

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.:
DIVISION:

CONCERNED TAXPAYERS OF DUVAL
COUNTY, INC., a Florida corporation, and
JOSEPH STRASSER,

Plaintiffs,

vs.

CITY OF JACKSONVILLE, SCOTT
WILSON, KATRINA BROWN, REGINALD
GAFFNEY, DOYLE CARTER, GARRETT
DENNIS, REGGIE BROWN, AARON
BOWMAN, TOMMY HAZOURI and
RANDY WYSE,

Defendants.

**COMPLAINT FOR DECLARATORY
RELIEF AND INJUNCTION**

Plaintiffs, CONCERNED TAXPAYERS OF DUVAL COUNTY, INC., and
JOSEPH STRASSER, by and through undersigned counsel, sues defendants CITY OF
JACKSONVILLE, SCOTT WILSON, KATRINA BROWN, REGINALD GAFFNEY,
DOYLE CARTER, GARRETT DENNIS, REGGIE BROWN, AARON BOWMAN,
TOMMY HAZOURI and RANDY WYSE.

Introduction

1. This is an action seeking declaratory, injunctive and other relief for violations

of the Florida Government-in-the-Sunshine Law by members of the Jacksonville City Council and the President of the local firefighters union. Plaintiffs contend that certain Defendants have used another as a liaison to discuss public business which has not been noticed to the public, and certain City Council member Defendants discussed public business with other City Council members by text message during the budget meeting outside of public view and discussion. Plaintiffs also contend that several Defendants who are custodians of public records have refused and failed to produce same for inspection and copying following a request for same, in violation of Florida law.

Jurisdiction

2. This Court has jurisdiction under Art. I, Sec. 24, of the Florida Constitution, and sections 286.011, Florida Statutes and 447.605, Florida Statutes, and Chapter 119, Florida Statutes.

Parties

3. CONCERNED TAXPAYERS OF DUVAL COUNTY, INC., is a Florida not-for-profit corporation which promotes awareness of and compliance with the Florida Government-in-the-Sunshine Law. JOSEPH STRASSER is a citizen of Jacksonville, Florida.

4. Defendant, CITY OF JACKSONVILLE (“City”), is a Florida municipal corporation and a board within the meaning of Art. I, Sec. 24, Fla. Const., and Section 286.011(1), Fla. Stat., and exercises final decision-making authority. The City has

nineteen members of a council (“City Council”), which is the legislative body and is authorized to enact municipal laws for the City.

5. Defendants, SCOTT WILSON, KATRINA BROWN, REGINALD GAFFNEY, DOYLE CARTER, GARRETT DENNIS, REGGIE BROWN, AARON BOWMAN, and TOMMY HAZOURI, are council members of the City and “public officers” for the purposes of Fla. Stat. Secs. 286.011 and 119.10.

6. Defendant RANDY WYSE, is the President of IAFF Local 122, also known as the Jacksonville Association of Fire Fighters, Inc. (“JAFF”), the bargaining agent for the City’s Fire and Rescue employees under Chapter 447 of the Florida Statutes. Wyse is also simultaneously a paid lobbyist for the interests of the JAFF and employed by the City as a Chief in the Jacksonville Fire and Rescue Department (“JFRD”).

7. For all purposes herein, each individual defendant other than Randy Wyse is an agent of the City.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

8. In February 2015 the City, under the previous administration of then-Mayor Alvin Brown, agreed to the creation of two dozen new captain and district chief positions in the JFRD for “safety officers.” Soon thereafter the JAFF endorsed Alvin Brown for a second term as mayor in the municipal elections of March and May 2015.

9. JFRD filled the safety officer positions in the spring of 2015 by promoting a dozen then-current lieutenants to the new captain positions and by promoting a dozen

then-current captains to the district chief positions.

10. Alvin Brown, notwithstanding support from the firefighters' union, lost the mayoral election to Lenny Curry, who took office on July 1, 2015.

11. The City has a fiscal year which runs from October 1 to September 30. Accordingly, the City Council is required to enact a budget for the upcoming fiscal year no later than September 30 of the preceding fiscal year. For City fiscal year 2015-2016 the City budget was required to be adopted by the City Council on or before September 30, 2015.

12. As part of the annual budget process, the City Mayor proposed a budget to the City Council in July 2015. The budget ordinance was designated with the number 2015-504.

