; or reformat its records in a particular form as demanded by the requestor?

The statutory obligation of the custodian of public records is to provide access to, or copies of, public records "at any reasonable time, under reasonable conditions, and under supervision by the custodian... or the custodian's designee" provided that the required fees are paid.¹⁵⁴ However, a custodian is not required to give out information from the records of his or her office.¹⁵⁵ The Public Records Act does not require a town to produce an employee, such as the financial officer, to answer questions regarding the financial records of the town.¹⁵⁶

In other words, Ch. 119, F.S., provides a right of access to inspect and copy an agency's existing public records; it does not mandate that an agency create new records in order to accommodate a request for information from the agency. Thus, the clerk of court is not required to provide an inmate with a list of documents from a case file which may be responsive to some forthcoming request.¹⁵⁷ However, in order to comply with the statutory directive that an agency provide copies of public records upon payment of the statutory fee, an agency must respond to requests by mail for information as to copying costs.¹⁵⁸

J. When must an agency respond to a public records request?

The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days) for compliance with public records requests. The Florida Supreme Court has stated that the only delay in producing records permitted under Ch. 119, F.S., "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt."¹⁵⁹

A municipal policy which provides for an automatic delay in the production of public records is impermissible.¹⁶⁰ Thus, an agency is not authorized to delay inspection of personnel records in order to allow the employee to be present during the inspection of his or her records.¹⁶¹ Similarly, this office has advised that a board of trustees of a police pension fund may not delay release of its records until such time as the request is submitted to the board for a vote.¹⁶²

An agency's unreasonable and excessive delays in producing public records can constitute an unlawful refusal to provide access to public records.¹⁶³

While an agency may restrict the hours during which public records may be inspected to those hours when the agency is open to the public, a custodian is not authorized to establish an arbitrary time period during which records may or may not be

name for ridesharing, as defined in s. 341.031, F.S., is exempt from s. 119.07(1), F.S.¹³²

IV. TO WHAT EXTENT MAY AN AGENCY REGULATE OR LIMIT INSPECTION AND COPYING OF PUBLIC RECORDS?

A. May an agency impose its own restrictions on access to or copying of public records?

Section 119.07(1)(a), F.S., establishes a right of access to public records in plain and unequivocal terms:

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee. The custodian shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law... and for all other copies, upon payment of the actual cost of duplication of the record.

A custodian of public records may not impose a rule or condition of inspection which operates to restrict or circumvent a person's right of access.¹³³

Any local enactment or policy which purports to dictate additional conditions or restrictions on access to public records is of dubious validity since the legislative scheme of the Public Records Act has preempted any local regulation of this subject.¹³⁴ A policy of a governmental agency cannot exempt it from the application of Ch. 119, F.S., a general law.¹³⁵

B. What individuals are authorized to inspect and receive copies of public records?

Section 119.01, F.S., provides that "[i]t is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person." (e.s.) A former state citizenship requirement was deleted from the law in 1975. A public employee is a person within the meaning of Ch. 119, F.S. and, as such, possesses the same right of inspection as any other person.¹³⁶

C. Must an individual show a "special interest" or "legitimate interest" in public records before being allowed to inspect or copy same?

No. Chapter 119, F.S., requires no showing of purpose or "special interest" as a condition of access to public records.¹³⁷

As the court stated in *Lorei v. Smith*:¹³⁸

The legislative objective underlying the creation of chapter 119 was to insure to the people of Florida the right freely to gain access to governmental records. The purpose for such inquiry is immaterial.

Note, however, s. 817.568, F.S., providing criminal penalties for unauthorized use of personal identification information for fraudulent or harassment purposes.

D. What agency employees are responsible for responding to public records requests?

Section 119.021, F.S., provides that the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee, shall be the custodian of the public records. However, this statute does not alter the "duty of disclosure" imposed by

s. 119.07(1), F.S., upon "[e]very person who has custody of a public record."¹³⁹

Thus, the term "custodian" for purposes of the Public Records Act refers to all agency personnel who have it within their power to release or communicate public records.¹⁴⁰ But, "the mere fact that an employee of a public agency temporarily possesses a document does not necessarily mean that the person has custody as defined by section 119.07."¹⁴¹ In order to have custody, one must have supervision and control over the document or have legal responsibility for its care, keeping or guardianship.¹⁴²

E. May an agency refuse to comply with a request to inspect or copy the agency's public records on the grounds that the records are not in the physical possession of the custodian?

No. An agency is not authorized to refuse to allow inspection of public records on the grounds that the documents have been placed in the actual possession of an agency or official other than the records custodian.¹⁴³

Thus, in *Barfield v. Florida Department of Law Enforcement*,¹⁴⁴ the court held that an agency that received records from a private entity in the course of official business and did not make copies of the documents could not "return" them to the entity following receipt of a public records request. The court ordered the agency to demand the return of the records from the private entity so they could be copied for the requestor.

Pursuant to s. 119.031, F.S., public records may routinely be removed from the building or office in which such records are ordinarily kept only for official purposes. The retention of such records in the home of a public official would appear to circumvent the public access requirements of the Public Records Act and compromise the rights of the public to inspect and copy such records.¹⁴⁵ If municipal pension records are stored in a records storage facility outside city limits, the city may not pass along to the public records requestor the costs to retrieve the

records.¹⁴⁶ Any delay in production of the records beyond what is reasonable under the circumstances may subject the custodian to liability for failure to produce public records.¹⁴⁷

F. May an agency refuse to allow access to public records on the grounds that the records are also maintained by another agency?

No. The fact that a particular record is also maintained by another agency does not relieve the custodian of the obligation to permit inspection and copying in the absence of an applicable statutory exemption.¹⁴⁸ If information contained in the public record is available from other sources, a person seeking access to the record is not required to make an unsuccessful attempt to obtain the information from those sources as a condition precedent to gaining access to the public records.¹⁴⁹

G. May an agency refuse to allow inspection or copying of public records on the grounds that the request for such records is "overbroad" or lacks particularity?

No. In *State ex rel. Davidson v. Couch*,¹⁵⁰ the Court specifically rejected a contention that a custodian was authorized to require identification of the particular book or record to be examined.

Accordingly, in the absence of a statutory exemption, a custodian must produce the records requested regardless of the number of documents involved or possible inconvenience. Note, however, that pursuant to s. 119.07(1)(b), F.S., the custodian is authorized to charge, in addition to the cost of duplication, a reasonable service charge for the cost of the extensive use of information technology resources or of personnel, if such extensive use is required because of the nature or volume of public records to be inspected, examined or copied.¹⁵¹

2. Privacy concerns

The courts have rejected claims that constitutional privacy interests operate to shield agency personnel records from disclosure.⁶⁶ Additionally, the judiciary has refused to deny access to personnel records based on claims that the release of such information could prove embarrassing or unpleasant for the employee.⁶⁷

Public employers should note, however, that a court has held that an agency must provide an employee with an opportunity for a post-termination name clearing hearing when stigmatizing information concerning the employee is made a part of the public records or is otherwise published.⁶⁸

3. Separate files

An agency is not authorized to maintain personnel records of its employees under two headings, one open and one confidential, in the absence of statutory authorization.⁶⁹ Absent a statutory exemption for such records, a city may not agree to remove counseling slips and written reprimands from an employee's personnel file and maintain such documents in a separate disciplinary file.⁷⁰ Similarly, an agency is not authorized to "seal" disciplinary notices and thereby remove such notices from disclosure under the Public Records Act.⁷¹

4. Collective bargaining agreements

A collective bargaining agreement between a public employer and its employees may not validly make the personnel records of public employees confidential or exempt the same from the Public Records Act.⁷² Thus, employee grievance records are disclosable even though classified as confidential in a collective bargaining contract because "to allow the elimination of public records from the mandate of Chapter 119 by private contract would sound the death knell of the Act."⁷³

Similarly, unless authorized by law, a city may not agree through collective bargaining to remove references to the initial proposed

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However, it has been held that mandamus is not appropriate when the language of an exemption statute requires an exercise of discretion.³³⁹

2. Attorney's fees

Section 119.12(1), F.S., provides that if a civil action is filed against an agency to enforce the provisions of this chapter and the court determines that the agency unlawfully refused to permit a public record to be inspected, examined, or copied, the court shall assess and award against the agency responsible the reasonable costs of enforcement including reasonable attorney's fees. A successful *pro se* litigant is entitled to reasonable costs under this section.³⁴⁰

Attorney's fees are recoverable even where access is denied on a good faith but mistaken belief that the documents are exempt from disclosure.³⁴¹ A town's defense that the delay in production of records was caused by either the intentional wrongdoing or ineptitude of its clerk is not a valid basis for denying recovery of attorney's fees and costs under s. 119.12(1), F.S.³⁴²

"An unjustified failure to respond to a public records request until after an action has been commenced to compel compliance amounts to an unlawful refusal for purposes of section 119.12(1)."³⁴³

C. Criminal penalties

Section 119.10(1), F.S., provides that a violation of any provision of Ch. 119, F.S., by a public officer is a noncriminal infraction, punishable by fine not exceeding \$500. Section 119.02, F.S., states that a public officer who knowingly violates the provisions of s. 119.07(1), F.S., is subject to suspension and removal or impeachment and is guilty of a misdemeanor of the first degree, punishable by possible criminal penalties of one year in prison, or \$1,000 fine, or both. *See also*, s. 119.10(2), F.S. (willful and knowing violation of Ch. 119 constitutes a first degree misdemeanor).

VII. WHAT ARE THE OPTIONS IF AN AGENCY REFUSES TO PRODUCE PUBLIC RECORDS FOR INSPECTION AND COPYING?

A. *Mediation*

Several years ago, Attorney General Butterworth established an informal voluntary mediation program within the Office of the Attorney General to resolve open government disputes. In 1995, this program was codified in s. 16.60, F.S. For more information about the voluntary mediation program, please contact the Office of the Attorney General at the following address: Office of the Attorney General, PL01, The Capitol, Tallahassee, Florida; telephone (850) 488-9853.

B. *Civil action*

1. *Remedies*

A person who has been denied the right to inspect and/or copy public records under the Public Records Act may bring a civil action against the agency to enforce the terms of Ch. 119, F.S. Before filing a lawsuit, the petitioner must have furnished a public records request to the agency.³³⁵

Section 119.11(1), F.S., mandates that actions brought under Ch. 119 are entitled to an immediate hearing and take priority over other pending cases.³³⁶

Generally, mandamus is the appropriate remedy to enforce compliance with the Public Records Act.³³⁷ If the requestor's petition presents a prima facie claim for relief, an order to show cause should be issued so that the claim may receive further consideration on the merits.³³⁸

Florida Department of State
Division of Library and Information Services
Bureau of Archives and Records Management

Presented To
Kathy Brooks

In appreciation and recognition for contributing
to the efficiency and economy in state and local
government through participation in the

Records Management
Seminar Series

1999

5/20/99



Amavellelus
Division Director

Katherine Harris
Secretary of State

ADMINISTRATIVE ASSISTANT JOB DESCRIPTION

1. **Definition** - This is a sensitive position requiring high accountability in administrative and secretarial work. Employee is responsible for relieving the Chief of Police of sensitive administrative details, and coordinating and carrying out the duties of law enforcement clerical tasks. Work assignments and administrative directions are received from the Chief of Police. Wide latitude for the use of independent judgement in the proper selection of work methods, administrative decisions, and procedures are required. The sensitivity of information handled by this position requires a defined measure of maturity and judgement.
2. **Primary Duties** - Acts as administrative and secretarial assistant to the Chief of Police and secondly to the Administrative and Enforcement Bureau Commanders. Further develops administrative policy and decisions as explained and directed, relieving the Chief of Police and Bureau Commanders of administrative, operational and clerical details. Effects inspections of administrative procedures to ensure compliance with current orders and regulations pertaining to the department, and as required by the Florida Department of Law Enforcement. Performs budgetary, purchasing and fiscal duties as required by City ordinances. Organizes and maintains maintenance and repairs of the Department's buildings, grounds, and vehicles. Maintains an inventory and controls the issues of the Department's supplies and equipment. Coordinates and makes travel arrangements for department personnel for training assignments. Operates police vehicles, equipment and performs clerical duties. Maintains files and specialized accounts payable and receivable sensitive to law enforcement activities.
3. **Required Knowledge, Abilities, and Skills** - A working knowledge of modern office practices and procedures, basic building maintenance upkeep, and fleet vehicle maintenance procedures. Experience with budget preparation and tracking, purchasing procedures, expense reports, and inventory control. Strong organizational skills are a must. Knowledge of payroll preparation and required supporting documentation required. Secretarial experience, filing, and modern computer operations with word processing a must. Ability to compose accurate and effective problem-solving reports to the City Council for review and business type correspondence to outside agencies.
4. **Training and Expertise** - High School graduate or equivalent, five or more years of clerical, administrative, and computer operator experience, which includes skills in both stand-alone and mainframe computer entry. Supervisory experience preferred.
5. **Job Task Analysis**
 - a. Prepares the Police Department budget with the Chief of Police and the Administrative Bureau Commander for submission to the City Council, and maintains a current status of expenditures throughout the fiscal year.
 - b. Prepares requisitions through main frame applications for department supplies/equipment and the payment of recurring bills for the Chief of Police's approval.

- c. Receipts for material and equipment, and electronically records these receipts through computer main frame applications.
 - d. Provides the Chief of Police with administrative goals and objectives and attainment reports on an as needed basis.
 - e. Responsible for completion of assignments and/or projects required by Florida Department of Law Enforcement Agency policies and procedures, primarily relating to annual training requirements and those sensitive documents related to the hiring of new officers or the release/transfer of current certified officers.
 - f. Assigns and monitors the duties of county prisoner trustee on a daily basis.
 - g. A member of the Police Department Emergency Operation Center (EOC) which duties vary from department/building emergency preparedness to recording all manhour and equipment data utilized in cases of emergency.
 - h. Maintains department personnel files and those files pertinent to the daily administrative operation of the Police Department.
 - i. Records and submits biweekly payroll for all Police Department personnel through computer mainframe applications.
 - j. Types all outgoing correspondence for the Chief of Police, and the Administrative and Enforcement Bureau Commanders, on an as needed basis.
 - k. Records all training information for both sworn and non-sworn department personnel, and prepares annual reports to the Florida Department of Law Enforcement on all Sworn Officers.
 - l. Maintains separate sensitive investigative files and ensures compliance with Florida Department of Law Enforcement requirements for prompt and accurate submission to higher authority.
 - m. Maintains Law Enforcement investigative cost bank records.
 - n. Schedules travel and billeting arrangements for approved department training.
6. **Physical Strengths** - Due to the variety of job tasks which deal in vehicle and/or building maintenance, and disaster preparedness, heavy lifting is required. Stress related work.
7. **Environmental Conditions** - Primarily supervisory work; however, due to the nature of law enforcement related support duties and/or natural disaster support requirements, outside environmental hazards could occur.

