

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
THIRD DISTRICT, 2001 S.W. 117th AVENUE, MIAMI, FL 33175

April 30, 2018

CASE NO.: 3D18-0419

REX E. RUSSO

v. MARY CAY BLANKS, CLERK, ETC.,

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that, having considered petitioner's April 23, 2018 response, the petition for writ of mandamus is dismissed. Access to judicial branch records is governed by the rules and decisions of the Florida Supreme Court, not Chapter 119, Florida Statutes. *Times Publishing Company v. Ake*, 660 So. 2d 255 (Fla. 1995); see also Art. I, s. 24, Fla. Const. ("Rules of court that are in effect on the date of adoption of this section that limit access to records shall remain in effect until they are repealed."); *In re Amendments to Florida Rules of Judicial Admin.-Pub. Access to Judicial Records*, 608 So. 2d 472 (Fla. 1992). Petitioner did not submit a written request to the Chief Judge (the custodian of the court's "administrative records") and has not made the Chief Judge a party to this proceeding. Fla. R. Jud. Admin. 2.420(b)(3) ("The custodian of all administrative records of any court is the chief justice or chief judge of that court."); Fla. R. Jud. Admin. 2.420(m)(1) (requiring that a request for judicial branch records must be in writing and directed to the custodian). Dismissal is without prejudice for petitioner to submit a request in writing to the custodian and, if necessary, to seek review in the court having "appellate jurisdiction to review the decisions of the judge denying access." Fla. R. Jud. Admin. 2.420(l)(2) (providing for review of denials of requests for records).

WARNER, TAYLOR and CONNER, Associate Judges, concur.

Served:

cc: Rex E Russo

Clerk Third District Court Of Appeal

dl



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

