

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF  
FLORIDA, IN AND FOR MARION COUNTY

OCALA GAZETTE,  
Plaintiff,

v.

CASE NO.: 2024-CA-000407

MARION COUNTY SHERIFF'S OFFICE,  
BILLY WOODS, AS SHERIFF OF MARION  
COUNTY, FLORIDA,  
Defendants.

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ORDER ON AMENDED COMPLAINT AND PETITION FOR  
WRIT OF MANDAMUS

THIS CAUSE came before the Court on Plaintiff's Amended Complaint and Petition for Writ of Mandamus filed March 25, 2024. The petition seeks video footage, under Chapter 119, Florida Statutes, from the Marion County Jail depicting the interior of a confinement cell where detainee Scott L. Whitley, III, was detained November 25, 2022. An evidentiary hearing was held on August 12, 2024.<sup>1</sup> The Court, having reviewed the evidence, file, relevant authority, and having been otherwise fully advised, finds as follows.

Exemption under §119.071(3), Florida Statutes

“Records related to the physical security of a [ ] correctional facility are exempt from disclosure under Florida’s public records and safety and security services laws.” *Florida Dep’t of Corr. v. Miami Herald Media Co.*, 278 So. 3d 786, 788 (Fla. 1st DCA 2019). Section 119.071(3)(a), Florida Statutes, defines a “security or fire safety system plan” as, among other

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<sup>1</sup> The evidentiary hearing was conducted before the Honorable Steven G. Rogers, who stood recused thereafter. The matter was transferred to the undersigned, and the parties stipulated, in lieu of conducting another evidentiary hearing, to file the hearing transcripts and submission of the video footage for *in camera* review.

things, audio and visual presentations relating directly to the physical security or revealing security systems, and such is confidential and exempt. The footage at issue was captured by a security camera within a cell at the Marion County Jail. This footage relates directly to the physical security of the facility, revealing the existence of a security system at the facility, and exposing the system's capabilities and/or vulnerabilities. *See State Attorney's Off. of Seventeenth Jud. Cir. v. Cable News Network, Inc.*, 251 So. 3d 205 (Fla. 4th DCA 2018). The footage is therefore confidential and exempt from disclosure under §119.071(3)(a)1.

Good Cause Exception under §119.071(3), Florida Statutes

Records that are exempt from disclosure under §119.071 “may be disclosed...upon a showing of good cause before a court of competent jurisdiction.” §119.071(3)(a)3, Fla. Stat. In determining whether good cause exists, the court “must apply a common law approach to good cause, where the meaning emerges over time, on a case-by-case basis” to “arrive at a desirable equilibrium between the competing needs of disclosure and secrecy of government records.” *Cable News Network, Inc.*, 251 So. 3d at 214. Good cause can be established if the footage reveals public servants discharging their assigned duties and responsibilities. *Id.* at 215.

This Court finds *Cable News Network* instructive here, especially the blind reliance on Defendants' alleged narrative of the events leading to Mr. Whitley's death, which could be considered contradictory to the footage. Ms. Murty, the proprietor of Plaintiff, testified to the extensive reporting of Mr. Whitley's death at the Marion County Jail. Ms. Murty also testified to multiple instances of Defendants putting forth information and information policies that were contradictory to the public's interest. This Court is cognizant of the security concerns of Defendants, and disclosure of the footage could be used to exploit weaknesses within the Marion County Jail's security systems. However, this Court is also cognizant of the constitutional

commitment to open government, and the scales are weighed heavily in favor of disclosure. *See Id.* at 214. This Court finds that Plaintiff has established good cause, and the exception applies here. Nevertheless, the security concerns must be considered even when good cause is shown to reach a desirable equilibrium. This Court finds, based on the good cause exception, that Plaintiff's interests would be met by inspection of the footage. On the other hand, taking Defendants' security concerns into account, disclosure to the public at large would be inappropriate. Therefore, it is hereby:

ORDERED AND ADJUDGED that:

1. Defendants shall permit Plaintiff to inspect the video footage in its entirety; however, Plaintiff is not entitled to a copy of the footage for publication purposes. Nor is Plaintiff entitled to record, reproduce, or disseminate a copy of the footage.

2. Plaintiff is not entitled to reasonable costs of enforcement under §119.12, Fla. Stat.

DONE AND ORDERED in Chambers in Tavares, Lake County, Florida, this 19<sup>th</sup> day of Sept. 2024.



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JAMES R. BAXLEY  
CIRCUIT JUDGE

Certificate of Service

I HEREBY CERTIFY that copies hereof have been furnished to the addresses listed below this 19th day of sept., 2024, via US Mail/Florida Courts E-Filing Portal.

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Judicial Assistant/ Clerk