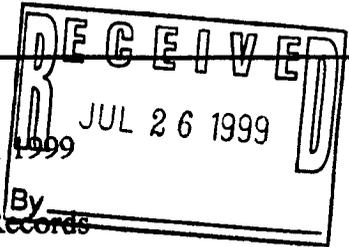


MEMORANDUM

TO: Distribution D

DATE: June 21, 1999

SUBJECT: Public Records



FROM:

Vaughn M. Roberts
Vaughn M. Roberts
Police Legal Advisor 2
Police Legal Bureau

Legal Note 99-10

On May 22, 1999, the St. Petersburg Times reported that a public employee was fined \$1000.00 and sentenced to a 30-day jail term for the unlawful refusal to release public records. The article states the employee testified on the stand that she was too busy with other duties and did not have time to sort through the records and remove confidential information, and that the school district should have been responsible for releasing the records. The employee was released from jail after serving seven days of the 30-day sentence.

Public employees who are designated records custodians for their respective entities as well as any other public employee who possesses public records should be attentive to public records requests which they receive. Only that exempt information referred to in Chapter 119, Florida Statutes, may be redacted. For example, the redacting of entire pages of reports in order not to disclose a portion of the protected contents within the document may be found by a court to be unlawful, as would failing to include a document which should be released pursuant to the request. An individual employee who possesses a public record and refuses to release such record or portion of such record must be prepared to articulate in court his or her lawful reason for such refusal. Supervisors who are party to this refusal may also be held to justify their actions. A violation of Chapter 119 is punishable by a fine up to \$500.00, while a willful and knowing violation is a misdemeanor of the first degree.

M.D.P.D. employees having any questions concerning this Legal Note should contact the Police Legal Bureau at (305) 471-2550. Officers from other law enforcement agencies should contact their respective legal advisors prior to taking action based upon this Legal Note.

VMR

PALMETTO POLICE DEPARTMENT

GENERAL ORDER A-4

DATE: JANUARY, 2001 **REFERENCE:** C.A.L.E.A. Chapters 11 and 12

SUBJECT: RESPONSIBILITY AND AUTHORITY OF PERSONNEL

INDEX AS: Personnel - Responsibility of; Personnel - Authority of

I. PURPOSE

- A. In police agencies, authority is delegated to subordinates. It is the policy of the Palmetto Police Department that all members of the department are delegated the necessary authority to allow them to perform their designated duties in an effective manner.
1. All personnel at each level shall have the latitude to enable them to make necessary decisions and exercise discretion to effectively execute their duties.
 2. Each employee shall be held fully accountable for the application of, or failure to apply, the authority delegated to him.
 3. Any officer of lower rank who may be placed temporarily in the position of an officer of higher rank by a commanding officer, shall exercise the authority and perform the duties of such higher position. He/she shall be held responsible, in like manner, as if regularly appointed as such higher officer. In any such case, he/she shall not unnecessarily interfere with or countermand any order issued by the officer whose place he/she temporarily occupies.
 4. All personnel in a supervisory position are accountable for the actions of subordinates under their command, whether they are in a permanent or temporary assignment.
 5. In the event a situation arises wherein members of different components of the agency are involved, the ranking Patrol Division Officer will be in control until such time as the scene is turned over to another division.
- B. **SPAN OR CONTROL** - Supervision at the line level will not exceed the number which a supervisor can effectively control, and will decrease proportionally up through the Chain of Command to the Chief of Police as in a pyramid structure. All employees shall be accountable to only one supervisor at any given time.

CHAPTER 119

PUBLIC RECORDS

- 119.01 General state policy on public records.
- 119.011 Definitions.
- 119.0115 Videotapes and video signals; exemption from chapter.
- 119.012 Records made public by public fund use.
- 119.02 Penalty.
- 119.021 Custodian designated.
- 119.031 Keeping records in safe places; copying or repairing certified copies.
- 119.041 Destruction of records regulated.
- 119.05 Disposition of records at end of official's term.
- 119.06 Demanding custody.
- 119.07 Inspection, examination, and duplication of records; exemptions.
- 119.072 Criminal intelligence or investigative information obtained from out-of-state agencies.
- 119.08 Photographing public records.
- 119.083 Definitions; copyright of data processing software created by governmental agencies; fees; prohibited contracts.
- 119.085 Remote electronic access to public records.
- 119.09 Assistance of the Division of Library and Information Services, records and information management program, of the Department of State.
- 119.092 Registration by federal employer's registration number.
- 119.10 Violation of chapter; penalties.
- 119.105 Protection of victims of crimes or accidents.
- 119.11 Accelerated hearing; immediate compliance.
- 119.12 Attorney's fees.
- 119.15 Legislative review of exemptions from public meeting and public records requirements.
- 119.19 Capital postconviction public records production.

119.01 General state policy on public records.—

(1) It is the policy of this state that all state, county, and municipal records shall be open for personal inspection by any person.

(2) The Legislature finds that, given advancements in technology, providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping,

each agency must ensure reasonable access to records electronically maintained.

(4) Each agency shall establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value in accordance with retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State.

History.—s. 1, ch. 5942, 1909; RGS 424; CGL 490; s. 1, ch. 73-98; s. 2, ch. 75-225; s. 2, ch. 83-286; s. 4, ch. 86-163; ss. 1, 5, ch. 95-296.

119.011 Definitions.—For the purpose of this chapter:

(1) "Public records" means 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 any agency.

(2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(3)(a) "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

(b) "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

(c) "Criminal intelligence information" and "criminal investigative information" shall not include:

1. The time, date, location, and nature of a reported crime.

2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07(3)(f).

3. The time, date, and location of the incident and of the arrest.

4. The crime charged.

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07(3)(f), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

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(3) The Legislature finds that providing access to public records is a duty of each agency and that automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping,

each agency must ensure reasonable access to records electronically maintained.

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*History.—*s. 1, ch. 5942, 1909; RGS 424; CGL 490; s. 1, ch. 73-98; s. 2, ch. 75-225; s. 2, ch. 83-286; s. 4, ch. 86-163; ss. 1, 5, ch. 95-296.

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2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.07(3)(f).

3. The time, date, and location of the incident and of the arrest.

4. The crime charged.

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.07(3)(f), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a codefendant.

6. Informations and indictments except as provided in s. 905.26.

(d) The word "active" shall have the following meaning:

1. Criminal intelligence information shall be considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

2. Criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered "active" while such information is directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

(4) "Criminal justice agency" means any law enforcement agency, court, or prosecutor. The term also includes any other agency charged by law with criminal law enforcement duties, or any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties. The term also includes the Department of Corrections.

History.—s. 1, ch. 67-125; s. 2, ch. 73-98; s. 3, ch. 75-225; ss. 1, 2, ch. 79-187; s. 8, ch. 85-53; s. 1, ch. 88-188; s. 5, ch. 93-404; s. 5, ch. 93-405; s. 5, ch. 95-207; s. 6, ch. 95-296; s. 10, ch. 95-398; s. 40, ch. 96-406; s. 2, ch. 97-90.

119.0115 Videotapes and video signals; exemption from chapter.—Any videotape or video signal which, under an agreement with an agency, is produced, made, or received by, or is in the custody of, a federally licensed radio or television station or its agent is exempt from this chapter.

History.—s. 1, ch. 80-1.

119.012 Records made public by public fund use. If public funds are expended by an agency defined in s. 119.011(2) in payment of dues or membership contributions to any person, corporation, foundation, trust, association, group, or other organization, then all the financial, business, and membership records pertaining to the public agency from which or on whose behalf the payments are made, of the person, corporation, foundation, trust, association, group, or organization to whom such payments are made shall be public records and subject to the provisions of s. 119.07.

History.—s. 3, ch. 75-225; s. 3, ch. 93-405.

119.02 Penalty.—A public officer who knowingly violates the provisions of s. 119.07(1) is subject to suspension and removal or impeachment and, in addition, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 2, ch. 59-42; 1909; RGS 425; CGL 491; s. 1, ch. 17173, 1935; CGL 1936 Supp. 7520(6); s. 73, ch. 71-136; s. 6, ch. 75-225; s. 4, ch. 84-298.

119.021 Custodian designated.—The elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee, shall be the custodian thereof.

History.—s. 2, ch. 67-125; s. 3, ch. 83-286; s. 753 ch. 95-147.

119.031 Keeping records in safe places; copying or repairing certified copies.—Insofar as practicable, custodians of vital, permanent, or archival records shall keep them in fireproof and waterproof safes, vaults, or rooms fitted with noncombustible materials and in such arrangement as to be easily accessible for convenient use. All public records should be kept in the buildings in which they are ordinarily used. Record books should be copied or repaired, renovated, or rebound if worn, mutilated, damaged, or difficult to read. Whenever any state, county, or municipal records are in need of repair, restoration, or rebinding, the head of such state agency, department, board, or commission, the board of county commissioners of such county, or the governing body of such municipality may authorize that such records be removed from the building or office in which such records are ordinarily kept for the length of time required to repair, restore, or rebind them. Any public official who causes a record book to be copied shall attest it and certify on oath that it is an accurate copy of the original book. The copy shall then have the force and effect of the original.

History.—s. 3, ch. 67-125; s. 4, ch. 83-286.

119.041 Destruction of records regulated.—

(1) Every public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the Division of Library and Information Services of the Department of State in accordance with s. 257.36.

(2) Agency orders that comprise final agency action and that must be indexed or listed pursuant to s. 120.53 have continuing legal significance; therefore, notwithstanding any other provision of this chapter or any provision of chapter 257, each agency shall permanently maintain records of such orders pursuant to the applicable rules and guidelines of the Department of State.

History.—s. 4, ch. 67-125; ss. 10, 35, ch. 69-106; s. 5, ch. 83-286; s. 5, ch. 86-163; s. 1, ch. 91-30; s. 1, ch. 91-191; s. 17, ch. 95-410.

119.05 Disposition of records at end of official's term.—Whoever has the custody of any public records shall, at the expiration of his or her term of office, deliver to his or her successor or, if there be none, to the records and information management program of the Division of Library and Information Services of the Department of State all records, books, writings, letters, and documents kept or received by him or her in the transaction of official business.

History.—s. 5, ch. 67-125; ss. 10, 35, ch. 69-106; s. 6, ch. 86-163; s. 754, ch. 95-147.

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119.06 Demanding custody.—Whoever is entitled to the custody of public records shall demand them from any person having illegal possession of them, who shall forthwith deliver the same to him or her. Any person unlawfully possessing public records shall upon demand of any person and within 10 days deliver such records to their lawful custodian unless just cause exists for failing to deliver such records.

History.—s. 8, ch. 87-125; s. 755, ch. 95-147.

119.07 Inspection, examination, and duplication of records; exemptions.—

(1)(a) Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee. The custodian shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law or, if a fee is not prescribed by law, for duplicated copies of not more than 14 inches by 8½ inches, upon payment of not more than 15 cents per one-sided copy, and for all other copies, upon payment of the actual cost of duplication of the record. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. For purposes of this section, duplicated copies shall mean new copies produced by duplicating, as defined in s. 283.30. The phrase "actual cost of duplication" means the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication. However, the charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication. Unless otherwise provided by law, the fees to be charged for duplication of public records shall be collected, deposited, and accounted for in the manner prescribed for other operating funds of the agency. An agency may charge up to \$1 per copy for a certified copy of a public record.

(b) If the nature or volume of public records requested to be inspected, examined, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both. "Information technology resources" shall have the same meaning as in s. 282.303(13).

(c) When ballots are produced under this section for inspection or examination, no persons other than the supervisor of elections or the supervisor's employees shall touch the ballots. The supervisor of elections shall make a reasonable effort to notify all candidates by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their

representatives, shall be allowed to be present during the inspection or examination.

(2)(a) A person who has custody of a public record and who asserts that an exemption provided in subsection (3) or in a general or special law applies to a particular public record or part of such record shall delete or excise from the record only that portion of the record with respect to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and examination. If the person who has custody of a public record contends that the record or part of it is exempt from inspection and examination, he or she shall state the basis of the exemption which he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute, and, if requested by the person seeking the right under this subsection to inspect, examine, or copy the record, he or she shall state in writing and with particularity the reasons for the conclusion that the record is exempt.

(b) In any civil action in which an exemption to subsection (1) is asserted, if the exemption is alleged to exist under or by virtue of paragraph (c), paragraph (d), paragraph (e), paragraph (k), paragraph (l), or paragraph (o) of subsection (3), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of paragraph (b) of subsection (3), an inspection in camera will be discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection, examination, or copying as requested by the person seeking such access.

(c) Even if an assertion is made by the custodian of a public record that a requested record is not a public record subject to public inspection and examination under subsection (1), the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request requesting the right to inspect, examine, or copy the record was served on or otherwise made to the custodian of the record by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian shall not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(d) The absence of a civil action instituted for the purpose stated in paragraph (c) will not relieve the custodian of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and examination under subsection (1) and will not otherwise excuse or exonerate the custodian from any unauthorized or unlawful disposition of such record.

(3)(a) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination shall have the right to review his or her own completed examination.

(b) Active criminal intelligence information and active criminal investigative information are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(c) Any information revealing the identity of a confidential informant or a confidential source is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to emergencies, as defined in s. 252.34(3), are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Department of Community Affairs as having an official need for access to the inventory or comprehensive policies or plans.

(e) Any information revealing undercover personnel of any criminal justice agency is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(f) Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in chapter 794; the identity of the victim of a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age, as defined in chapter 800; or the identity of the victim of the crime of child abuse as defined by chapter 827 and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records and court proceedings, which may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chapter 794, chapter 800, or chapter 827, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(g) Any criminal intelligence information or criminal investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(h) All criminal intelligence and criminal investigative information received by a criminal justice agency prior to January 25, 1979, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose

duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. The home addresses and home telephone numbers of county and municipal code inspectors and code enforcement officers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

2. An agency that is the custodian of the personal information specified in subparagraph 1. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1. shall maintain the confidentiality of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for confidentiality to the custodial agency.

(j) Any information provided to an agency of state government or to an agency of a political subdivision of the state for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his or her name for ridesharing, as defined in s. 341.031, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(k) Any confession or admissions of such provisions of the State Constitution finally determined by the final disposition.

(l)1. A public agency attorney retained by another public agency for the interest of the public (order) or public policy which reflects the strategic interest of the agency, an agency's criminal litigation proceedings, imminent adverse proceedings, or the provisions of the State Constitution or adverse purposes of s. 27.7001, to claim this information for direct action after imposition.

2. The disclosure of such public information of the state agency at a public hearing shall identify or civil litigation. If a party has been awarded party fees, shall be awarded in addition to the award.

(m) Such information pursuant to subsection 24(a), Art. I of the State Constitution, the agency's decision after bid.

(n) V. state government purchase or domain offers, are exempt from subsection 24(a), Art. I of the State Constitution, a valid contract has been entered into the time the contract is finally a to allow may give subject 30-day execute

(k) Any information revealing the substance of a confession of a person arrested is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, until such time as the criminal case is finally determined by adjudication, dismissal, or other final disposition.

(l) 1. A public record which was prepared by an agency attorney (including an attorney employed or retained by the agency or employed or retained by another public officer or agency to protect or represent the interests of the agency having custody of the record) or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the conclusion of the litigation or adversarial administrative proceedings. For purposes of capital collateral litigation as set forth in s. 27.7001, the Attorney General's office is entitled to claim this exemption for those public records prepared for direct appeal as well as for all capital collateral litigation after direct appeal until execution of sentence or imposition of a life sentence.