13. As part of the annual budget process, the City Mayor also proposed a capital improvement project ("CIP") budget to the City Council in July 2015. The CIP budget ordinance was designated with the number 2015-505.

14. The Finance Committee of the City Council consists of seven (7) members who had the primary responsibility to review the proposed budget and make changes to 2015-504 and 2015-505 before final consideration by the full City Council.

15. One budget item considered by the Finance Committee was an allocation for the City's Fire and Rescue Department ("JFRD") for 2015-2016 proposed at \$210,048,780. This amount included raises all of for the twenty-four (24) firefighters,

twelve (12) of whom had been promoted from Captain to District Fire Chief and twelve (12) of whom had been promoted from Lieutenant to Captain in February 2015 as newly created “Safety Officers.” These safety officers are charged with monitoring firefighters in their job performance to help ensure they comply with legal and insurance regulations for their own individual and collective safety on the job.

16. The Finance Committee negotiated in public meetings with incoming City Fire Chief Kurt Wilson and agreed that only nine (9) safety officers were necessary. Due to one retirement, this would result in sixteen (16) demotions in rank among the recently promoted firefighters and reduce the Fire and Rescue Department budget for 2015-16 by \$330,779, a reduction of less than 16/100ths of one percent of the JFRD budget. Chief Wilson has stated that he does not need more than nine (9) safety officers to fully accomplish the purpose of the safety officers in the JFRD. Minutes of the Finance Committee from August 28, 2015 reflect the testimony, debate and compromise.

17. On September 21, 2015, following notice and the required public hearing, 2015-504 came before the full City Council (“budget meeting”). In the proposed budget was an allocation of about \$6.5 million for drainage and sewer repair as well as the \$330,779 reduction to the JFRD budget.

18. Archived video of the City Council meeting where the budget was considered is available at media.coj.net/City_Council_9-21-15.wmv (“budget video”). Every aspect of the budget meeting was subject to parliamentary procedure and the Sunshine Law.

19. Prior to the budget meeting, eight (8) separate amendments were proposed to 2015-504 as advance drafts of floor amendments. The sixth of these was designated as “Hazouri #1” and as ultimately considered by City Council the amendment would restore the \$330,779 reduction from the original proposed JFRD budget by taking that amount away from the drainage and sewer repair budget (the “Hazouri amendment”).

20. The Hazouri amendment came before the City Council for consideration at the budget meeting. For the next 27 minutes the City Council debated the Hazouri amendment. Eight of the 19 council members then voted in favor of the Hazouri amendment: Bowman, Brosche, Reggie Brown, Carter, Hazouri, Love, Morgan and Newby. Eleven of the 19 council members voted against the Hazouri amendment: Anderson, Becton, Boyer, Katrina Brown, Crescembini, Dennis, Ferraro, Reginald Gaffney, Gulliford, Schellenberg, and Scott Wilson. Accordingly, the Hazouri amendment failed by a vote of 11 to 8.

21. Immediately thereafter, Tommy Hazouri privately contacted Randy Wyse, President of the Jacksonville Association of Firefighters (JAFF) by text message. “Where did u [Wyse] learn to count. Boy was I sabotaged,” wrote Hazouri at 9:22 p.m. while the City Council went on to consider other amendments to the budget. “No I think we have votes,” Wyse privately replied. Within a few minutes Wyse communicated by private text with at least four (4) council members. At least two and possibly more council members privately communicated electronically regarding the Hazouri amendment during the same

few minutes and conveyed to one another how they would vote on reconsideration, relaying the information to Wyse, who soon reported, privately, to Councilman Bowman: “3 of the (no’s) have already said they support [the Hazouri amendment on reconsideration]. All I need is 2 to flip.”

22. Simultaneously, Wyse engaged in text communications with Reggie Brown (Brown’s remarks *in italics*) in chronological order as follows:

“Help me out. Randy Wyse” Sep 21 9:17 PM

“I’m going to try to pull the money fromthe (sic) journey” Sep 21 9:30 PM

“K Randy Wyse” Sep 21 9:36 PM

“Hazouri should have move to take \$ from the 2.5 additional in the journey” Sep 21 9:38 PM

“That just screwed my future. Randy Wyse” Sep 21 9:39 PM

“They were not going to impact the CIP ... that’s why the journey was idea” Sep 21 9:41 PM

