

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

TIMES PUBLISHING COMPANY, INC.,
a Florida corporation, and
MARTY ROSEN, an individual
citizen of Florida,

CS cont

Plaintiffs,

vs.

Case No. 93-03362
Division B

TAMPA GENERAL HOSPITAL, a public
agency, and DAVID BUSSONE,
custodian of records, Tampa
General Hospital,

Defendants.

ORDER

THIS CAUSE came before the Court on the Complaint of TIMES PUBLISHING COMPANY, INC., publisher of the St. Petersburg Times, and MARTY ROSEN, a reporter, for a declaratory judgment, a writ of mandamus and an injunction, and the Court having been advised of the premises, finds as follows:

1. Hillsborough County Hospital Authority d/b/a Tampa General Hospital ("Tampa General") is a public agency subject to the Public Records Act, Fla. Stat. § 119. On March 18, 1993, Tampa General dismissed 213 of its employees.

2. On April 12, 1993, pursuant to Fla. Stat. § 119, Rosen requested access to a list of the employees dismissed on March 18.

3. On April 13, 1993, Tampa General denied Rosen's request on grounds that the list was not a public record. Tampa General subsequently provided to Rosen a list of the employees, redacted

from which were the names of the employees and other information which would have identified the employees.

4. On April 26, 1993, Rosen requested access to the personnel files of the 213 employees dismissed on March 18.

5. On April 29, 1993, Tampa General denied Rosen's request on grounds that, pursuant to Fla. Stat. § 395.3025(9), it was required to seek written consent of the employees and, where such consent was not forthcoming, to redact from the files certain "limited access" records from the files.

6. On May 3, 1993, the Times and Rosen brought this action. Hearings were held before this Court on May 24, 1993 and May 25, 1993.

7. The Court finds Michel v. Douglas, 464 So. 2d 545 (Fla. 1985) to be controlling.

8. Pursuant to Michel v. Douglas, 464 So. 2d 545 (Fla. 1985) and the Public Records Act, Fla. Stat. § 119, the Court grants the relief sought by the Times and Rosen as follows:

IT IS HEREBY ORDERED AND ADJUDGED:

1. The Court declares as a matter of law and as a matter of fact that an unredacted list of 213 terminated employees ("the RIF list") compiled and maintained by a public hospital, as well as the personnel files of those employees, are public records.

2. Tampa General Hospital and David Bussone shall be, and hereby are, enjoined from denying access to the Times and Rosen to the RIF list and the personnel files of those persons named on the RIF list.

3. That a Writ of Mandamus shall issue forthwith commanding Tampa General Hospital and David Bussone:

(a) to retrieve and assemble the RIF list and the personnel files of those persons named on the RIF list, and

(b) to remove from the personnel files any "limited access" documents, as defined in Fla. Stat. § 395.3025(9), and

(c) to permit the Times and Rosen to inspect and copy the RIF list and the personnel files from which the "limited access" documents have been removed in compliance with the Writ and Fla. Stat. § 119.

4. That in compliance with Fla. Stat. § 119.07(1)(b), Rosen and the Times shall pay to Tampa General the reasonable costs incurred by Tampa General in removing the "limited access" documents from the personnel files, and reasonable copying charges, if any.

5. That pursuant to Fla. Stat. § 119.12(a), the Plaintiffs are entitled to reimbursement by Tampa General of Plaintiffs' costs and attorneys' fees in an amount to be determined at a subsequent hearing, for which the Court retains jurisdiction.

DONE AND ORDERED at Tampa, Hillsborough County, Florida, this

27th day of May, 1993.

MANUEL MENENDEZ JR.

Manuel Menendez
Circuit Court Judge

Copies furnished to:

George K. Rahdert, Esq.
Ralph C. Dell, Esq.