2. This exemption is not waived by the release of such public record to another public employee or officer of the same agency or any person consulted by the agency attorney. When asserting the right to withhold a public record pursuant to this paragraph, the agency shall identify the potential parties to any such criminal or civil litigation or adversarial administrative proceedings. If a court finds that the document or other record has been improperly withheld under this paragraph, the party seeking access to such document or record shall be awarded reasonable attorney's fees and costs in addition to any other remedy ordered by the court.

(m) Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier.

(n) When an agency of the executive branch of state government seeks to acquire real property by purchase or through the exercise of the power of eminent domain all appraisals, other reports relating to value, offers, and counteroffers must be in writing and are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until execution of a valid option contract or a written offer to sell that has been conditionally accepted by the agency, at which time the exemption shall expire. The agency shall not finally accept the offer for a period of 30 days in order to allow public review of the transaction. The agency may give conditional acceptance to any option or offer subject only to final acceptance by the agency after the 30-day review period. If a valid option contract is not executed, or if a written offer to sell is not conditionally

accepted by the agency, then the exemption from the provisions of this chapter shall expire at the conclusion of the condemnation litigation of the subject property. An agency of the executive branch may exempt title information, including names and addresses of property owners whose property is subject to acquisition by purchase or through the exercise of the power of eminent domain, from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution to the same extent as appraisals, other reports relating to value, offers, and counteroffers. For the purpose of this paragraph, "option contract" means an agreement of an agency of the executive branch of state government to purchase real property subject to final agency approval. This paragraph shall have no application to other exemptions from the provisions of subsection (1) which are contained in other provisions of law and shall not be construed to be an express or implied repeal thereof.

(o) Data processing software obtained by an agency under a licensing agreement which prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software which is sensitive are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency. As used in this paragraph:

1. "Data processing software" has the same meaning as in s. 282.303(8).

2. "Sensitive" means only those portions of data processing software, including the specifications and documentation, used to:

a. Collect, process, store, and retrieve information which is exempt from the provisions of subsection (1);

b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

c. Control and direct access authorizations and security measures for automated systems.

(p) All complaints and other records in the custody of any unit of local government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the financing of housing are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision shall not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency which is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section. This paragraph shall not be construed to modify or repeal any special or local act.

(q) All complaints and other records in the custody of any agency in the executive branch of state government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision shall not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency which is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section.

(r) All records supplied by a telecommunications company, as defined by s. 364.02, to a state or local governmental agency which contain the name, address, and telephone number of subscribers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(s)1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from the provisions of subsection (1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding the provisions of this section.

2. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime

described in this subparagraph, is confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003.

3. A public employee or officer who has access to the videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, may not willfully and knowingly disclose videotaped information that reveals that minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense.

4. A person who violates subparagraph 3. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(t) Any financial statement which an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(u) Where the alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

(v) Medical information pertaining to a prospective, current, or former officer or employee of an agency which, if disclosed, would identify that officer or employee is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. However, such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission or pursuant to court order.

(w)1. If certified pursuant to subparagraph 2., an investigatory record of the Chief Inspector General within the Executive Office of the Governor or of the employee designated by an agency head as the agency inspector general under s. 112.3189 is exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or a report detailing the investigation is provided to the Governor or the agency head, or 60 days from the inception of the investigation for which the record was made or received, whichever first occurs. Investigatory records are those records which are related to the investigation of an alleged, specific act or omission or other wrongdoing, with respect to an identifiable person or group of persons, based on information compiled by the Chief Inspector General or by

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an agency inspector general, as named under the provisions of s. 112.3189, in the course of an investigation. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

2. The Governor, in the case of the Chief Inspector General, or agency head, in the case of an employee designated as the agency inspector general under s. 112.3189, may certify such investigatory records require an exemption to protect the integrity of the investigation or avoid unwarranted damage to an individual's good name or reputation. The certification shall specify the nature and purpose of the investigation and shall be kept with the exempt records and made public when the records are made public.

3. The provisions of this paragraph do not apply to whistle-blower investigations conducted pursuant to the provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

(x) The social security numbers of all current and former agency employees which numbers are contained in agency employment records are exempt from subsection (1) and exempt from s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term "agency" means an agency as defined in s. 119.011.

(y) The audit report of an internal auditor prepared for or on behalf of a unit of local government becomes a public record when the audit becomes final. As used in this paragraph, "unit of local government" means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law. An audit becomes final when the audit report is presented to the unit of local government. Audit workpapers and notes related to such audit report are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution until the audit is completed and the audit report becomes final.

(z) Bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of any fee or debt owing are confidential and exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. However, such numbers may be used by an agency, as needed, in any administrative or judicial proceeding, provided such numbers are kept confidential and exempt, unless otherwise ordered by the court. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.

(aa) Any data, record, or document used directly or solely by a municipally owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer shall be exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution. This exemption commences when a municipal utility identifies in writing a specific bid to which it intends to respond. This exemption no longer applies when the contract for sale,

distribution, or use of the service, commodity, or tangible personal property is executed, a decision is made not to execute such contract, or the project is no longer under active consideration. The exemption in this paragraph includes the bid documents actually furnished in response to the request for bids. However, the exemption for the bid documents submitted no longer applies after the bids are opened by the customer or prospective customer. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.

(bb) Upon a request made in a form designated by the Department of Highway Safety and Motor Vehicles, personal information contained in a motor vehicle record that identifies the requester is exempt from subsection (1) and s. 24(a), Art. I of the State Constitution except as provided in this paragraph. Personal information includes, but is not limited to, the requester's social security number, driver identification number, name, address, telephone number, and medical or disability information. For purposes of this paragraph, personal information does not include information relating to vehicular crashes, driving violations, and driver's status. Such request may be made only by the person who is the subject of the motor vehicle record. For purposes of this paragraph, "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles. Personal information contained in motor vehicle records exempted by an individual's request pursuant to this paragraph shall be released by the department for any of the following uses:

1. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers, to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

2. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.

3. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.

4. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

s. 90, ch. 92-152; s. 59, ch. 92-289; s. 217, ch. 92-303; s. 1, ch. 93-87; s. 2, ch. 93-232; s. 3, ch. 93-404; s. 4, ch. 93-405; s. 4, ch. 94-73; s. 1, ch. 94-128; s. 3, ch. 94-130; s. 67, ch. 94-164; s. 1, ch. 94-176; s. 1419, ch. 95-147; ss. 1, 3, ch. 95-170; s. 4, ch. 95-207; s. 1, ch. 95-320; ss. 1, 2, 3, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, ch. 95-398; s. 1, ch. 95-399; s. 121, ch. 95-418; s. 3, ch. 96-178; s. 1, ch. 96-230; s. 5, ch. 96-268; s. 4, ch. 96-290; s. 41, ch. 96-406; s. 18, ch. 96-410; s. 1, ch. 97-185; s. 1, ch. 98-9; s. 7, ch. 98-137; s. 1, ch. 98-255; s. 1, ch. 98-259; s. 128, ch. 98-403; s. 2, ch. 99-201.

Note.—Additional exemptions from the application of this section are indexed in Volume 6 of this edition in the General Index under the heading "Public Records."

119.072 Criminal intelligence or investigative information obtained from out-of-state agencies.—Whenever criminal intelligence information or criminal investigative information held by a non-Florida criminal justice agency is available to a Florida criminal justice agency only on a confidential or similarly restricted basis, the Florida criminal justice agency may obtain and use such information in accordance with the conditions imposed by the providing agency.

History.—s. 3, ch. 79-187.

119.08 Photographing public records.—

(1)(a) In all cases where the public or any person interested has a right to inspect or take extracts or make copies from any public record, instruments or documents, any person shall hereafter have the right of access to said records, documents or instruments for the purpose of making photographs of the same while in the possession, custody and control of the lawful custodian thereof, or his or her authorized deputy.

(b) This section applies to the making of photographs in the conventional sense by utilization of a camera device to capture images of documents, paper, books, receipts, paper photographs, and other similar media and excludes the duplication of microfilm in the possession of the clerk of the circuit court where a copy of the microfilm may be made available by the clerk.

(2) Such work shall be done under the supervision of the lawful custodian of the said records, who shall have the right to adopt and enforce reasonable rules governing the said work. Said work shall, where possible, be done in the room where the said records, documents or instruments are by law kept, but if the same in the judgment of the lawful custodian of the said records, documents or instruments be impossible or impracticable, then the said work shall be done in such other room or place as nearly adjacent to the room where the said records, documents and instruments are kept as determined by the lawful custodian thereof.

(3) Where the providing of another room or place is necessary, the expense of providing the same shall be paid by the person desiring to photograph the said records, instruments or documents. While the said work hereinbefore mentioned is in progress, the lawful custodian of said records may charge the person desiring to make the said photographs for the services of a deputy of the lawful custodian of said records, documents or instruments to supervise the same, or for the services of the said lawful custodian of the same in so doing at a rate of compensation to be agreed upon by the person desiring to make the said photographs and the custodian of the said records, documents or instruments, or in case the same fail to agree as to the said charge, then by the lawful custodian thereof.

History.—s. 8, ch. 67-125; s. 1, ch. 89-57; s. 756, ch. 95-147.

119.083 Definitions; copyright of data processing software created by governmental agencies; fees; prohibited contracts.—

(1) As used in this section:

(a) "Agency" has the same meaning as in s. 119.011(2), except that the term does not include any private agency, person, partnership, corporation, or business entity.

(b) "Data processing software" has the same meaning as in s. 282.303.

(c) "Proprietary software" means data processing software that is protected by copyright or trade secret laws.

(2) Any agency is authorized to hold copyrights for data processing software created by the agency and to enforce its rights pertaining to such copyrights, provided that the agency complies with the requirements of this section.

(a) Any agency that has obtained a copyright for data processing software created by the agency may sell or license the copyrighted data processing software to any other public or private entity and may establish a license fee for the use of such data processing software. Proceeds from the sale or licensing of copyrighted data processing software may be deposited by a state agency into an agency trust fund. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used. Prices or fees for the sale or licensing of copyrighted data processing software may be based on market considerations. However, the prices or fees for the sale or licensing of copyrighted data processing software to an individual or entity solely for application to data or information maintained or generated by the agency that created the copyrighted data processing software shall be determined pursuant to s. 119.07(1).

(b) The provisions of this subsection are supplemental to, and shall not supplant or repeal, any other provision of law that authorizes an agency to hold or obtain copyrights.

(3) Subject to the restrictions of copyright and trade secret laws and public records exemptions, agency use of proprietary software must not diminish the right of the public to inspect and copy a public record.

(4) An agency must consider when designing or acquiring an electronic recordkeeping system that such system is capable of providing data in some common format such as, but not limited to, the American Standard Code for Information Interchange.

(5) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee which shall be in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency or if it elects to compile information not routinely developed or maintained by

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the agency or that requires a substantial amount of manipulation or programming must be in accordance with s. 119.07(1)(b).

(6) An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency.

History.—ss. 1, 2, ch. 90-237; s. 3, ch. 93-405; s. 4, ch. 94-340, s. 7, ch. 95-296.
 *Note.—Expires October 1, 2000, pursuant to s. 2, ch. 90-237, and is scheduled for review by the Legislature.

119.085 Remote electronic access to public records.—As an additional means of inspecting, examining, and copying public records of the executive branch, judicial branch, or any political subdivision of the state, public records custodians may provide access to the records by remote electronic means. Unless otherwise required by law, the custodian may charge a fee for remote electronic access, granted under a contractual arrangement with a user, which fee may include the direct and indirect costs of providing such access. Fees for remote electronic access provided to the general public shall be in accordance with the provisions of s. 119.07(1). The custodian shall provide safeguards to protect the contents of public records from unauthorized remote electronic access or alteration and to prevent the disclosure or modification of those portions of public records which by general or special law are exempt from s. 119.07(1).

History.—s. 2, ch. 85-86; s. 1, ch. 90-94; s. 2, ch. 95-296.

119.09 Assistance of the Division of Library and Information Services, records and information management program, of the Department of State.—The Division of Library and Information Services, records and information management program, of the Department of State shall have the right to examine into the condition of public records and shall give advice and assistance to public officials in the solution of their problems of preserving, creating, filing, and making available the public records in their custody. Public officials shall assist the division by preparing an inclusive inventory of categories of public records in their custody. The division shall establish a time period for the retention or disposal of each series of records. Upon the completion of the inventory and schedule, the division shall (subject to the availability of necessary space, staff, and other facilities for such purposes) make space available in its records center for the filing of semicurrent records so scheduled and in its archives for noncurrent records of permanent value and shall render such other assistance as needed, including the microfilming of records so scheduled.

History.—s. 9, ch. 67-125; ss. 10, 35, ch. 69-106; s. 6, ch. 83-286; s. 7, ch. 86-163.

119.092 Registration by federal employer's registration number.—Each state agency which registers or licenses corporations, partnerships, or other business entities shall include, by July 1, 1978, within its numbering system, the federal employer's identification number of each corporation, partnership, or other business entity registered or licensed by it. Any state agency

may maintain a dual numbering system in which the federal employer's identification number or the state agency's own number is the primary identification number; however, the records of such state agency shall be designed in such a way that the record of any business entity is subject to direct location by the federal employer's identification number. The Department of State shall keep a registry of federal employer's identification numbers of all business entities, registered with the Division of Corporations, which registry of numbers may be used by all state agencies.

History.—s. 1, ch. 77-148.

119.10 Violation of chapter; penalties.—

(1) Any public officer who violates any provision of this chapter is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(2) Any person willfully and knowingly violating any of the provisions of this chapter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 10, ch. 67-125; s. 74, ch. 71-136; s. 5, ch. 85-301.

119.105 Protection of victims of crimes or accidents.—Police reports are public records except as otherwise made exempt or confidential by general or special law. Every person is allowed to examine nonexempt or nonconfidential police reports. No person who inspects or copies police reports for the purpose of obtaining the names and addresses of the victims of crimes or accidents shall use any information contained therein for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents. Nothing herein shall prohibit the publication of such information by any news media or the use of such information for any other data collection or analysis purposes.

History.—s. 1, ch. 90-280.

119.11 Accelerated hearing; immediate compliance.—

(1) Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.

(2) Whenever a court orders an agency to open its records for inspection in accordance with this chapter, the agency shall comply with such order within 48 hours, unless otherwise provided by the court issuing such order, or unless the appellate court issues a stay order within such 48-hour period.

(3) A stay order shall not be issued unless the court determines that there is a substantial probability that opening the records for inspection will result in significant damage.

(4) Upon service of a complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of this chapter, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption or the assertion that the requested record is not a public record subject to inspection and examination under s.

119.07(1), until the court directs otherwise. The person who has custody of such public record may, however, at any time permit inspection of the requested record as provided in s. 119.07(1) and other provisions of law.

History.—s. 5, ch. 75-225; s. 2, ch. 83-214; s. 6, ch. 84-298.

