

IN THE THIRTEENTH JUDICIAL CIRCUIT FOR THE STATE OF FLORIDA  
CIVIL DIVISION

SEANNA GALARZA,  
Petitioner,

CASE NO.: 23-CA-871

vs.

DIVISION: B

HILLSBOROUGH COUNTY  
SHERIFF'S OFFICE,  
Respondent.

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ORDER ON PETITION FOR WRIT OF MANDAMUS

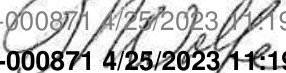
THIS MATTER is before the Court on Petitioner's January 31, 2023 Petition for Writ of Mandamus (Doc. 3) seeking the writ to compel Respondent to produce certain records in its custody, specifically a videotaped therapy session of Petitioner's child that was collected by Respondent as part of a child abuse investigation. The Court has reviewed the petition (Doc. 3), response (Doc. 11), reply (Doc. 15), appendices, and applicable law. Respondent cites two exemptions from disclosure. The first is that the record is part of an active investigation of child abuse, where section 119.071(2)(c), Florida Statutes, exempts "active criminal investigative information," and section 39.202(1) exempts reports of child abuse from disclosure. Because it is undisputed that the investigation is closed, this Court concludes the "active criminal investigative information" exemption does not apply. *State Attorney's Office of Seventeenth Judicial Circuit v. Cable News Network, Inc.*, 251 So. 3d 205, 211 (Fla. 4th DCA 2018) quoting *Woolling v. Lamar*, 764 So.2d 765, 768 (Fla. 5th DCA 2000). Because section 39.202(2)(d) authorizes disclosure of child abuse records to parents, and Petitioner is the child's mother, it also does not exempt the record from disclosure in this case.

A second ground cited for Respondent's nondisclosure is that the record allegedly contains information relating to security systems or plans, and is, therefore, exempt from disclosure under sections 119.071(3) and 281.301, Florida Statutes. Respondent concedes that such information may be disclosed upon a showing of good cause. §§ 119.071(3)(a)3.d., and 281.301(2)(d), Fla. Stat. Accordingly, the Court finds that the requested record must be disclosed.

It is therefore ORDERED that Respondent provide Petitioner with the requested video within seven (7) days.

The Court reserves jurisdiction regarding Petitioner's costs.

ORDERED in Tampa, Hillsborough County, Florida, on the date imprinted with the Judge's signature.

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Mark R. Wolfe, Circuit Court Judge

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