“Make a motion to reconsider and use journey Randy Wyse” Sep 21 9:44 PM

[Thumbs up emoticon] Sep 21 9:45 PM

“Wilson says he will support journey money Randy Wyse” Sep 21 9:51 PM

[Thumbs up emoticon] Sep 21 9:51 PM

“Gaffney is good with journey money. Randy Wyse” Sep 21 9:59 PM

“So is Katrina Randy Wyse” Sep 21 10:04 PM

“What about Sam Mousa” Sep 21 10:07 PM

“He said he would stay neutral [sic] Randy Wyse” Sep 21 10:08 PM

“Make the motion to use journey Randy Wyse” Sep 21 10:25 PM

“We’re good!!!” Sep 21 10:31 PM

“You are the shit. God bless u Randy Wyse” Sep 21 10:36 PM

A copy of the foregoing exchange, including several other text messages from earlier of September 21, 2015, is attached hereto as Exhibit 1.

23. Twenty-one (21) minutes after rejecting the Hazouri amendment 11 to 8, and while continuing to consider the other unrelated floor amendments, the City Council moved on to new floor amendments. Councilman Reggie Brown rose and said, “Maybe I’ll get two out of this” before he presented an amendment which, eighteen (18) minutes later, failed.

24. Reggie Brown then, thirty-nine (39) minutes after the Hazouri amendment had been rejected, improperly (since he had voted for it) moved for reconsideration of that amendment. A minute later, Scott Wilson, who could move for reconsideration since he had earlier voted “no” on the Hazouri amendment, did so. Without any public discussion at any time during the forty-one minutes after the Hazouri amendment’s initial defeat, the motion for reconsideration passed.

25. Reggie Brown, Gulliford, Hazouri, Ferraro, Bowman and Schellenberg spoke regarding the reconsidered amendment, a process which only took nine (9) minutes for all

six to speak. A new vote was then taken and, to the great surprise of Council President Anderson, the Hazouri amendment passed by the same margin by which it had failed less than an hour earlier. Three of the earlier “nay” votes now supported the amendment, as Wyse had earlier stated as fact in his private text message to another Defendant.

26. Upon reconsideration, eleven of the 19 council members voted in favor, including all eight who had initially voted for it, joined by Scott Wilson, Katrina Brown and Reginald Gaffney. City Council adopted 2015-504 as amended, and then amended the capital improvement projects (CIP) budget previously approved in 2015-505 to remove the drainage and sewer repairs which were sacrificed to retain the JFRD promotions.

27. Completely independently of the foregoing, Doyle Carter and Garrett Dennis exchanged text messages regarding another ordinance during the meeting on September 21, 2015 prior to the council consideration of the budget. Additionally, Garrett Dennis was in text communication with Randy Wyse between the two votes on the Hazouri amendment (although Dennis did not “flip” his vote). Doyle Carter, who voted in favor of the Hazouri amendment both times, also received texted instructions from Randy Wyse well before the first vote: “If it’s gonna pass vote yes Randy Wyse” 5:55 PM (Sept. 21, 2015).

28. On October 5, 2015 the Florida Times-Union published an editorial, a copy of which is attached as Exhibit 2, demanding that texting by council members during

meetings be banned as contrary to both the spirit and the letter of the state's open government laws.

COUNT ONE (LIAISONS)

29. Plaintiffs reallege paragraphs 2 through 28, as if fully set forth herein.

30. This is an action seeking declaratory and injunctive relief under Chapter 286, Florida Statutes against the Defendants.

31. Section 286.011, Fla. Stat., prohibits the use by City Council members of liaisons or intermediaries to discuss those matters which are pending or reasonably foreseeable to come before them. Such discussions are separate *de facto* council meetings subject to public notice and attendance by the public; using private text messages with or without an intermediary is an evasive device used to defeat the Sunshine law's requirement, as interpreted by the Attorney General and the Courts, that the public be permitted to openly observe and hear the deliberations of the council.

32. Section 286.011(2), Fla. Stat., requires the minutes of a meeting of the City Council to be promptly recorded and open to public inspection. Because video of all full council meetings is recorded and retained for future retrieval by anyone, the written minutes of the meetings generally only reflect the final result on any given ordinance with a recorded vote and do not record the text of floor amendments, summarize the debate thereon, or reflect the disposition of such amendments or the recorded vote on the amendment. In theory the substance of any proposed amendments, the debate and

disposition should be fully reflected in the recorded video of the meeting which is provided in lieu of full written minutes. Unfortunately, the video (and therefore the minutes) cannot reflect the full deliberations of the council members when they electronically communicate privately regarding City business during the meeting outside of the parliamentary process with either themselves or third parties. Thus the minutes of the budget meeting as prepared to date, even augmented by the video, violate the Sunshine statute.