119.12 Attorney's fees.—

(1) If a civil action is filed against an agency to enforce the provisions of this chapter and if the court determines that such agency unlawfully refused to permit a public record to be inspected, examined, or copied, the court shall assess and award, against the agency responsible, the reasonable costs of enforcement including reasonable attorneys' fees.

(2) Whenever an agency appeals a court order requiring it to permit inspection of records pursuant to this chapter and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such agency.

History.—s. 5, ch. 75-225; s. 7, ch. 84-298.

119.15 Legislative review of exemptions from public meeting and public records requirements.—

(1) This section may be cited as the "Open Government Sunset Review Act of 1995."

(2) This section provides for the automatic application of the policy of open government as provided in ss. 119.01 and 286.011 to certain exemptions from ss. 119.07(1) and 286.011. It is the intent of the Legislature that exemptions to ss. 119.07(1) and 286.011 shall be created or maintained only if:

(a) The exempted record or meeting is of a sensitive, personal nature concerning individuals;

(b) The exemption is necessary for the effective and efficient administration of a governmental program; or

(c) The exemption affects confidential information concerning an entity.

Thus, the maintenance or creation of an exemption must be compelled as measured by these criteria. Further, the Legislature finds that the public has a right to have access to executive branch governmental meetings and records unless the criteria in this section for restricting such access to a public meeting or public record are met and the criteria are considered during legislative review in connection with the particular exemption to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the Legislature shall consider the criteria in this section before enacting future exemptions.

(3)(a) In the 5th year after enactment of a new exemption or substantial amendment of an existing exemption, the exemption shall repeal on October 2nd of the 5th year, unless the Legislature acts to reenact the exemption. A law that enacts a new exemption or substantially amends an existing exemption must state that the exemption is repealed at the end of 5 years and that the exemption must be reviewed by the Legislature before the scheduled repeal date.

(b) For purposes of this section, an exemption is substantially amended if the amendment expands the scope of the exemption to include more records or

information or to include meetings as well as records. An exemption is not substantially amended if the amendment narrows the scope of the exemption.

(c) This section is not intended to repeal an exemption that has been amended following legislative review before the scheduled repeal of the exemption if the exemption is not substantially amended as a result of the review.

(d) In the year before the repeal of an exemption under this section, the Division of Statutory Revision of the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives, by June 1, the language and statutory citation of each exemption scheduled for repeal the following year which meets the criteria of an exemption as defined in this section. Any exemption that is not identified and certified to the President of the Senate and the Speaker of the House of Representatives is not subject to legislative review and repeal under this section. If the division fails to certify an exemption that it subsequently determines should have been certified, it shall include the exemption in the following year's certification after that determination.

(e) The term "exemption" means a provision of the Florida Statutes which creates an exception to s. 119.07(1) or s. 286.011 and which applies to the executive branch of state government or to local government, but it does not include any provision of a special law or local law.

(f) An exemption that is required by federal law is not subject to repeal under this section.

(g) An exemption that applies solely to the Legislature or the State Court System is not subject to repeal under this section.

(4)(a) The Legislature shall review the exemption before its scheduled repeal and consider as part of the review process the following:

1. What specific records or meetings are affected by the exemption?

2. Whom does the exemption uniquely affect, as opposed to the general public?

3. What is the identifiable public purpose or goal of the exemption?

4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?

(b) An exemption may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of the following purposes and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption:

1. Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;

2. Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or repu-

tation of such individual or subparagra individuals

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tation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this subparagraph, only information that would identify the individuals may be exempted; or

3. Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

(c) Records made before the date of a repeal of an exemption under this section may not be made public unless otherwise provided by law. In deciding whether the records shall be made public, the Legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exemption of the type specified in subparagraph (b)2. or subparagraph (b)3. would occur if the records were made public.

(d) An exemption that is created or revived and reenacted must contain uniform language that clearly states the section in the Florida Statutes from which it is exempt, s. 119.07(1) or s. 286.011. The uniform language must also provide for the maximum public access to the meetings and records as is consistent with the purpose of the exemption. An exemption that is created or substantially amended must state that the exemption is repealed at the end of 5 years and that the exemption must be reviewed by the Legislature before the scheduled date of repeal.

(e) Notwithstanding s. 768.28 or any other law, neither the state or its political subdivisions nor any other public body shall be made party to any suit in any court or incur any liability for the repeal or revival and reenactment of an exemption under this section. The failure of the Legislature to comply strictly with this section does not invalidate an otherwise valid reenactment.

History.—s. 2, ch. 95-217; s. 25, ch. 98-136.

119.19 Capital postconviction public records production.—

(1) As used in this section, the term "trial court" means:

(a) The judge who entered the judgment and imposed the sentence of death; or

(b) If a motion under Rule 3.850 or Rule 3.851 has been filed and a different judge has already been assigned to that motion, the judge who is assigned to rule on that motion.

(2) The Secretary of State shall establish and maintain a records repository for the purpose of archiving capital postconviction public records as provided for in this section.

(3)(a) Upon issuance of the Florida Supreme Court's mandate, the Attorney General shall promptly provide written notification to the state attorney who prosecuted the case that a death sentence has been affirmed. Upon receipt of such notification, the state attorney shall promptly provide written notification to each law enforcement agency involved in the case.

(b) Within 90 days after receipt of notification, each law enforcement agency involved in the case and the state attorney who prosecuted the case shall copy,

seal, and deliver to the repository all public records, except for those filed in the trial court, which were produced in the investigation or prosecution of the case. Each agency shall bear the costs.

(4)(a) Upon issuance of the Florida Supreme Court's mandate, the Attorney General shall promptly provide written notification to the Department of Corrections that a death row inmate's sentence has been affirmed.

(b) Within 90 days after notification, the Department of Corrections shall copy, seal, and deliver to the repository all public records determined by the department to be relevant to the subject matter of a proceeding under Rule 3.850 or Rule 3.851 and where such production would not be unduly burdensome for the department. The department shall bear the costs.

(5)(a) The chief law enforcement officer of each law enforcement agency that was involved in the case, whether through an investigation, arrest, prosecution, or incarceration, shall notify the Attorney General upon compliance with subsection (3) and shall certify that to the best of his or her knowledge and belief all public records in possession of the agency or in possession of any employee of the agency have been copied, indexed, and delivered to the records repository as required by subsection (3).

(b) The state attorney who prosecuted the case shall provide written notification to the Attorney General upon compliance with subsection (3) and shall certify that to the best of his or her knowledge and belief all public records in his or her possession have been copied, indexed, and delivered to the records repository as required by subsection (3).

(c) The Secretary of Corrections shall provide written notification to the Attorney General upon compliance with subsection (4) and shall certify that to the best of his or her knowledge and belief all public records in the department's possession have been copied, indexed, and delivered to the records repository as required by paragraph (4)(b).

(6)(a) Within 90 days after issuance of the Florida Supreme Court's mandate affirming a death sentence, both the public defender or private counsel for the defendant and the state attorney involved in the case shall provide written notification to the Attorney General of the name and address of any person or agency in addition to those persons and agencies listed in subsections (3) and (4) which may have information pertinent to the case unless previously provided to the capital collateral regional counsel or postconviction private counsel. The Attorney General shall promptly provide written notification to each identified person or agency after receiving the information from the public defender, private counsel for the defendant, or state attorney and shall request that all public records in the possession of the person or agency which pertain to the case be copied, sealed, and delivered to the records repository.

(b) Within 90 days after receiving a request for public records under paragraph (a), the person or agency shall provide written notification to the Attorney General of compliance with this subsection and shall certify that to the best of his or her knowledge and belief all public records requested have been copied, indexed, and delivered to the records repository.

(7)(a) Any public record delivered to the records repository under this section which is confidential or exempt from the requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution must be separately boxed, without being redacted, and sealed. The outside of the box must clearly identify the public records as exempt, and the seal may not be broken without an order of the trial court. The outside of the box must identify the nature of the public records and the legal basis under which the public records are exempt.

(b) Upon the entry of an appropriate court order, sealed boxes subject to an inspection by the trial court shall be shipped to the respective clerk of court. Such a box may be opened only for an inspection by the trial court in camera and only with a representative of the agency present at the unsealing by the court. The moving party shall bear all costs associated with the transportation and inspection of such records by the trial court.

(8)(a) Within 90 days after a capital collateral regional counsel or private counsel is appointed to represent a defendant sentenced to death, the regional counsel, private counsel, or other counsel who is a member of The Florida Bar and is authorized by such counsel representing a defendant shall send a written demand for additional public records to each person or agency submitting public records under subsections (3) and (4) and to each person or agency identified as having information pertinent to the case under subsection (6). Each person or agency notified under this subsection shall, within 90 days after receipt of the written demand, deliver to the records repository any additional public records in the possession of the person or agency which pertain to the case and shall certify that to the best of his or her knowledge and belief all additional public records have been delivered to the Attorney General or, if no additional public records are found, shall recertify that the public records previously delivered are complete.

(b) Within 60 days after receiving the written demand, the agency or person may file an objection in the trial court. Within 30 days after the filing of an objection, the trial court shall hold a hearing and order an agency or person to produce additional public records if it finds each of the following:

1. The regional counsel or private counsel has made a timely and diligent search as provided in this section.

2. The regional or private counsel's written demand identifies, with specificity, those additional public records that are not at the repository.

3. The additional public records sought are relevant to the subject matter of a proceeding under Rule 3.850 or Rule 3.851 or appear reasonably calculated to lead to the discovery of admissible evidence.

4. The additional public records request is not overbroad or unduly burdensome.

(c) The Attorney General and state attorney shall provide notification as provided in subsections (3) and (4) on cases where the mandate has issued on the date that this statute becomes effective, but where initial requests for public records have not been made.

(d) If, on the date that this statute becomes effective, a defendant is represented by appointed capital collateral regional counsel or private counsel, and he or she has initiated the public records request process, counsel shall file within 90 days of the effective date of this statute, a written demand for any additional records that have not previously been the subject of a notice to produce. An agency may file an objection to such additional demand, and the trial court shall hold a hearing as provided by paragraph (b). This statute shall not be a basis for renewing requests that have been initiated previously or for relitigating issues pertaining to production of public records upon which a court has ruled prior to the effective date of the statute, or for stopping an execution which has been scheduled based upon a warrant executed by the Governor prior to the effective date of the statute.

(e) If, on the date that this statute becomes effective, the defendant has had a Rule 3.850 motion denied and no Rule 3.850 motion is pending, no additional requests shall be made by capital collateral regional counsel or contracted private counsel until a death warrant is signed by the Governor and an execution is scheduled. Within 10 days of the signing of the death warrant, capital collateral regional counsel or contracted private counsel may request of a person or agency that the defendant has previously requested to produce records any records previously requested to which no objection was raised or sustained, but which the agency has received or produced since the previous request or which for any reason the agency has in its possession and did not produce within 10 days of the receipt of the previous notice or such shorter time period ordered by the court to comply with the time for the scheduled execution. The person or agency shall produce the record or shall file in the trial court an affidavit stating that it does not have the requested record or that the record has been produced previously.

(9)(a) After production of additional public records or recertification as provided in subsection (8), the regional counsel or the private counsel is prohibited from making any further public records requests under this chapter. An agency is not required to produce additional public records except by court order as provided in this subsection.

(b) In order to obtain additional public records beyond those provided under subsection (8), the regional counsel, private counsel, or other counsel who is a member of The Florida Bar and is authorized by the regional counsel or private counsel shall file an affidavit in the trial court which attests that he or she has made a timely and diligent search of the records repository and specifically identifies those additional public records that are not at the repository and are relevant to the subject matter of a proceeding under Rule 3.850 or Rule 3.851 or are reasonably calculated to lead to the discovery of admissible evidence. The affiant shall provide a copy of the affidavit to all affected agencies upon the filing of such affidavit in the trial court.

(c) Within 30 days after the filing of an affidavit, the trial court shall order an agency to produce additional public records only if it finds each of the following:

1. The made a timely search.

2. The identifies, with specificity, those additional public records that are not at the repository.

3. The additional public records sought are relevant to the subject matter of a proceeding under Rule 3.850 or Rule 3.851 or appear reasonably calculated to lead to the discovery of admissible evidence.

4. The additional public records request is not overbroad or unduly burdensome.

(10) The regional counsel or private counsel shall provide notification as provided in subsections (3) and (4) on cases where the mandate has issued on the date that this statute becomes effective, but where initial requests for public records have not been made.

(11) The regional counsel or private counsel shall provide notification as provided in subsections (3) and (4) on cases where the mandate has issued on the date that this statute becomes effective, but where initial requests for public records have not been made.

(12) The regional counsel or private counsel shall provide notification as provided in subsections (3) and (4) on cases where the mandate has issued on the date that this statute becomes effective, but where initial requests for public records have not been made.

1. The regional counsel or private counsel has made a timely and diligent search as provided in this section.

2. The regional or private counsel's affidavit identifies, with specificity, those additional public records that are not at the repository.

3. The additional public records sought are relevant to the subject matter of a proceeding under Rule 3.850 or Rule 3.851 or appear reasonably calculated to lead to the discovery of admissible evidence.

4. The additional public records request is not overbroad or unduly burdensome.

(10) The capital collateral regional counsel or private counsel shall provide the personnel, supplies, and any necessary equipment used by the capital collateral regional counsel or private counsel to copy records held at the records repository.

(11) The trial court shall resolve any dispute that arises under this section, unless the appellate court has exclusive jurisdiction.

(12) The capital collateral regional counsel or private counsel shall not solicit another person to make a

request for public records on behalf of the regional counsel or private counsel. The trial court shall impose appropriate sanctions against any regional counsel or private counsel found in violation of this subsection.

(13) Sixty days after a capital sentence is carried out, 60 days after a defendant is released from incarceration following the granting of a pardon or reversal of the sentence, or 60 days after the defendant has been resentenced to a term of years, the Attorney General shall provide written notification to the Secretary of State, who may then destroy the records held by the records repository which pertain to that case.

(14) This section pertains only to the production of records for capital postconviction defendants and does not change or alter any time periods specified in Rule 3.850 or Rule 3.851, Florida Rules of Criminal Procedure. Furthermore, this section does not affect, expand, or limit the production of public records for any purposes other than use in a proceeding held pursuant to Rule 3.850 or Rule 3.851, Florida Rules of Criminal Procedure.

History.—s. 1, ch. 98-198.

