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BREVARD AND SEMINOLE COUNTIES

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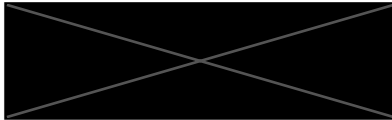


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Reply to: Viera

June 10, 2022



RE: Request for criminal investigation



I'm writing today to provide the outcome of our review into possible violations of public record law by Palm Bay Mayor Medina and State Representative Randy Fine.

State Representatives are exempt from compliance with Florida's Public Records Law and there is no duty for Representative Fine to retain and produce text messages as public records (see *Locke v. Hawkes*, 595 So. 2d. 32-FLA 1992). As a result, there is no criminal violation of FS. Chapter 119. Further, the lack of records from Representative Fine would not provide any evidence to support a violation by Mayor Medina.

Mayor Medina's effort to retain public records by preserving screen shots of text messages specifically identified as public record based on their content, is both reasonable and sufficient. Deleting the original messages after preserving a facsimile would not be a violation. Mayor Medina would not be required to preserve messages, or portions of messages, that are statutorily exempt (personal communications, or not related to his duties as Mayor), even if these texts were contained within the exchange of messages from a specific conversation covered by public records law.

Currently there is insufficient evidence to support further action in this matter.

Sincerely,
PHIL ARCHER

BY:

P. KENT LEBLANC
CHIEF OF OPERATIONS