

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CITY OF ST. PETERSBURG, FLORIDA,
a municipal corporation,

Petitioner,

v.

Case No. 93-0004210-CI-13

ST. PETERSBURG JUNIOR COLLEGE,
THE TIMES PUBLISHING COMPANY, INC.,
a Florida corporation, THE
TRIBUNE COMPANY, and BEACHES
PRESS, INC.,

Respondents.

ORDER

This cause came before the Court on the Counterclaim brought by St. Petersburg Junior College seeking a declaratory judgment, a writ of mandamus and an injunction against the City of St. Petersburg, and the Court having been advised of the premises, finds as follows:

1. City of St. Petersburg is a public agency subject to the Public Records Act, Florida Statutes § 119.
2. Iris Wilson, an employee of St. Petersburg Junior College, filed a charge of discrimination with the City's Human Relations Department, which charge was investigated by the City.
3. On or about October 5, 1993, the City issued a Letter of Cause Determination in the matter of Iris Wilson and St. Petersburg Junior College, which Letter made a finding related to probable cause.

4. On various dates, including October 14, October 20, November 3, November 15, and November 18, 1993, counsel for St. Petersburg Junior College made a public records request to inspect and obtain copies of records relating to the charge and investigation in the matter of Iris Wilson and St. Petersburg Junior College.

5. The City refused to permit inspection and copying of the records, relying, in part, on a Workshare Agreement between the City and the Equal Employment Opportunity Commission of the Federal government and upon 42 U.S.C. § 2000e-8(e).

6. An alternative Writ of Mandamus was issued by the Court dated December 15, 1993, scheduling a hearing in this matter for December 27, 1993. The hearing was held on December 27 as scheduled at which time counsel for all parties were heard.

7. The Court finds that the records requested are public records pursuant to Chapter 119, Fla. Stat., as well as the Florida Constitution Article I, Section 24(a).

8. The Court finds no statutory exemption applicable to disclosure of the requested documents. Specifically, §§ 119.07(3)(t) and (u), Fla. Stat., no longer apply.

9. With regard to 42 U.S.C. § 2000e-8(e), the Court finds this is a criminal statute which must be strictly construed. The Court further finds that while the City and its employees are agents of the EEOC, they are not employees or officers of the EEOC within the meaning of § 2000e-8(e), and since this provision does not apply to agents, there is nothing in § 2000e-8(e) which prohibits disclosure of the requested information.

10. The Court finds the Florida Constitution and statutes are, therefore, controlling and that the Counterclaim of the College is well-founded and the relief requested should be granted.

IT IS HEREBY ORDERED AND ADJUDGED:

1. The Court declares as a matter of fact that the documents requested, i.e. the documents in the investigation file relating to the charge of discrimination filed by Iris Wilson against St. Petersburg Junior College, are public records.

2. The City of St. Petersburg shall be, and hereby is, enjoined from denying access to these documents to St. Petersburg Junior College or any other entity seeking inspection.

3. A Writ of Mandamus shall issue forthwith commanding the City of St. Petersburg:

(a) To retrieve and assemble the documents requested, i.e. the documents contained in the investigation file involving Iris Wilson and St. Petersburg Junior College and

(b) To permit St. Petersburg Junior College, or any other entity so requesting, to inspect and copy the documents requested.

4. The Court shall reserve ruling and retain jurisdiction to consider whether, pursuant to Florida Statutes § 119.12(a), St. Petersburg Junior College is entitled to reimbursement by the City of St. Petersburg of its costs and attorney's fees.

DONE and ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this

~~28th day of December, 1993.~~

Original Signed

JAN 3 1994

BRUCE BOYER
Circuit Judge

Bruce Boyer
Circuit Court Judge

Copies furnished to:
All Counsel of Record