OFFENSE-INCIDENT REPORT

Juvenile In Report [] Juvenile Warn/Diamias [] 1. Original [] 2. Supplement [] 1

ADM. Date of Supplement PALMETTO POLICE DEPARTMENT Agency Report Number PPD2001C2845

Original Day Reported THU 10/11/2001 Time (mil) 1500 Time Dispatched (mil) 1426 Time Arrived (mil) 1426 Time Completed (mil) 1500

Incident Type 3. Misdemeanor 4. Traffic Felony 5. Ordinance 6. Traffic Misdemeanor 9. Other Incident: Day Date Time (mil) Day Date Time (mil) From WED 10/10/2001 0600 To WED 10/10/2001 1030

OFF/INC # 1 Type 3 Description CRIMINAL MISCHF A-Attempted C-Committed Statute Violation Number 806 13 2 2900

Incident Location (Street, Apt. Number) City Zip District Grid Area Zone 1115 10TH ST W PALMETTO 34221 3

PPD Business Name/Area Identifier Forced Entry 0. N/A 1. Yes 2. No 3. Abandoned Occupancy 0. N/A 1. Occupied 2. Unoccupied 3. Abandoned

Location Type 01. Residence Single 06. Gas Station 11. Specialty Store 16. Storage 21. Airport 26. Highway/Roadway 99. Other

OFF/INC. # Victims # Offenders # Prem. Ent. # Veh. Stolen Type of Weapon 02. Rifle 03. Shotgun 04. Firearm 05. Knife/Cutting Instrument 06. Blunt Object 07. Hands/Fist/Feet 08. Poison 09. Explosives 10. Fire/Incendiary 11. Threat/Intimidation 12. Simulated Weapon 13. Drugs 88. Unknown 99. Other 00

V/W Code 01 P-Proprietor Victim Type 0. N/A 4. Business Race N-N/A 1. American Indian Sex N-N/A 3. Florida Residence Type 0. N/A 3. Florida Residence Status 0. N/A 1. Full Year 2. Part Year 3. Non-Resident Extent of Injury 0. None 1. Minor 2. Serious 3. Fatal

Injury Type 03. Laceration 07. Loss of Teeth 08. Burns 09. Abrasions/Bruises 01. Gunshot 05. Poss. Broken Bones 06. Poss. Internal Injury 02. Stabbed Victim Relationship To Offender 00. N/A 03. Spouse 04. Ex-Spouse 05. Co-Habitant 06. Parent 07. Brother/Sister 08. Child 09. Step-Parent 10. Step-Child 11. In-Law 12. Other Family 13. Student 14. Teacher 15. Child of Boy/Girl 16. Boy/Girl Friend 17. Friend 18. Neighbor 19. Sitter/Day Care 20. Employee 21. Employer 22. Landlord/Tenant 23. Acquaintance 99. Other Known

OFF/INC Indicator 1. #1 3. Both 2. #2 1 V 01 3 MARTINEZ, MARIA, D Name (Last, First, Middle or Business) Residence Phone 941-7212000

Address (Street, Apt. Number) City State Zip 1115 10TH ST W PALMETTO FL 34221 Business Phone

Other Contact Info. (Time Available, Interpreter, etc.) Synopsis of Involvement

If V/W Code V. W or P Race W Sex F Date of Birth or Age 06/18/1964 37 Res. Type 1 Res. Status 1 Extent of Injury 00 00 Injury Type(s) 00 00 Relationship 01 Ethnicity Will Victim prefer charge? Yes No

OFF/INC Indicator 1. #1 3. Both 2. #2 V/W Code # V. Type Name (Last, First, Middle or Business) Residence Phone

Address (Street, Apt. Number) City State Zip Business Phone

Other Contact Info. (Time Available, Interpreter, etc.) Synopsis of Involvement

If V/W Code V. W or P Race Sex Date of Birth or Age Res. Type Res. Status Extent of Injury Injury Type(s) Relationship Ethnicity Will Victim prefer charge? Yes No

OFF/INC Indicator 1. #1 3. Both 2. #2 Suspect Code S-Suspect E-Escapee A-Arrestee Z-Other Code # Juvenile Name (Last, First, Middle) Maiden Name Nickname/Street Name Place of Birth Residence Phone

Last Known Address (Street, Apt. Number) City State Zip Business Phone Occupation Employer/School Address Social Security Number Driver's License State/Number Immigration and Naturalization Number Other I.D. Number OBTS Number (Arrested) FCIC/NCIC Clothing (Describe) Scars/Marks/Tattoos (Location/Describe) Race Sex Date of Birth or Age Height Weight Eye Color Hair Color Hair Length Hair Style Complexion Build Facial Hair Teeth Speech/Voice Special Identifiers

NARRATIVE SEE ATTACHED NARRATIVE

Person/Unit Notified Time Related Report Number(s) Officer(s) Reporting FRANGIONI I.D. Number(s)/Locator Code 652 Unit Officer Reviewing (If Applicable) STINSON I.D. Number Routed To Referred Assigned To By Date Case Status I Clearance Type 1. Arrest 2. Exceptional 3. Unfounded 4. Open Pend. A-Adult J-Juvenile Date Cleared Jail Number Number Arrested Exception Type 1. Extradition Declined 2. Arrest on Primary Offense Secondary Offense Without Prosecution 3. Death of Offender 4. V/W Refused to Cooperate 5. Prosecution Declined 6. Juvenile Custody OBTS Number Page of Page

PROPERTY REPORT

PALMETTO POLICE DEPARTMENT

Date of Supplement		PALMETTO POLICE DEPARTMENT				Agency Report Number PPD2001C2845			
Original Date Reported 10/11/2001		Primary Offense Description CRIMINAL MISCH			Victim #1 Name MARTINEZ, MARIA, D				
Person Code 1. Victim 2. Suspect		P-Proprietor A-Arrestee Z-Other	Status Code 1. Stolen 2. Recovered	3. Stolen and Recovered 4. Recovered for Other Jurisdiction	5. Lost 6. Found 7. Safekeeping	8. Evidence/Seized 9. Other	Damage Code 0. N/A 1. Arson	2. Criminal Mischief 3. During other Offense 9. Other	
Property Type		A. Auto Accessory/Parts B. Bicycle C. Camera/Photo Equipment D. Drug E. Equipment/Tool	F. Food/Liquor/Consumable G. Gun H. Household Appliance/Goods I. Plant/Citrus J. Jewelry/Precious Metal	K. Clothing/Fur L. Livestock M. Musical Instrument N. Construction Machinery O. Office Equipment	P. Art/Collection Q. Computer Equipment R. Radio/Stereo S. Sports Equipment T. TV/Video/VCR	U. Currency/Negotiable V. Credit Card/Non-Negotiable W. Boat Motor X. Structure Y. Farm Equipment	Z. Miscellaneous		
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
V 01		01	9	2	A	1	VEHICLE	CHEV	4D
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.) VEHICLE BODY WAS KEYS FROM THE DOORS TO THE ROOF LINE				
E301QG									
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$ 500		\$							
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$		\$							
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$		\$							
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$		\$							
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$		\$							
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$		\$							
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$		\$							
Person Code #		Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number			Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value		Value Recovered			Date Recovered		FCIC/NCIC		
\$		\$							
Property Stolen		\$ 500			Change in Property Stolen Value		\$		
Property Recovered		\$			Change in Property Recovered Value		\$		
Activity		Type	Description	Quantity	Unit	Estimated Street Value			
						\$			
Activity		Type	Description	Quantity	Unit	Estimated Street Value			
						\$			
Activity		Type	Description	Quantity	Unit	Estimated Street Value			
						\$			
SEE ATTACHED NARRATIVE									
Officer(s) Reporting		ID. Number(s)/Locator Code			Unit		Date		
FRANGIONI		652					10/11/2001		
Officer Reviewing (if applicable)		ID. Number	Routed To	Referred To	Assigned To	By	Date		
STINSON									
Page Page of									

PALMETTO POLICE DEPARTMENT

NARRATIVE REPORT

CASE#: PPD2001C2845

DATE: 10/11/2001

OFFICER: FRANGIONI

ORIGINAL

ON THE ABOVE DATE I RESPONDED TO PALMETTO POLICE DEPARTMENT FOR A CRIMINAL MISCHIEF. UPON MY ARRIVAL I MET MARIA D MARTINEZ WHO STATED TO ME THAT SOME UNKNOWN PERSON KEYED HER 1999 CHEVY TRUCK.

MARIA STATED TO ME BETWEEN THE TIMES OF 0600HRS AND 1030HRS ON 10/10/01 HER VEHICLE WAS PARKED IN FRONT OF .1115 10TH ST W (PPD). MARIA STATED THAT WHEN SHE ARRIVED AT WORK AT 0600HRS HER VEHICLE WAS UNDAMAGED. MARIA TOLD ME THAT WHEN SHE LEFT AT 1030HRS SHE NOTICED SEVERAL KEY MARKS THAT WENT AROUND THE WHOLE BODY OF HER VEHICLE. THE KEY MARKS WENT FROM BUMPER TO BUMPER ACROSS THE WINDOWS AND UP TO THE ROOF LINE. THERE WAS APPROXIMATELY \$500 DOLLARS WORTH OF DAMAGE TO THE VEHICLE. MARIA WAS UNABLE TO GIVE ANY SUSPECT INFORMATION AT THIS TIME. DUE TO A LACK OF INVESTIGATIVE LEADS THIS CASE IS INACTIVE.

**TO: MAYOR WHITESEL
CITY OF PALMETTO COUNCIL MEMBERS**

FROM: DISPATCHER MARIA MARTINEZ

DATE: OCTOBER 14, 2001

**RE: 1. CALLS MADE BY CHIEF BRIGHT
TO DISPATCHER MARTINEZ'S HOME**

2. ARRANGEMENT OF MEETING

Thursday, October 11, 2001 (Chief Bright called Dispatcher Maria Martinez's home phone and left the following message)

"Maria this is Chief Bright I need to know why you left work today early. I had scheduled to meet with you at about two thirty, and I noticed that you were gone again, called in sick on lets see... Wednesday, and ya also went home early on Thursday, and I need you to explain that to me. Can you give me a call on my cell phone 737-9191, Thank you."

IN RESPONSE TO CHIEF BRIGHT'S QUESTION:

ON WEDNESDAY, OCTOBER 10, 2001, I DID REPORT TO WORK AT MY SCHEDULED TIME (6:00 A.M.). I RECEIVED A CALL FROM MY SON'S SCHOOL STATING THAT HE WAS SICK. I INFORMED SGT. STINSON THAT I HAD TO LEAVE TO TAKE MY SON TO THE DOCTOR. I LEFT WORK AT APPROXIMATELY 10:30 A.M. AND PICKED MY SON UP FROM SCHOOL AND TOOK HIM TO HIS DOCTORS APPOINTMENT. I THEN PICKED UP HIS MEDICATION AND TOOK HIM HOME FOR HIS SISTER TO WATCH. I RETURNED TO WORK AT 2:00 P.M. AND WORKED THE REST OF MY SHIFT (6:00 P.M.)

ON THURSDAY, OCTOBER 11, 2001, AT APPROXIMATELY 2:00 P.M. I RECEIVED A CALL FROM MY DAUGHTER STATING THAT MY SON WAS VOMITTING. MY DAUGHTER HAD TO LEAVE AND COULD NOT WATCH HIM. I AGAIN INFORMED SGT. STINSON THAT MY SON WAS SICK AND THAT I NEEDED TO GO HOME TO CARE FOR HIM. I LEFT WORK AT 2:00 P.M.. AFTER ARRIVING HOME I FOUND OUT THAT MY SON HAD TAKEN HIS ANTIBIOTICS ON AN EMPTY STOMACH AND IT MADE HIM SICK. LATE IN THE AFTERNOON I LEFT TO GO GET MY SON SOME SOUP THAT HE SAID HE WOULD TRY TO EAT, HOPING TO TRY TO MAKE HIM FEEL BETTER.

ON THURSDAY OCTOBER 11, 2001, CHIEF BRIGHT STATES THAT HE HAD SCHEDULED TO MEET WITH ME AT 2:30 P.M. THAT SAME DAY. I WAS AT WORK UNTIL 2:00 P.M. AND CHIEF BRIGHT NEVER INFORMED ME OF THIS SCHEDULED MEETING NOR DID HE SEND ME A MEMO STATING SO.

Thursday, October 11, 2001 (Chief Bright called again on Dispatcher Maria Martinez's home phone and left the following message)

"Hello Maria this is Chief again, it's about 10 minutes till 8:00 on ah Thursday night. I left you a message at ah...5:50 (p.m.), I believe it was earlier tonight to have you call me on my cell phone and I haven't received a call yet. Please call 737-9191."

Friday, October 12, 2001 (Chief Bright again called Dispatcher Maria Martinez's home phone and left the following message.)

"Maria this is Chief Bright again its ah now 11:30 (a.m.) on Friday, October the 12th...umI get a feeling your avoiding my calls because I left messages for you yesterday to have you call my cell phone and I haven't received a call yet...um... I'm gonna schedule you for a meeting with me... 2 p.m. on Monday October, 15th, that is when you are scheduled to come to work at 2 p.m....um... it'll be in my office and they'll be a memo waiting for you. You can still call me on my cell phone if you would like to.. have any problems meeting at that time. Although your scheduled to work at 2:00 o'clock. Thank you."

IN RESPONSE TO CHIEF BRIGHT'S COMMENT:

I DID NOT LISTEN TO MY MESSAGES ON FRIDAY EVENING. JUST BEFORE 7:00 P.M. MY CHILDREN AND I WENT OUT OF TOWN FOR THE WEEKEND AND DID NOT RETURN UNTIL SUNDAY EVENING. AT THAT TIME I LISTENED TO THE CHIEF'S MESSAGES.

SINCE CHIEF BRIGHT STATED THAT HE HAD ARRANGED A MEETING AND THE TIME FOR IT, I SAW NO REASON TO CALL HIM AT THAT TIME.

***** IN ADDITION, CHIEF BRIGHT HAD ALREADY VIOLATED SECTION 5.09 (C) COMPLAINT/PROBLEMS PROCEDURE ESTABLISHED IN THE CITY OF PALMETTO PERSONNEL POLICIES HANDBOOK. CHIEF BRIGHT DID NOT MEET WITH ME WITHIN TWO WORKING DAYS. SECTION 5.09 (A) STATES THAT, "FOR THE PURPOSE OF THIS SECTION, "WORKDAY" SHALL MEAN**

MONDAY THROUGH FRIDAY, INCLUSIVE." DUE TO THAT VIOLATION I REQUESTED A MEETING WITH THE VICE-MAYOR.

THOUGH MY DAYS OFF WERE MONDAY (OCT. 8, 2001) AND TUESDAY (OCTOBER 9, 2001) OF THAT WEEK, CHIEF BRIGHT COULD HAVE CALLED ME AT HOME TO ARRANGE A MEETING. ALSO, CHIEF BRIGHT COULD HAVE MET WITH ME DURING THE HOURS THAT I WAS PRESENT AT WORK ON WEDNESDAY (OCT. 10, 2001), OR ON THURSDAY (OCT. 11, 2001). CHIEF BRIGHT HAD NO PROBLEM CALLING MY HOME ON OCTOBER 11, 2001, OR ON OCTOBER 12, 2001 TO ARRANGE A MEETING, SO IT SHOULD NOT HAVE BEEN A PROBLEM FOR THE CHIEF TO CALL ME AT HOME ON MONDAY OR TUESDAY (MY SCHEDULED DAYS OFF). IN ADDITION, ON MONDAY AND TUESDAY I WAS PRESENT IN THE DEPARTMENT FOUR DIFFERENT TIMES.

SHOULD ANY ONE CARE TO LISTEN TO THE MESSAGES LEFT ON MY MACHINE, I WILL ACCOMMODATE THEIR REQUEST.

