

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

CIVIL DIVISION

SUN-SENTINEL COMPANY and MIAMI HERALD PUBLISHING COMPANY, a division of Knight-Ridder, Inc.,

CASE NO. 95-13528(05)

Petitioners,

v.

CITY OF HALLANDALE, KENNETH WAGNER, and JAMES BUSCHMAN,

*Tena D*

Respondents.

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ORDER REQUIRING IMMEDIATE DISCLOSURE OF PUBLIC RECORDS

TO: City of Hallandale, Kenneth Wagner, and James Buschman

Petitioners filed a petition for writ of mandamus on October 5, 1995, requesting that this court enter an order commanding respondents to permit them to inspect and copy certain public records. On October 5, 1995, this court issued an order to show cause requiring respondents either to permit petitioners to inspect and copy those public records or alternatively to appear with those records before this court on October 9, 1995 and show cause why the requested writ of mandamus should not be issued. A hearing was held on this matter on October 9, 1995, and the court having read the petition, heard argument of counsel, and being otherwise advised in the premises, it is ORDERED AND ADJUDGED:

1. Respondents' refusal to disclose the public records which petitioners seek to inspect and copy violates Chapter 119, Florida Statutes, as well as Article I, Section 24, of the Florida

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Constitution. See also Tribune Co. v. Cannella, 458 So. 2d 1075 (Fla. 1984) (public records are "on the table" for any member of the public who wants to inspect them); § 119.07(1).

2. The two exemptions raised by respondents to avoid disclosure -- Section 768.28(15)(b), Fla. Stat., (regarding claims files of risk management programs) and Section 119.07(3)(n), Fla. Stat. (regarding work product) -- do not apply in this case. This is particularly true since exemptions to disclosure under the Public Records Act must be narrowly construed. See, e.g., Rose v. D'Alessandro, 380 So. 2d 419 (Fla. 1980). As such, respondents have failed to demonstrate why the relief requested by petitioners should not be granted.

3. Therefore, the petition for writ of mandamus is GRANTED. Respondents are required to provide petitioners with ~~immediate~~ *within 48 hours* access to inspect and copy the following public records:

Tapes, transcripts, and/or notes of all police interviews with the witnesses to the police investigation into the death of James Lee Johnson -- including witnesses Kory Johnson, Janice Dobard, Keith Slack, Jean Peters, Allan Kleger, Kurt Holoboff, Jose Romaro, Jorge Waymar, Mary Johnson, Yvonica Johnson, and James Deforest.

4. This court reserves jurisdiction as to the issues of attorneys' fees and costs. *Entered October 11, 1995*

  
Circuit Court Judge

Copies to all counsel of record