33. Plaintiffs, as well as the general public, have been irreparably harmed by council Defendants' use of a liaison, specifically Randy Wyse, to communicate and coordinate actions with each other and other members of the City Council on matters pending or reasonably foreseeable to come before the City Council.

34. The use of a liaison to text City Council members during a meeting avoids parliamentary processes and open deliberation before the public and thus constitutes a prohibited "evasive device" to avoid the requirements of the Sunshine law for open discussion in public of all matters pending before the City Council.

35. By using the liaison during the budget meeting to communicate and coordinate with themselves and other members of the City Council on the matters pending or reasonably foreseeable to come before the City Council, the action of the City Council, via the liaison, relating to the reconsideration of the failed Hazouri amendment and its subsequent passage, and the passage of 2015-504 as amended and incorporating the

Hazouri amendment, renders those actions void ab initio.

36. Plaintiffs are entitled to an award of attorney's fees and costs for prosecuting this action and have retained undersigned counsel for that purpose.

WHEREFORE, Plaintiffs pray for the following relief:

- A. A declaration that the use of a liaison during the budget meeting to communicate and coordinate actions between City Council members relative to aspects of the budget outside of the parliamentary procedures of the budget meeting was unlawful;
- B. Declaring that the vote upon reconsideration of the Hazouri amendment is void, meaning that the \$330,779 transfer from drainage and sewer repair to JFRD is void and that the Hazouri amendment is legally regarded as having failed, which was the last action of the City Council regarding the Hazouri amendment which was not contaminated by the subsequent actions outside of the Sunshine;
- C. Declaring that the amendment to the City CIP ordinance 2015-505 which occurred after the illegal approval of the Hazouri amendment is void ab initio, and that the \$330,779 illegally removed from the drainage and storm sewer budget is restored;
- D. Enjoining the City, Councilmen Scott Wilson, Katrina Brown, Reggie Brown, Reginald Gaffney, Tommy Hazouri, Doyle Carter and Aaron Bowman, their agents, and all persons acting in concert who are responsible for carrying out the

City Council's actions, from implementing the Hazouri amendment to the budget or any other action of the City Council related to the use of the intermediary Randy Wyse as a liaison;

E. Enjoining the use of electronic communications via liaisons by members of City Council to communicate or coordinate actions regarding matters pending or reasonably foreseeable to come before the City Council, including but not limited to the enjoining of any use of a device capable of displaying a text message by any member of City Council during any meeting which is subject to the Sunshine Law;

F. Finding that each Defendant who is a public officer has violated a provision of Fla. Stat. Sec. 286.011 and is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500, and assessing such a fine;

G. Awarding attorney fees and costs to Plaintiffs for prosecuting this action; and

H. Any other and further relief the Court deems just and proper.

COUNT II (DIRECT ELECTRONIC COMMUNICATIONS BETWEEN CITY COUNCIL MEMBERS REGARDING MATTERS BEFORE COUNCIL)

37. Plaintiffs reallege paragraphs 2 through 28, as if fully set forth herein.

38. This is an action seeking declaratory and injunctive relief under Chapter 286, Florida Statutes against the Defendants.

39. Section 286.011, Fla. Stat., prohibits the discussion in any way, including electronic communications, by City Council members of those matters which are pending or reasonably foreseeable to come before them except in a publicly noticed meeting open

to the public where all aspects of the members' deliberations can be directly observed and understood by the public contemporaneously with the members' statements to one another being made. Such discussions by electronic communications between even as few as two council members are separate *de facto* council meetings subject to public notice and attendance by the public; using private text messages to communicate privately regarding public business at any time, including during a otherwise properly scheduled and noticed physical meeting, is an evasive device used to defeat the Sunshine law's requirement, as interpreted by the Attorney General and the Courts, that the public be permitted to openly observe and hear the deliberations of the council.