******CHIEF BRIGHT ALSO VIOLATED, GENERAL ORDER A-4, SECTION 1 (B), RESPONSIBILITY AND AUTHORITY OF PERSONNEL, WHICH STATES:**

ALL EMPLOYEES SHALL BE ACCOUNTBLE TO ONLY ONE SUPERVISOR AT ANY GIVEN TIME.

CHIEF BRIGHT STATED, "I NEED YOU TO CALL AND EXPLAIN THAT TO ME" REGARDING MY ABSENCE FROM WORK. I HAD ALREADY EXPLAINED THAT TO MY DIRECT SUPERVISOR PRIOR TO LEAVING.

GENERAL ORDER B-6, SECTION IV (F), PERSONNEL REGULATIONS, WHICH STATES:

MEMBERS ARE REQUIRED TO REMAIN ON DUTY FOR THEIR ENTIRE ASSIGNED SHIFT UNLESS EXCUSED BY THEIR SUPERVISOR OR BUREAU COMMANDER. DURING THE SHIFT, MEMBERS WILL CARRY OUT THEIR SWORN AND ASSIGNED DUTIES TO THE BEST OF THEIR ABILITY. IF ANY MEMBER MUST LEAVE DUTY BEFORE THE END OF THE SHIFT DUE TO ILLNESS OR OTHER CIRCUMSTANCES, THE MEMBERS SHALL INFORM THEIR SUPERVISOR BEFORE LEAVING. LEAVING EARLY WITHOUT AUTHORIZATION WILL BE DEEMED NEGLECT OF DUTY AND SHALL BE GROUNDS FOR DISIPLINARY ACTION.

CC: CHIEF KENNY BRIGHT
KAREN CONLON
SHARON JONES
FILE

PALMETTO POLICE DEPARTMENT

GENERAL ORDER A-4

DATE: JANUARY, 2001 **REFERENCE:** C.A.L.E.A. Chapters 11 and 12

SUBJECT: RESPONSIBILITY AND AUTHORITY OF PERSONNEL

INDEX AS: Personnel - Responsibility of; Personnel - Authority of

I. PURPOSE

- A. In police agencies, authority is delegated to subordinates. It is the policy of the Palmetto Police Department that all members of the department are delegated the necessary authority to allow them to perform their designated duties in an effective manner.
1. All personnel at each level shall have the latitude to enable them to make necessary decisions and exercise discretion to effectively execute their duties.
 2. Each employee shall be held fully accountable for the application of, or failure to apply, the authority delegated to him.
 3. Any officer of lower rank who may be placed temporarily in the position of an officer of higher rank by a commanding officer, shall exercise the authority and perform the duties of such higher position. He/she shall be held responsible, in like manner, as if regularly appointed as such higher officer. In any such case, he/she shall not unnecessarily interfere with or countermand any order issued by the officer whose place he/she temporarily occupies.
 4. All personnel in a supervisory position are accountable for the actions of subordinates under their command, whether they are in a permanent or temporary assignment.
 5. In the event a situation arises wherein members of different components of the agency are involved, the ranking Patrol Division Officer will be in control until such time as the scene is turned over to another division.
- B. **SPAN OR CONTROL** - Supervision at the line level will not exceed the number which a supervisor can effectively control, and will decrease proportionally up through the Chain of Command to the Chief of Police as in a pyramid structure. All employees shall be accountable to only one supervisor at any given time.

VII. HOURS OF WORK

- A. For *Sworn personnel*, they shall be determined by the Chief of Police. For all other personnel, they shall be as stated in the City of Palmetto Personnel Policies Manual.
- B. If an employee cannot report for duty at the assigned time but will be *late*, due to an illness or other circumstance, the employee shall contact his/her supervisor before the start of the shift to explain the situation and provide estimated time of arrival.
- C. Members are expected to report for duty on their assigned shifts except when injury, illness, or an emergency situation should prevent them from doing so. Members shall notify their supervisor, as soon as practical, of their reason for *not reporting*. Failure to notify your immediate supervisor will result in disciplinary action.
- D. To be eligible for *paid sick leave*, members must notify and receive approval from their supervisor or department head prior to assigned shift. While on sick leave, members must be available for contact by supervisor or department head.
- E. Members shall take *sick leave* only for instances of illness, injury, or disability not covered by Worker's Compensation. A doctor's statement may be required prior to the member's return to work. Paid sick leave may also be approved where, because of illness, injury or disability, or the death of a close relative or member of the household, an employee has to be absent from work (see City of Palmetto Personnel Policies Manual).
- F. Members are required to remain on duty for their entire assigned shift unless excused by their supervisor or Bureau Commander. During the shift, members will carry out their sworn and assigned duties to the best of their ability. If any member must *leave duty before the end of the shift* due to illness or other circumstances, the members shall inform their supervisor before leaving. Leaving early without authorization will be deemed neglect of duty and shall be grounds for disciplinary action.
- G. While on duty, members may be permitted to suspend patrol or other assigned activity on approval of the supervisor for one *meal period* of thirty (30) minutes for an eight hour work day, forty-five (45) minutes for a ten hour work day, sixty (60) minutes for a twelve hour day, and one fifteen (15) minute *break* in the first half of the shift and one fifteen (15) minute break in the second half of the scheduled shift. Excepting dispatchers, officers are required to be available for immediate call at any time during their tour of duty, including meal periods and breaks. Breaks or meal times shall not be taken at the end of the shift for the purpose of leaving early.
- H. In the event it becomes necessary for an employee to return to work for the purpose of an emergency or for reasons not related to the completion of any unfinished work in progress (i.e., completion of reports or arrest records), on other than their regularly assigned shifts, or if employees are required to appear in court/deposition

After hearing rumors about comments made by Chief Bright at the City Council Meetings, I decided to listen to the tapes.

At the Council Meeting on Sept. 20, 2001, Councilwoman Keefer questioned Chief Bright about three Record Clerks being in Records. Councilwoman Keefer suggested that the newest employee that was in Records could possibly work at City Hall for half of the day on a temporary basis. Chief Bright stated that, if asked to work at City Hall all three would probably quit. They don't want to work at City Hall. The Chief never asked our opinions prior to making such a statement.

At the Council Meeting on October 1, 2001, Chief Bright was requesting to bring Laura Flores back at a higher rate of pay than what was on the step plan for new employees, he requested to bring her back at \$23, 320. He states that because of her experience she should be brought back at a higher rate of pay. When a Council Member asked if the other dispatchers would be offended by her making more than them, he informed Council Members that she (Laura) trained most of our current dispatchers. The truth of the matter is Laura did not train any of the current dispatchers, all of the current dispatchers were trained by Dispatcher Debbie Giddens. In addition, according to Debbie Giddens, Laura has not trained anyone since she achieved her certification. Chief Bright also stated that Laura was an employee at the Sheriff's Office as a victim advocate, when in fact she worked at Manatee Glens as a Rape Crisis Counselor. Councilman Williams inquired as to whether the newest records clerk, who was a transfer from dispatch, could go back into Dispatch. The Chief stated that he asked Cari, and she would not return to dispatch.

At the Council Meeting on October 8, 2001, Councilman Williams mentioned that Chief Bright stated on October 1, 2001, that Dispatcher Maria Martinez had already been addressed regarding the changes even though Lt. Hannaford's memo to Dispatcher Maria Martinez dated Oct. 3, 2001, contradicted the Chief's statement.

confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately, without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . .

LAW ENFORCEMENT



KENNY BRIGHT, CHIEF OF POLICE

complaint, question, or request. If the employee cannot answer the question or respond to the complaint or request, he/she should transfer the citizen to someone who can, or make arrangements for the appropriate employee to contact the citizen later.

- B. Members shall *conduct themselves*, at all times, so as *to reflect credit upon the City of Palmetto and the Palmetto Police Department*. Employees have a responsibility to maintain the best relations possible with the public, both on and off duty.
- C. Members *shall not conduct themselves in an immoral, indecent, lewd or disorderly manner*, or in a manner that might be construed by an observer as immoral, indecent, lewd or disorderly. They shall not be guilty of misconduct, neglect of duty, conduct unbecoming an officer, employee, lady or gentleman, or acts tending to discredit the department, even though such conduct is not specifically set forth in this manual of rules and regulations.
- D. Members off duty *shall not consume alcoholic beverages* to the extent that they bring discredit or embarrassment to the department.
- E. Members shall notify their immediate supervisor if any member is suspected of taking or being under the influence of any *controlled substance or drugs*, while on duty, that is not prescribed by a physician.
- F. Members shall *speak the truth at all times*. Any member who willfully departs from the truth shall be subject to immediate discipline.
- G. Members shall, at all times, *be courteous toward the public and each other*. They shall conduct themselves in a civil and orderly manner, even in the face of great provocation. They shall be diplomatic in the performance of their duties, controlling their tempers and exercising the utmost patience and discretion. When required, members shall act with firmness and with sufficient energy to properly perform their duties. They shall, at all times, refrain from using offensive, profane or vulgar language.
- H. *Violations of the laws, rules or ordinances* by members shall be *reported to the Chief of Police* through the chain of command.
- I. Nothing herein shall be construed to restrict the right of an employee to *hold membership in and support a political party*, to vote as he/she chooses, to express his/her opinions on all political subjects and candidates, to maintain political neutrality, or to campaign actively during off-duty hours in accordance with State Statute.
 - 1. No member may use City time, equipment, or property to solicit other employees, who are on City time, for any political purpose.

Bernie Eckert started employment with the City of Palmetto, on October 28, 1999, as a Dispatcher (**Reference Tentative Budget dated Sept. 14, 2000**) Within a few months, Bernie decided he could not take the pressure and stress of working Dispatch. He informed the Chief that he was going to resign. The Chief did not want to lose him as an employee, so he created a job for him. His new responsibilities were to organize and maintain maintenance and repairs of the Departments buildings, grounds, and vehicles. **(These responsibilities are listed in the job description for the Administrative Assistant in the Palmetto Police Department G.O. Book that was issued in January of this year, please reference job description).** In addition, miscellaneous jobs are delegated to him by Kathy Brooks.

This newly created job was never posted nor was the position offered to any other employee. For several months he was listed as a Dispatcher, but not performing the job functions of a Dispatcher. October 1, 2000, he was promoted to Assistant Property and Evidence Custodian (**Reference Employee Status Request regarding promotion**), yet he still completed the duties of the above mentioned job description. On the Palmetto Police Budget 2001-2002, his title has once again changed to "Maintenance." (**Reference Palmetto Police Budget 2001-2002**). The Palmetto Police Department G.O. Book does not contain a job description for "Maintenance Personnel."

No one was afforded the opportunity to apply for either of these jobs (Assistant Property and Evidence Custodian, nor Maintenance), because they were never posted and were offered only to Bernie Eckert. In addition to the higher annual salary than some non-sworn personnel within the department, the cap or limit for the title of Assistant Property and Evidence Custodian/Maintenance is also higher.

By affording Bernie the sole opportunity to obtain experience and training in the Property and Evidence Department, he would have distinct advantage over any other employee in the event of Paul Murray's retirement and his position becomes available.

The City of Palmetto is an Equal Opportunity Employer, yet equal opportunity was not given to any person inside or outside our agency regarding these "created" positions.

FISCAL YEAR 2000 - 2001 BUDGET
Tentative Final Budget - September 14, 2000

PERSONAL SERVICES WORKSHEET - POLICE DEPARTMENT									
Title	Name	1999-2000 Salary	Promotions/ Adjustments	Proposed FY 2001 Salary	0.0765 FICA	0.050 City Portion of Pension	2,520 Health Insurance	85 Life Insurance	Workers' Comp
001-20-21: Police									
Police Chief	Bright, Kenneth	50,000	-	51,550	3,944	2,578	2,520	85	2,062
Executive Salaries		50,000	-	51,550	3,944	2,578	2,520	85	2,062
Administrative Assistant	Brooks, Kathy	28,122	-	28,994	2,218	3,479	2,520	85	103
Chief Dispatcher	Carter, Harold	30,073	-	31,005	2,372	3,721	2,520	85	110
Clerk-Typist II	Rader, Sheri	20,310	-	20,940	1,602	2,513	2,520	85	74
Clerk-Typist II	Murray, Evelyn	23,397	-	24,122	1,845	2,895	2,520	85	86
Custodian-Evidence	Murray, Paul	28,122	-	28,994	2,218	3,479	2,520	85	103
Dispatcher	Torres, Laurie	19,980	-	20,599	1,576	2,472	2,520	85	73
Dispatcher	Sleeper, Kathryn	19,980	-	20,599	1,576	2,472	2,520	85	73
Dispatcher	Belzer, Cari	19,980	-	20,599	1,576	2,472	2,520	85	73
Dispatcher	Eckert, Adolph	19,980	-	20,599	1,576	2,472	2,520	85	73
Dispatcher	Giddens, Debra	21,610	-	22,280	1,704	2,674	2,520	85	79
Dispatcher	Flores, Laura	20,779	-	21,423	1,639	2,571	2,520	85	76
Dispatcher	Martinez, Maria	19,980	-	20,599	1,576	2,472	2,520	85	73
Police Captain	Lowe, James	42,500	-	43,818	3,352	2,191	2,520	85	1,753
Police Corporal	Lathinghouse Jr, Robe	30,000	-	30,300	2,318	1,515	2,520	85	1,212
Police Corporal	Eckert, Gabriel	30,000	-	30,300	2,318	1,515	2,520	85	1,212
Police Corporal	Barton, Jr., Willie	30,000	-	30,300	2,318	1,515	2,520	85	1,212
Police Corporal	Tyler, Scott	30,500	-	30,805	2,357	1,540	2,520	85	1,232
Police Corporal	Ahler, Kristopher	30,000	-	30,300	2,318	1,515	2,520	85	1,212
Police Lieutenant	Hannaford, Rex	40,500	-	41,756	3,194	2,088	2,520	85	1,670
Police Officer	Camacho, Kimberly	26,000	-	26,260	2,009	1,313	2,520	85	1,050
Police Officer	Makeever, Garrett	32,047	-	32,367	2,476	1,618	2,520	85	1,295
Police Officer	Nuwer, Terri	32,047	-	32,367	2,476	1,618	2,520	85	1,295
Police Officer	Carnegie, Chad	24,500	-	24,745	1,893	1,237	2,520	85	990
Police Officer	McNeil, Lorenzo	33,131	-	33,462	2,560	1,673	2,520	85	1,338
Police Officer	Ojeda Lugo, Luis	28,089	-	28,370	2,170	1,418	2,520	85	1,135
Police Officer	Gregoire, Aleksander	24,500	-	24,745	1,893	1,237	2,520	85	990
Police Officer	Schue, Darryl	33,286	-	33,619	2,572	1,681	2,520	85	1,345
Police Officer	Walters, Jerome	32,047	-	32,367	2,476	1,618	2,520	85	1,295
Police Officer	Frangioni, Eugene	24,500	-	24,745	1,893	1,237	2,520	85	990

ADMINISTRATIVE ASSISTANT JOB DESCRIPTION

1. **Definition** - This is a sensitive position requiring high accountability in administrative and secretarial work. Employee is responsible for relieving the Chief of Police of sensitive administrative details, and coordinating and carrying out the duties of law enforcement clerical tasks. Work assignments and administrative directions are received from the Chief of Police. Wide latitude for the use of independent judgement in the proper selection of work methods, administrative decisions, and procedures are required. The sensitivity of information handled by this position requires a defined measure of maturity and judgement.
2. **Primary Duties** - Acts as administrative and secretarial assistant to the Chief of Police and secondly to the Administrative and Enforcement Bureau Commanders. Further develops administrative policy and decisions as explained and directed, relieving the Chief of Police and Bureau Commanders of administrative, operational and clerical details. Effects inspections of administrative procedures to ensure compliance with current orders and regulations pertaining to the department, and as required by the Florida Department of Law Enforcement. Performs budgetary, purchasing and fiscal duties as required by City ordinances. Organizes and maintains maintenance and repairs of the Department's buildings, grounds, and vehicles. Maintains an inventory and controls the issues of the Department's supplies and equipment. Coordinates and makes travel arrangements for department personnel for training assignments. Operates police vehicles, equipment and performs clerical duties. Maintains files and specialized accounts payable and receivable sensitive to law enforcement activities.
3. **Required Knowledge, Abilities, and Skills** - A working knowledge of modern office practices and procedures, basic building maintenance upkeep, and fleet vehicle maintenance procedures. Experience with budget preparation and tracking, purchasing procedures, expense reports, and inventory control. Strong organizational skills are a must. Knowledge of payroll preparation and required supporting documentation required. Secretarial experience, filing, and modern computer operations with word processing a must. Ability to compose accurate and effective problem-solving reports to the City Council for review and business type correspondence to outside agencies.
4. **Training and Expertise** - High School graduate or equivalent, five or more years of clerical, administrative, and computer operator experience, which includes skills in both stand-alone and mainframe computer entry. Supervisory experience preferred.
5. **Job Task Analysis**
 - a. Prepares the Police Department budget with the Chief of Police and the Administrative Bureau Commander for submission to the City Council, and maintains a current status of expenditures throughout the fiscal year.
 - b. Prepares requisitions through main frame applications for department supplies/equipment and the payment of recurring bills for the Chief of Police's approval.

