

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

IN RE: RECORDS OF THE DEPARTMENT OF
CHILDREN AND FAMILIES.

CASE NO. MH-C-18-491
MENTAL HEALTH DIVISION

**SUPPLEMENTAL PETITION TO PUBLICALLY RELEASE
RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES**

Pursuant to Sections 415.1071(1), Florida Statutes, and Article I, Section 24(c) of the Florida Constitution, the Department of Children and Families (“Department”), hereby files this supplemental petition for entry of an order allowing the Department to publically release confidential records that pertain to an investigation of alleged abuse, neglect or exploitation of a vulnerable adult. Specifically, the Department seeks to release 19 pages of back-up documentation related to an investigation involving Nikolas Cruz, the suspect in a school shooting which took place on February 14, 2018, in Parkland, Florida. Good cause exists for release of these records due to ongoing and extensive public interest in their content. Disclosure of these records is necessary to assure the public that the Department has adequately performed its duty of providing Florida’s vulnerable adults with the protections enumerated in section 415.101, Florida Statutes (“Adult Protective Services Act”).

The grounds for this Supplemental Petition are:

1. On February 16, 2018, the Department filed a petition with the court seeking permission to publically release a confidential investigation (“Investigative Summary”) involving shooting suspect Nikolas Cruz. The Department hereby incorporates all arguments contained in the February 16th petition as support for this Supplemental Petition.

2. In addition to the Investigative Summary, the Department petitions the court for an order allowing release of 19 pages of back-up documentation related to the investigation. The bulk of the information contained in the back-up documentation is the same as that contained in the Investigative Summary. However, in order to ensure the citizens of Florida that all relevant information regarding the Department's interactions with Mr. Cruz is available for public scrutiny, the Department is asking the court to allow release of these documents in addition to the Investigative Summary itself.

3. A review of the back-up documents will reveal that there is no additional private or otherwise confidential information contained in them that does not also appear in the Investigative Summary. Furthermore, as detailed in the Department's initial petition, most of that information has already made its way into the public domain.

4. The Department's protective investigators use an automated system, FSFN (Florida Safe Families Network), to document their activities during an investigation. This includes documenting any information provided to them by participants in the investigation. The system also has the ability generate written reports based on the information contained in it. The Investigative Summary is one such report. As the name suggests, this report draws from all case-related information entered into the system and produces it into one document. In effect, the Investigative Summary is the Department's report of the investigation.

5. Protective investigators document each case activity into the system. This area of the system is known as the "cronos" (Chronological Notes). When an investigative summary is created, the system pulls the bulk of its information for the summary from the cronos. The system also has the ability to generate a written version of the cronos by themselves. It is the

cronos from this investigation that the Department is asking the court to release in addition to the Investigative Summary.

6. Releasing the cronos along with the Protective Investigation in no way impacts the weighing process this court will perform in accordance with section 415.1071(1), Florida Statutes. As the information contained in both is practically identical, the confidentiality issues are the same. Furthermore, the public interest in release of both is also the same. In fact, the public interest in release of DCF's documentation has only increased since the filing of the initial petition of February 16, 2018.

7. Based on the above, the Department asks this Court to find good cause for the release of the confidential records related to Mr. Cruz.

REQUEST FOR EXPEDITED HEARING

8. Section 119.11(1), Florida Statutes, provides that courts are to set immediate hearings in actions to enforce the provisions of the Public Records Act and are to give such cases priority over other pending cases. Although the information the Department seeks to release is confidential pursuant to section 415.107(1), Florida Statutes, section 415.1071, Florida Statutes, makes clear that the public interest in gaining access to this information is reflected in section 119.01(1), Florida Statutes (Florida's Public Records Act). Therefore, an expedited hearing is warranted in this matter.

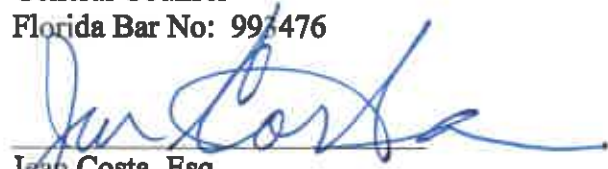
WHEREFORE, Petitioners request that the Court:

- a. Set an accelerated hearing pursuant to Section 119.11(1), Florida Statutes (2017);
- b. Perform an *In Camera* review of the records the Department seeks to release;

- c. Order the release of the cronos along with the Investigative Summary; and
- d. Grant the Department such further relief as the Court may deem proper.

Respectfully submitted, and filed on this the 19th day of February, 2018, in the Seventeenth Judicial Circuit, Broward County, Florida.

Florida Department of Children and Families
John Jackson, Esq.
General Counsel
Florida Bar No: 997476



Jean Costa, Esq.
Assistant Regional Counsel
Department of Children and Families
201 W. Broward Blvd., Suite 502
Ft. Lauderdale, Fl. 33301
954-467-4551
Jean.Costa@myflfamilies.com
Florida Bar No: 966861