40. Section 286.011(2), Fla. Stat., requires the minutes of a meeting of the City Council to be promptly recorded and open to public inspection. Because video of all full council meetings is recorded and retained for future retrieval by anyone, the written minutes of the meetings generally only reflect the final result on any given ordinance with a recorded vote and do not record the text of floor amendments, summarize the debate thereon, or reflect the disposition of such amendments or the recorded vote on the amendment. In theory the substance of any proposed amendments, the debate and disposition should be fully reflected in the recorded video of the meeting which is provided in lieu of full written minutes. Unfortunately, the video (and therefore the minutes) cannot reflect the full deliberations of the council members when they electronically communicate privately regarding City business during the meeting outside

of the parliamentary process with either themselves or third parties. Thus the minutes of the budget meeting as prepared to date, even augmented by the video, violate the Sunshine statute.

41. Plaintiffs, as well as the general public, have been irreparably harmed by the direct private electronic communications between council members to discuss matters pending before the council and to communicate and coordinate actions with each other and other members of the City Council on those matters pending or reasonably foreseeable to come before the City Council.

42. The use of text messages or other electronic communications by City Council members between themselves during a otherwise properly noticed meeting avoids parliamentary processes and open deliberation before the public and thus constitutes a prohibited “evasive device” to avoid the requirements of the Sunshine law for open discussion in public of all matters pending before the City Council.

43. Using text messages or other electronic communications by City Council members between themselves during the budget meeting to communicate and coordinate with themselves and other members of the City Council on the matters pending or reasonably foreseeable to come before the City Council renders the action of the City Council, relating to the reconsideration of the failed Hazouri amendment and its subsequent passage, and the passage of 2015-504 as amended and incorporating the Hazouri amendment, void ab initio.

44. Plaintiffs are entitled to an award of attorney's fees and costs for prosecuting this action and have retained undersigned counsel for that purpose.

WHEREFORE, Plaintiffs pray for the following relief:

A. A declaration that the use of text messages or other electronic communications by City Council members between themselves during the council meeting of September 21, 2015 to communicate and coordinate actions between City Council members relative to aspects of the budget outside of the parliamentary procedures of the budget meeting (or to privately discuss any other public business) was unlawful;

B. Declaring that the vote upon reconsideration of the Hazouri amendment is void, meaning that the \$330,779 transfer from drainage and sewer repair to JFRD is void and that the Hazouri amendment is legally regarded as having failed, which was the last action of the City Council regarding the Hazouri amendment which was not contaminated by the subsequent actions outside of the Sunshine;

C. Declaring that the amendment to the City CIP ordinance 2015-505 which occurred after the illegal approval of the Hazouri amendment is void ab initio, and that the \$330,779 illegally removed from the drainage and storm sewer budget is restored;

D. Enjoining the City, Councilmembers Doyle Carter, Garrett Dennis, Scott Wilson, Katrina Brown, Reggie Brown, Reginald Gaffney, Tommy Hazouri and

Aaron Bowman, their agents, and all persons acting in concert who are responsible for carrying out the City Council's actions, from implementing the Hazouri amendment to the budget or any other action of the City Council related to the use of text messages or other electronic communications by City Council members between themselves during the budget meeting;

E. Enjoining the use of private electronic communications by members of City Council to communicate or coordinate actions regarding matters pending or reasonably foreseeable to come before the City Council, including but not limited to the enjoining of any use of a device capable of displaying a text message by any member of City Council during any meeting which is subject to the Sunshine Law;

F. Finding that each Defendant who is a public officer has violated a provision of Fla. Stat. Sec. 286.011 and is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500, and assessing such a fine;

G. Awarding attorney fees and costs to Plaintiffs for prosecuting this action; and

H. Any other and further relief the Court deems just and proper.

COUNT III (NON-NOTICED COLLECTIVE BARGAINING)

45. Plaintiffs reallege paragraphs 2 through 28 as if fully set forth herein.

46. This is an action seeking declaratory and injunctive relief under Chapter 286 and Chapter 447, Florida Statutes against the Defendants.

47. Section 447.605(2) prohibits the holding of any collective bargaining regarding

government employees and their government employer unless it is held in accordance with Florida Statutes Section 286.011.

48. Randy Wyse, President of the municipal firefighters' union, their bargaining agent for collective bargaining purposes, engaged in negotiating communications with *de facto* bargaining agents of the City regarding the terms and conditions of employment of 16 firefighters by private text messages during the budget meeting.