- c. Receipts for material and equipment, and electronically records these receipts through computer main frame applications.
 - d. Provides the Chief of Police with administrative goals and objectives and attainment reports on an as needed basis.
 - e. Responsible for completion of assignments and/or projects required by Florida Department of Law Enforcement Agency policies and procedures, primarily relating to annual training requirements and those sensitive documents related to the hiring of new officers or the release/transfer of current certified officers.
 - f. Assigns and monitors the duties of county prisoner trustee on a daily basis.
 - g. A member of the Police Department Emergency Operation Center (EOC) which duties vary from department/building emergency preparedness to recording all manhour and equipment data utilized in cases of emergency.
 - h. Maintains department personnel files and those files pertinent to the daily administrative operation of the Police Department.
 - i. Records and submits biweekly payroll for all Police Department personnel through computer mainframe applications.
 - j. Types all outgoing correspondence for the Chief of Police, and the Administrative and Enforcement Bureau Commanders, on an as needed basis.
 - k. Records all training information for both sworn and non-sworn department personnel, and prepares annual reports to the Florida Department of Law Enforcement on all Sworn Officers.
 - l. Maintains separate sensitive investigative files and ensures compliance with Florida Department of Law Enforcement requirements for prompt and accurate submission to higher authority.
 - m. Maintains Law Enforcement investigative cost bank records.
 - n. Schedules travel and billeting arrangements for approved department training.
6. **Physical Strengths** - Due to the variety of job tasks which deal in vehicle and/or building maintenance, and disaster preparedness, heavy lifting is required. Stress related work.
7. **Environmental Conditions** - Primarily supervisory work; however, due to the nature of law enforcement related support duties and/or natural disaster support requirements, outside environmental hazards could occur.

* XIV. ADMINISTRATIVE ASSISTANT

* Major Function

This is highly accountable work in administrative and secretarial work. Employee is responsible for relieving the Chief of administrative details, coordinating and carrying out administrative duties, and performing a variety of clerical tasks. Work assignments and administrative directions are received from the Chief of Police. Wide latitude for use of independent judgement in the selection of work methods and procedures is afforded.

* Illustrative Duties

Acts as administrative and secretarial assistant to the Chief of Police and staff officers. Further develops administrative policy and decisions as explained and directed, relieving the Chief and staff of administrative, operational and clerical details. Effects inspections of administrative procedures to insure compliance. Perform budgetary, purchasing and fiscal duties as required. Organizes and maintains Department personnel records. Coordinates the maintenance and repairs of the Departments' buildings, grounds and vehicles. Maintains an inventory and controls and issues supplies and equipment. Coordinates and makes travel arrangements for Department Personnel. Operates office equipment and performs clerical duties.

* Desirable Qualifications

Knowledge, Abilities and Skills

A working knowledge of modern office practices and procedures. Experience with budget preparation and tracking, purchasing procedures, expense reports and inventory control. Strong organizational skills. Knowledge in payroll preparation, computers, modern secretarial techniques, practices and equipment. Ability to compose accurate and effective correspondence.

* Training and Experience

Graduate from high school or equivalent certification. Considerable experience in office administration and clerical duties or a combination of education, training and experience.- Considerable experience with use of office equipment, computers and computer terminals.

**PALMETTO POLICE DEPT.
EMPLOYEE STATUS REQUEST
TO HUMAN RESOURCE DIRECTOR**

Employee Name: Adolph (Bernie) Eckert	Effective Date: October 1, 2000
Social Security No.: 266-84-2743	Hire Date: October 28, 1999
Employee Number: 649	Account No.: 001-2021-521.13-79

	FROM	TO
FUND		
DEPARTMENT		
DIVISION		
ACTIVITY		
RATE	\$18,416.00 / 8.8541	\$21,179.00 / 10.1821

New Hire:	Probationary Review:	Re-Hire:
COLA: 3.1%	Merit Increase:	Step Increase:
Promotion: XXXXXXXX	Demotion:	Transfer:
Lump Sum:	General Increase:	Other:
Re-Eval. Current Job:	Termination:	Salary Range Adj.:
Leave of Absence:	From:	To:

COMMENTS:

Promotion from Dispatcher to Assistant Property and Evidence Custodian.

APPROVED BY: _____

Capt. [Signature]

DATE: 10/02/2000

The decision to come forth publicly with the following information was an extremely stressing and difficult decision. I realize that the Palmetto Police Department is under investigation regarding complaints filed by Corporal Jerome Waiters. If his case is not settled and his case goes to Federal Court, I would feel compelled to testify on his behalf regarding this and other related issues. Being a City of Palmetto employee does not relieve me of my duty and responsibility to address and expose these matters no matter how detrimental the truth may be to the City. I can not have a selective memory on their behalf. Right is right, wrong is wrong, and two wrongs don't make it right.

When Detective Jerome Waiters, a black male, (who is now a Corporal on the road) was informed that he was being transferred back to the road, he requested to take his open cases with him (per conversations with him), so that he could close them out. His request was denied. Recently, it was brought to my attention that when the Detective Sergeant, a white male, was transferred back to the road he was permitted to take numerous cases with him, to afford him the opportunity to further investigate or close out his own cases. Some of these cases were extremely serious and sensitive in nature.

On July 27, 2001, the current Detective Sergeant came into my office and handed me several supplements to older cases, some as far back as a year and a half. As I went through the pile I noticed that most of the cases were originally assigned to the former Detective Sergeant that had been transferred back to the road. I found it odd that the cases were so old. I questioned the current Detective Sergeant as to why I was getting them now. He stated, "When Sgt. Stinson left C.I.D. he was allowed to take them with him. He didn't get around to doing them, so they were given to me, I am closing them out." I asked, "Who gave Sgt. Stinson approval to do this?" Sgt. Diaz replied, "Lt. Hannaford". I asked if Sgt. Stinson had been reprimanded for not following through with the cases. Sgt. Diaz stated, "I don't know." I was extremely upset because one case was an alleged victim of sexual battery. Attached is a copy of Sgt. Diaz's supplement to that case.

Sgt. Diaz is able to corroborate and substantiate my statements, though he may be fearful of retaliation. As further evidence, the supplements to those cases are in the files of the Records Department at the Palmetto Police Department, at least as of 4:00 o'clock today.

PALMETTO POLICE DEPARTMENT SUPPLEMENT REPORT CASE # :99110104
ORI#:410600

DESC [SEXUAL BATTERY] VI [REDACTED]
LOCA [REDACTED] ORIG DT [111099] THIS DT [011100]

[VI/WI]

VI/WI CD [W] [WITNESS] VI/WI# [01] RACE/SEX [W] [WHT] [F]
DOB [REDACTED] VI TYP [1] [JV] RES TYP [2] [CO]
RES STAT [1] [FULL YR] EXT INJ [0] [NONE]
INJ TYP [00] [N/A] REL OFN [00] [N/A]
NAME [REDACTED] ADRS [REDACTED]
CTY [PALMETTO] ST [FL] ZIP [REDACTED] H-PH [REDACTED]
OCC [REDACTED] EMP [REDACTED] ADRS [REDACTED]
CTY [REDACTED] ST [FL] ZIP [REDACTED] B-PH [REDACTED]

ON 11/14/99 I CONTACTED THE ABOVE WITNESS WHO GAVE ME A SWORN AFFIDAVIT. IN THE AFFIDAVIT SHE STATED THAT [REDACTED] AND [REDACTED] CAME TO HER APARTMENT EARLY IN THE MORNING. [REDACTED] STATED THAT THE PAIR HAD WOKE HER UP. WHEN SHE ASKED HOW THEY HAD GOTTEN TO HER APARTMENT [REDACTED] STATED THAT THEY HAD TAKEN [REDACTED] KEYS AND CAR. [REDACTED] ALSO WENT ON TO STATE THAT [REDACTED] WAS WEARING JEANS, A SHIRT AND A JACKET. THE JEANS HAD BLOOD ON THEM AS DID THE JACKET. [REDACTED] HAD TOLD [REDACTED] THAT THE BLOOD WAS FROM A FIGHT AT THE SOUTHERN COMFORT SALOON. CASE PENDING.

REC.# 12984

=====

OFCR [M. STINSON]	ID# [105]	X-FILE [2]	[NG]
CLR TYP [0] [N/A]	OT CASE CLR [PENDING]	EX TYP [0]	[N/A]
ADT JV [N] [N/A]	#AR [00]		

=====

A P P R O V E D R E P O R T
Supervisor : Sgt. Stinson
Date : 01-13--0
Time : 17:15:34

PALMETTO POLICE DEPARTMENT

NARRATIVE REPORT

CASE#: 99110104

DATE: 07-27-2001

OFFICER: DET. SGT. DIAZ

SUPPLEMENT

ON 07-06-2001 I MET WITH EDUARDO BRODSKY (ASSISTANT STATE ATTORNEY) IN HIS OFFICE. I ADVISED EDUARDO THAT I WANTED TO GO OVER A SEXUAL BATTERY CASE, THAT WAS A YEAR OLD. EDUARDO WAS FAMILIAR WITH THE CASE. WHILE GOING OVER THE CASE FILE EDUARDO ADVISED THAT THE ONLY WAY THEY (S.A.O.) COULD PROCEED WITH THIS CASE, OR EVEN FILE CHARGES ON THIS CASE WOULD BE IF [REDACTED] (VICTIM) MADE A CONTROLLED TELEPHONE CALL TO THE MALE SUSPECTS, AND HAVE THEM ADMIT THAT THEY HAD DONE SOMETHING TO HER. EDUARDO STATED THAT THE STATE ATTORNEYS OFFICE WOULD NOT BE ABLE TO PROVE ANYTHING WITH OUT THAT CALL.

ON 07-25-2001 I CALLED [REDACTED] IDENTIFIED MYSELF TO HER. I ADVISED HER THAT I HAD TAKEN OVER THE CASE AND THAT I HAD MET WITH EDUARDO IN HIS OFFICE. I TOLD [REDACTED] WHAT EDUARDO TOLD ME, AND [REDACTED] ADVISED THAT SHE REALLY DID NOT WANT TO CALL ANYONE. [REDACTED] ASKED HOW MUCH LONGER WOULD THIS BE GOING ON. I ADVISED HER THAT I DID NOT KNOW, ONLY THAT EDUARDO ADVISED THAT A CONTROLLED CALL WOULD BE THE ONLY WAY TO CONTINUE THE INVESTIGATION. [REDACTED] THEN ASKED WHAT OTHER WAY WA THERE TO END ALL OF THIS. I ADVISED HER THAT IF SHE WANTED TO SHE COULD SIGN A "WAIVER OF PROSECUTION" AND THIS WOULD END THE INVESTIGATION. I ASKED [REDACTED] IF THAT WAS WHAT SHE REALLY

PALMETTO POLICE DEPARTMENT

NARRATIVE REPORT

WANTED TO DO. [REDACTED] STATED, "YES, I WANT THIS TO BE OVER". I THEN ASKED [REDACTED] IF SHE COULD COME DOWN TO THE STATION TO SIGN THAT WAIVER. [REDACTED] ADVISED THAT SHE WAS ON HER WAY INTO WORK, AND THAT SHE WOULD STOP BY. A FEW MINUTES LATER [REDACTED] ARRIVED AT THE STATION. I ASKED [REDACTED] AGAIN; IF SHE WAS SURE THAT SHE WANTED TO DO THIS. [REDACTED] ADVISED THAT SHE WAS SURE AND SIGNED THE WAIVER. AT THIS TIME THIS CASE IC CLOSED EXCEPTIONALLY WITH A WAIVER SIGNED.

PALMETTO POLICE DEPARTMENT

GENERAL ORDER A-4

DATE: JANUARY, 2001 **REFERENCE:** C.A.L.E.A. Chapters 11 and 12

SUBJECT: RESPONSIBILITY AND AUTHORITY OF PERSONNEL

INDEX AS: Personnel - Responsibility of; Personnel - Authority of

I. PURPOSE

- A. In police agencies, authority is delegated to subordinates. It is the policy of the Palmetto Police Department that all members of the department are delegated the necessary authority to allow them to perform their designated duties in an effective manner.
1. All personnel at each level shall have the latitude to enable them to make necessary decisions and exercise discretion to effectively execute their duties.
 2. Each employee shall be held fully accountable for the application of, or failure to apply, the authority delegated to him.
 3. Any officer of lower rank who may be placed temporarily in the position of an officer of higher rank by a commanding officer, shall exercise the authority and perform the duties of such higher position. He/she shall be held responsible, in like manner, as if regularly appointed as such higher officer. In any such case, he/she shall not unnecessarily interfere with or countermand any order issued by the officer whose place he/she temporarily occupies.
 4. All personnel in a supervisory position are accountable for the actions of subordinates under their command, whether they are in a permanent or temporary assignment.
 5. In the event a situation arises wherein members of different components of the agency are involved, the ranking Patrol Division Officer will be in control until such time as the scene is turned over to another division.
- B. **SPAN OR CONTROL** - Supervision at the line level will not exceed the number which a supervisor can effectively control, and will decrease proportionally up through the Chain of Command to the Chief of Police as in a pyramid structure. All employees shall be accountable to only one supervisor at any given time.

