

Supreme Court of Florida  
Monday, October 29, 2018

Case No.: SC18-886

REX E. RUSSO vs. MARY CAY BLANKS,  
CLERK

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Petitioner(s) Respondent(s)

Because petitioner has failed to show a clear legal right to the relief requested, he is not entitled to mandamus relief. Accordingly, the petition for writ of mandamus is hereby denied. *See Huffman v. State*, 813 So. 2d 10, 11 (Fla. 2000).

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

PARIENTE, LEWIS, QUINCE, POLSTON, and LAWSON, JJ., concur.

A True Copy

Test:

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_  
(Seal of the Court)

John A. Tomasino  
Clerk, Supreme Court

lc

Served:

REX E. RUSSO

HON. MARY CAY BLANKS, CLERK

MICHAEL WILLIAM MERVINE

REX E. RUSSO  
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May 1, 2018

Leslie B. Rothenberg, Chief Judge  
Third District Court of Appeal  
2001 S.W. 117th Avenue  
Miami, FL 33175

Re: Request for Public Record Information

Your Honor:

Pursuant to Article I, section 24 of the Florida Constitution, Chapter 119 of the Florida Statutes, and Rule 2.420 of the Florida Rules of Judicial Administration, I am requesting an opportunity to inspect or obtain copies of the following public records:

All administrative orders, directives, memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort establishing a panel for Case No. 3D15-1437.

- . All administrative orders, directives, memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort establishing a panel for Case No. 3D15-2330.
  
- . All administrative orders, directives, memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding any changes to the panel for Case No. 3D15-1437.
  
- . All administrative orders, directives, memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding the order consolidating Case No. 3D15-2330 into Case No. 3D15-1437, and resetting the date or time for oral argument.
  
- . All memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding the dissemination of information as to the composition of the panel for Case No. 3D15-1437.
  
- . All memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding the dissemination of information as to the composition of the panel for Case No. 3D15-2330, whether disseminated only to the panel judges, some judges of the court, all judges of the court, or the public.

- . All memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding the dissemination of information as to any changes in the composition of the panel for Case No. 3D15-1437.
- . All administrative orders, directives, memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort establishing a panel for Case No. 3D17-0001.
- . All administrative orders, directives, memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding any changes to the panel for Case No. 3D17-0001.
- . All administrative orders, directives, memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding the order in Case No. 3D17-0001 resetting the date or time for oral argument.
- . All memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding the dissemination of information as to the composition of the originally assigned panel for Case No. 3D17-0001, whether disseminated only to the panel judges, some judges of the court, all judges of the court, or the public.

All memorandum, notes, letters, requests, judges' assignment records, or communiques of any sort regarding the dissemination of information as to any changes in the composition of the panel for Case No. 3D17-0001.

I request a waiver of all fees for this request since the disclosure of the information I seek is not primarily in my commercial interest, and is likely to contribute significantly to public understanding of the operations or activities of the court, making the disclosure a matter of public interest. Furthermore, I suspect that most of these documents are in the form of electronic media, or can be readily scanned into electronic form, and accordingly would accept electronic production of the documents to my email address thus considerably mitigating costs to the court. In fact, transmittal by electronic media via email is preferable.

Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact constitutional citation, rule citation, case citation, or statutory citation you believe authorizes the denial.

If records within your control, as custodian of the requested records as asserted by "the Court," are not presently in your physical possession but later received from others in order to comply with this request, please state the persons or entities from whom the particular record was received.

If you know or suspect that records responsive to this request are in the hands of others, and you have not obtained those records, especially those records that would fall within your control as the records custodian as asserted by "the Court," please state the persons or entities that have or might have possession of those particular records.

Although this request is being made after the dismissal of Case No. 3D18-0419, a petition for mandamus naming the Clerk of the Court as respondent from whom production of these documents had been requested, it is not to be deemed in any manner a waiver of remaining rights, if any, to proceed further with that petition. This request is not to be deemed an admission that the court was correct to dismiss the petition in 3D18-0419. This is not to be deemed an agreement or acceptance of any term proposed or stated by the court in 3D18-0419. The dismissal order in 3D18-0419 stated the dismissal was without prejudice to making this request to you as the designated records custodian of what "the Court" deems "administrative records." However, I do not act upon that as a grant of authority, as I believe this request necessarily survives the dismissal of 3D18-0419 as a matter of right.

I will contact your office within one week to discuss when I may expect fulfillment of my request, and arrange payment of any statutorily prescribed fees. If you have any questions in the interim, please do not hesitate to contact me.

Very Truly,

/s/

Rex E. Russo

cc: John A. Tomasino  
Clerk of the Florida Supreme Court  
500 South Duval Street  
Tallahassee, FL 32399-1927

Mary Kay Blanks  
Clerk of the Third District Court  
2001 S.W. 117th Avenue  
Miami, FL 33175

(Seal of the Court)

DISTRICT COURT OF APPEAL  
THIRD DISTRICT  
2001 S.W. 117 AVENUE  
MIAMI, FLORIDA 33175-1716

Telephone (305) 229-3200

May 8, 2018

Rex E. Russo, Esquire  
Law Office of Rex E. Russo  
Kendar Building  
1550 Madruga Avenue, Suite 323  
Coral Gables, FL 33134

Re: Request for Information

Dear Mr. Russo,

You have requested information pursuant to Chapter 119 of the Florida Statutes, Article I, section 24 of the Florida Constitution, and Rule 2.420 of the Florida Rules of Judicial Administration. The judicial branch is not governed by Chapter 119, see *Times Publishing Company v. Ake*, 660 So. 2d 255 (Fla. 1995). However, the Court has considered your request for information for judicial branch public records pursuant to Article 1, Section 24 of the Florida Constitution, and Rule 2.420 of the Florida Rules of Judicial Administration.



Please find attached, the Third District Court of Appeal's Internal Operating Procedures (IOP), which includes all amendments in existence on July 1, 2015, or that came into existence thereafter. The IOP is being provided to you electronically along with a copy of this letter by email in response to your request for procedures relating to assignment of judges and cases, as well as procedures for publishing the assigned judges of the Third District Court of Appeal. Any other records which may exist relating to your request in your letter dated May 8, 2018, have been determined by the Court to be confidential and exempt records pursuant to Florida Rule of Judicial Administration 2.420(c)(1).

Although the additional "records" you have requested are exempt pursuant to Rule 2.420(c)(1), I have previously extended and continue to extend my invitation to you to meet with me to discuss any further questions you may have regarding procedures not expressly provided in the Court's IOP. There is no mystery regarding the procedures you have inquired about. I have spoken about them at several seminars, and I am happy to discuss them with you.

Please let me know if I can provide any further assistance to you regarding this matter.

Sincerely,

/s/  
Leslie B. Rothenberg  
Chief Judge  
Third District Court of Appeal

**Signature of Petitioner**

Respectfully Submitted by —

REX E. RUSSO, ESQ.  
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(305) 442-7393  
RexLawyer@Prodigy.net

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Rex E. Russo  
*Pro Se Petitioner, is an  
attorney licensed in the State  
of Florida (Lic. #331597) and  
a member of the Bar of this  
Court.*