49. Any and all private communications by Wyse and City agents during the budget meeting regarding the Hazouri amendment were in the nature of collective bargaining negotiations subject to the Sunshine law.

50. Neither Wyse nor the City gave the required notice under the Sunshine law that they would be engaged in collective bargaining negotiations on September 21, 2015. The public was neither invited to observe the collective bargaining negotiations nor made privy to the fact that they had even occurred until well after the negotiations had been concluded and action taken by the City's legislative branch with respect thereto.

51. As a result of the illegal collective bargaining negotiations in violation of the Sunshine law, the City took action on September 21, 2015 regarding the terms and conditions of employment of 16 firefighters.

52. Actions taken in violation of the Sunshine law are presumed to irreparably harm the plaintiffs and the public at large.

53. The illegal collective bargaining negotiations of September 21, 2015 render the

actions of the City Council in reconsidering and passing the Hazouri amendment void ab initio.

54. Plaintiffs are entitled to an award of attorney fees and costs for prosecuting this action.

WHEREFORE, Plaintiffs pray for the following relief:

- A. A declaration that the actions of Wyse and the other defendants in secret communication on September 21, 2015 during the budget meeting constituted collective bargaining negotiations under F.S. §447.605(2) and in the absence of both public notice thereof and of any public disclosure of the various text messages between the defendants during the budget meeting such negotiations were illegal under the Sunshine law;
- B. Enjoining Defendants, their agents, and all other persons acting in concert who are responsible for collective bargaining negotiations between the City and its employees from implementing any action taken on September 21, 2015 following the initial rejection of the Hazouri amendment by the City Council;
- C. Enjoining the use of electronic communications during any collective bargaining sessions subject to the Sunshine law by either the bargaining agent for the employees or by the City and its agents, including, but not limited to, the enjoining of any of such from using text devices during such negotiations;
- D. Finding that each Defendant who is a public officer has violated a provision of

Fla. Stat. Sec. 286.011 and is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500, and assessing such a fine;

E. Awarding attorney fees and costs to Plaintiffs for prosecuting this action; and

F. Such other and further relief as the Court deems just and proper.

COUNT IV (PUBLIC RECORDS)

55. Plaintiffs reallege paragraphs 2 through 28, as if fully set forth herein.

56. This is an action seeking mandamus relief under Chapter 119, F.S., and Rule 1.630, Fla.R.Civ.P., against the City of Jacksonville, Katrina Brown, Reginald Gaffney and Reggie Brown.

57. Plaintiffs, through undersigned counsel, made a request to produce and/or inspect public records of the Defendants, including certain electronic communications.

58. Defendants Katrina Brown, Reginald Gaffney and Reggie Brown had a clear statutory duty to produce and/or permit the inspection and copying of public records, including requested electronic communications.

59. Defendant Katrina Brown has failed to fully comply with the request to produce and or to permit inspection and copying of public records and has failed to maintain same as required by law.

60. Defendant Reginald Gaffney has failed to fully comply with the request to produce and or to permit inspection and copying of public records and has failed to maintain same as required by law.

61. Defendant Reggie Brown has failed to fully comply with the request to produce and or to permit inspection and copying of public records and has failed to maintain same as required by law.

62. The requested records are not subject to any statutory exemption and Defendants Katrina Brown, Reginald Gaffney and Reggie Brown have failed to assert that such an exemption exists.

63. Plaintiffs have retained the undersigned attorney to prosecute this matter.

WHEREFORE Plaintiffs pray for the following relief:

A. A declaration that Defendants Katrina Brown, Reginald Gaffney and Reggie Brown failed to comply with their statutory duty to produce and/or permit inspection and copying of public records;

B. An Order directing the Defendants Katrina Brown, Reginald Gaffney and Reggie Brown to make the requested records available for inspection by any and all means necessary, including use of electronic data forensic technicians for any records which have been deleted from any electronic display devices or are not otherwise recoverable by normal methods;

C. An Order directing Clerk of the City Council or other appropriate person to take possession of all of the responsive public records and any and all electronic equipment, devices or displays that either contain these public records or can access off-site storage and display the records;

- D. Finding that each Defendant who is a public officer has violated a provision of Fla. Stat. Chapter 119 and is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500, and assessing such a fine;
- E. An Order awarding attorney's fees and costs to Plaintiffs for prosecuting this action; and
- F. Any other and further relief the Court deems just and proper.

Respectfully submitted,

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