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: JULY 6, 2001

Employee Name: DEBRA HATINGER

Employee Number: 651

From: JUNE 20, 2001

To: JULY 3, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
06/20	Wednes.	8						
06/21	Thursday	8						
06/22	Friday	8						
06/23	Saturday	/						
06/24	Sunday	/						
06/25	Monday	6						
06/26	Tuesday	7 1/2						
TOTALS		37.5						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
06/27	Wednes.	8						
06/28	Thursday	8						
06/29	Friday	8						
06/30	Saturday	/						
07/01	Sunday	/						
07/02	Monday	8						
07/03	Tuesday	8						
TOTALS		40						
		GRAND TOTAL w/Adjustments:		77.5				

ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Debra Hatinger
Employee's Signature

I certify the employee worked as stated.

Kathy Brooks
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: JUNE 22, 2001

Employee Name: DEBRA HATINER

Employee Number: 651

From: JUNE 6, 2001

To: JUNE 19, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
06/06	Wednes.	8						
06/07	Thursday	7						
06/08	Friday	8						
06/09	Saturday	—						
06/10	Sunday	—						
06/11	Monday	6						
06/12	Tuesday	7						
TOTALS		36						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
06/13	Wednes.	8						
06/14	Thursday	8						
06/15	Friday	—						
06/16	Saturday	—						
06/17	Sunday	—						
06/18	Monday	4						
06/19	Tuesday	—						
TOTALS		20						

GRAND TOTAL
w/Adjustments: 56

	<u>Hours</u>	<u>Date</u>	<u>Reason</u>
ADJUSTMENT(S) TO PREVIOUS PAY PERIOD(S):	_____	_____	_____
	_____	_____	_____

I certify that I worked as stated above.

Debra Hatner
Employee's Signature

I certify the employee worked as stated.

Capt. J. [Signature]
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: JUNE 8, 2001

Employee Name: DEBRA HATINGER

Employee Number: 651

From: MAY 23, 2001

To: JUNE 5, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/23	Wednes.	8						
05/24	Thursday	5						
05/25	Friday	4						
05/26	Saturday							
05/27	Sunday							
05/28	Monday	H/						
05/29	Tuesday	6						
TOTALS		23						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/30	Wednes.	8						
05/31	Thursday	8						
06/01	Friday	7						
06/02	Saturday							
06/03	Sunday							
06/04	Monday	8						
06/05	Tuesday	8						
TOTALS		39						

GRAND TOTAL
w/Adjustments: 62

ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Debra B. Hattinger
Employee's Signature

I certify the employee worked as stated.

[Signature]
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: MAY 11, 2001

Employee Name: DEBRA HATINGER

Employee Number: 651

From: APRIL 25, 2001

To: MAY 8, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
04/25	Wednes.	7						
04/26	Thursday							
04/27	Friday							
04/28	Saturday							
04/29	Sunday							
04/30	Monday	7						
05/01	Tuesday							
TOTALS		14						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/02	Wednes.							
05/03	Thursday							
05/04	Friday							
05/05	Saturday							
05/06	Sunday							
05/07	Monday	4						
05/08	Tuesday	8						
TOTALS		12						

GRAND TOTAL w/Adjustments: <u>26</u>

**ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):**

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Debra B Hatinger
Employee's Signature

I certify the employee worked as stated.

Keith Brown
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: MAY 25, 2001

Employee Name: DEBRA HATINGER

Employee Number: 651

From: MAY 9, 2001

To: MAY 22, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/09	Wednes.	6						
05/10	Thursday	4						
05/11	Friday	3 1/2						
05/12	Saturday	—						
05/13	Sunday	—						
05/14	Monday	6						
05/15	Tuesday	4 1/2						
TOTALS		24						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/16	Wednes.	7 1/2						
05/17	Thursday	8						
05/18	Friday	5						
05/19	Saturday	—						
05/20	Sunday	—						
05/21	Monday	7 1/2						
05/22	Tuesday	8						
TOTALS		36						

GRAND TOTAL 60
w/Adjustments:

ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Debra B. Hatinger
Employee's Signature

I certify the employee worked as stated.

Carl J. [Signature]
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: MAY 11, 2001

Employee Name: Cari Belzer

Employee Number: 644

From: APRIL 25, 2001

To: MAY 8, 2001

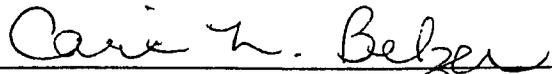
DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
04/25	Wednes.	8						
04/26	Thursday	8						
04/27	Friday	8						
04/28	Saturday	RDO						
04/29	Sunday	RDO						
04/30	Monday	8						
05/01	Tuesday	8						
TOTALS		40						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/02	Wednes.	8						
05/03	Thursday	8						
05/04	Friday	8						
05/05	Saturday	RDO						
05/06	Sunday	RDO						
05/07	Monday	8						
05/08	Tuesday	8						
TOTALS		40						
		GRAND TOTAL w/Adjustments:		80				

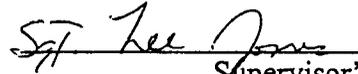
ADJUSTMENT(S) TO PREVIOUS PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.


 Employee's Signature

I certify the employee worked as stated.


 Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: MAY 25, 2001

Employee Name: Cari Belzer

Employee Number: 644

From: MAY 9, 2001

To: MAY 22, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/09	Wednes.	8						
05/10	Thursday	8						
05/11	Friday	8						
05/12	Saturday	RDO						
05/13	Sunday	RDO						
05/14	Monday	8						
05/15	Tuesday	8						
TOTALS		40						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
05/16	Wednes.	8						
05/17	Thursday	8						
05/18	Friday	8						
05/19	Saturday	RDO						
05/20	Sunday	RDO						
05/21	Monday		8					
05/22	Tuesday	8						
TOTALS		32	8					

GRAND TOTAL
w/Adjustments: 80

ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Unavailable
Employee's Signature

I certify the employee worked as stated.

Sgt. Lee Jones
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: JUNE 22, 2001

Employee Name: Cari Belzer

Employee Number: 644

From: JUNE 6, 2001 FS FV

To: JUNE 19, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
06/06	Wednes.		4	4				
06/07	Thursday			8				
06/08	Friday			8				
06/09	Saturday			—				
06/10	Sunday			—				
06/11	Monday			8				
06/12	Tuesday			8				
TOTALS			4	36				

FC

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CA/E	CS	REASON	Approval
06/13	Wednes.			8				
06/14	Thursday			8				
06/15	Friday			8				
06/16	Saturday			—				
06/17	Sunday			—				
06/18	Monday			2.0		6		
06/19	Tuesday			2.5				
TOTALS				28.5		6		

GRAND TOTAL
w/Adjustments: 74.5

	Hours	Date	Reason
ADJUSTMENT(S) TO PREVIOUS PAY PERIOD(S):	_____	_____	_____
	_____	_____	_____

I certify that I worked as stated above.

Unavailable
Employee's Signature

I certify the employee worked as stated.

Sgt. Lee Jones
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: JULY 6, 2001

Employee Name: Car: Belzer

Employee Number: 644

From: JUNE 20, 2001

To: JULY 3, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
06/20	Wednes.							
06/21	Thursday							
06/22	Friday							
06/23	Saturday							
06/24	Sunday							
06/25	Monday							
06/26	Tuesday							
TOTALS								

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
06/27	Wednes.							
06/28	Thursday							
06/29	Friday							
06/30	Saturday							
07/01	Sunday							
07/02	Monday							
07/03	Tuesday		4	4				
TOTALS			4	4				

GRAND TOTAL
w/Adjustments: 8

ADJUSTMENT(S) TO PREVIOUS PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Not Available to Sign
Employee's Signature

I certify the employee worked as stated.

Sgt. Lee Jones
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: JULY 20, 2001

Employee Name: Cari Belzer

Employee Number: 641

From: JULY 4, 2001

To: JULY 17, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Appro
07/04	Wednes.	H/						
07/05	Thursday							
07/06	Friday							
07/07	Saturday							
07/08	Sunday							
07/09	Monday							
07/10	Tuesday							
TOTALS								

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approv
07/11	Wednes.							
07/12	Thursday							
07/13	Friday							
07/14	Saturday							
07/15	Sunday							
07/16	Monday							
07/17	Tuesday		4	4				
TOTALS			4	4				

GRAND TOTAL
w/Adjustments: 8

	<u>Hours</u>	<u>Date</u>	<u>Reason</u>
ADJUSTMENT(S) TO PREVIOUS PAY PERIOD(S):	_____	_____	_____

I certify that I worked as stated above.

Not Available to Sign
Employee's Signature

I certify the employee worked as stated.

Sgt. Lee Jones
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: AUGUST 3, 2001

Employee Name: Cari Belzer

Employee Number: 644

From: JULY 18, 2001

To: JULY 31, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
07/18	Wednes.							
07/19	Thursday							
07/20	Friday							
07/21	Saturday							
07/22	Sunday							
07/23	Monday							
07/24	Tuesday							
TOTALS								

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
07/25	Wednes.							
07/26	Thursday							
07/27	Friday							
07/28	Saturday							
07/29	Sunday							
07/30	Monday							
07/31	Tuesday		4	4				
TOTALS			4	4				
GRAND TOTAL				8				
w/Adjustments:								

ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Unavailable to Sign
Employee's Signature

I certify the employee worked as stated.

Capt. [Signature]
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: AUGUST 17, 2001

Employee Name: Cari N. Belzer

Employee Number: 644

From: AUGUST 1, 2001

To: AUGUST 14, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
08/01	Wednes.	4						
08/02	Thursday	4						
08/03	Friday	4						
08/04	Saturday	RDD						
08/05	Sunday	RDD						
08/06	Monday	9.50					Class in Tampa	17
08/07	Tuesday	4						
TOTALS		25.5						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
08/08	Wednes.	4						
08/09	Thursday	4						
08/10	Friday	4						
08/11	Saturday	RDD						
08/12	Sunday	RDD						
08/13	Monday	4.						
08/14	Tuesday	4						
TOTALS		20						

GRAND TOTAL
w/Adjustments: 45.5

ADJUSTMENT(S) TO PREVIOUS PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Unavailable
Employee's Signature

I certify the employee worked as stated.

Sgt. Lee Jones
Supervisor's Signature

COMMENTS: _____

PALMETTO POLICE DEPARTMENT

"40CTIME" TIME CARD

PAY DATE: AUGUST 31, 2001

Employee Name: Cari n. Belzer

Employee Number: 644

From: AUGUST 15, 2001

To: AUGUST 28, 2001

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
08/15	Wednes.	8						
08/16	Thursday	8						
08/17	Friday	8						
08/18	Saturday	RDO						
08/19	Sunday	RDO						
08/20	Monday	8						
08/21	Tuesday	8						
TOTALS		40						

DATE	DAY	RG HRS.	SL HRS.	VC HRS.	CE	CS	REASON	Approval
08/22	Wednes.	8						
08/23	Thursday	8						
08/24	Friday	8						
08/25	Saturday	RDO						
08/26	Sunday	RDO						
08/27	Monday	8						
08/28	Tuesday	8						
TOTALS		40						

GRAND TOTAL
w/Adjustments: 80

ADJUSTMENT(S) TO PREVIOUS
PAY PERIOD(S):

Hours	Date	Reason
_____	_____	_____
_____	_____	_____

I certify that I worked as stated above.

Cari n. Belzer
Employee's Signature

I certify the employee worked as stated.

Capt [Signature]
Supervisor's Signature

COMMENTS: _____

Memo

May 30, 2001

To: Mayor Whitesel
City Council Members

From: Karen Conlon, City Clerk

Re: Purchasing Procedure

As we have discussed for the last several months, the new purchasing procedure will be going into effect on June 1, 2001. I have provided the Department Heads with the information needed a few weeks ago, and today was a meeting with the individuals in each department that will be requisitioning supplies. This meeting was held with my staff and the other department's staffs in order for everyone to be walked through the system.

I have provided a flow chart and two pages of procedure to each of you as information on the process. This is the same information provided to each department on this day. The department heads had page 3 of this information as previously mentioned.

The computer system will still be utilized for the hard copy of the purchase order. I have added several steps in the procedure that will be checkpoints to insure the City is paying for only items previously approved by the purchasing department and/or City Council. A few of these are the matching of the packing slip with the purchase order and then with the invoice to make sure that we are paying for what is received and at the price indicated. Additionally, we are verifying all prices so that the purchase order may have the correct information on it for budgeting purposes. Also, the Finance Department will be responsible for what account the items are charged against so that we have less budget adjustments and more accountability to actual budget line items. All of these changes to the system should help provide the auditors with a feeling of security in regards to the purchasing practices of the City.

Finally, if items are priced over \$500.00, I will be sending these back to the Department Heads in order to comply with the Council's policy.

If you have any questions, please feel free to contact me.

Thank you.

Cc: Chief Bright
Mike Hickey

Memo

May 24, 2001

To: Chief Bright
Mike Hickey

From: Karen Conlon

Re: Purchasing Coordination Meeting

There will be a coordination meeting at 9:30 a.m. on May 30, 2001, at City Hall to discuss the new purchasing procedures. Please bring any staff member you want to have learn and discuss the procedure to the meeting.

If you have any questions, please feel free to contact me.

Thank you.



PALMETTO

Police Department

February 4, 2000

RE: Background Checks

To Whom It May Concern:

The Palmetto Police Department has recently purchased a new computer system which cannot, at this time, provide search capabilities as older data has not been converted into this new system.

Unfortunately, due to the high volume of data to be converted and the problems with conversion, the old system will be down for an undetermined period of time. During this time, we will not be able to perform local background checks.

We apologize for any inconvenience this may cause you.

Sincerely,


Kenny Bright
Chief of Police

KB:kmb

My name is Dana Brooks
I am the trustee for
Palmetto Police I was told
to use bleach by Kathy
Brooks So I started using
it. Then Mary Jane is Dispatch
told me she was allergic to it
So I stop using it So one
day on My break Kathy
Came and got me and told
me to do everything in bleach
and Today Mary Jane 10-12-01
was complaining about the
bleach I told her I was doing
what I was told So Debbie
in Dispatch told me to listen
to Kathy because Mary Jane
doesn't have a doctors note
about it I dont want to loose
My job because Im trying to
get home to My 3 kids thats
why I am Making note of this
Thank you
Dana Brooks Trustee

also she told me to only
(Kathy Brooks) listen to her
SGT Taylor and Bernie and Paul
and I told SGT Taylor about
the bleach situation so he
told me to use it any way
just to please Kathy
I just hate been put in the
middle because I like my
job and the employees here
it seems I cant please
everybody im just put
in the middle.

Maria L Brooks 10-12-01

Cari N. Belzer 10-12-01
notary



Cari N. Belzer
Commission # CC 934327
Expires May 8, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

and after I did these note
Debbie in Dispatch told
me to continue to use the
bleach and listen to Kathy Brooks
my boss. She told me to
continue to use it until
Mary Jane gets a doctors
note.