

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA  
CIVIL DIVISION**

KNIGHT NEWS, INC., *a Florida corporation*,  
Plaintiff,

v.

Case No: \_\_\_\_\_

THE UNIVERSITY OF CENTRAL FLORIDA  
BOARD OF TRUSTEES, *an agency of the State  
of Florida*, and JOHN C. HITT, *in his official  
capacity as President of the University of Central  
Florida and agent of THE UNIVERSITY OF  
CENTRAL FLORIDA BOARD OF TRUSTEES*,  
Defendants. /

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**VERIFIED COMPLAINT FOR WRIT OF MANDAMUS,  
DECLARATORY RELIEF AND PERMANENT INJUNCTION**

Plaintiff KNIGHT NEWS, INC., by and through undersigned counsel and pursuant to applicable law, hereby sues Defendants THE UNIVERSITY OF CENTRAL FLORIDA BOARD OF TRUSTEES, an agency of the State of Florida and JOHN C. HITT, in his official capacity as both President of the University of Central Florida and delegate and agent of THE UNIVERSITY OF CENTRAL FLORIDA BOARD OF TRUSTEES. In support thereof, Plaintiff alleges as follows:

**INTRODUCTION**

1. This *Complaint* seeks to remedy numerous violations of Florida's Public Records Act and Government-in-the-Sunshine Law committed by Defendants in their official dealings with Plaintiff Knight News, Inc., from February 2012 to the present date. Ten such violations are set forth herein and form the basis of this complaint for writ of mandamus, declaratory relief and permanent injunction. A *Verified Emergency Motion for Temporary Injunction* addressing the latest and most imminent of these violations is filed concomitantly with this complaint.

## JURISDICTION

2. Jurisdiction in this Court is proper because this is a civil action for writ of mandamus, declaratory relief, injunctive relief, costs and reasonable attorneys' fees arising from violations of Chapter 119, *Florida Statutes*, the "Public Records Act" and Section 286.011, *Florida Statutes*, the "Government-in-the-Sunshine Law."

3. Jurisdiction is proper under Article V, Section 5, of the Florida Constitution, Sections 86.011, 119.11 and 286.011(2), *Florida Statutes*, and Rule 1.630, *Florida Rules of Civil Procedure*.

## VENUE

4. Venue is proper in this Court pursuant to Section 47.011, *Florida Statutes*, because Defendants, reside, are located in and conducts their business in Orange County, Florida.

5. Venue is proper in this Court pursuant to Section 47.011, *Florida Statutes*, because the causes of action alleged herein accrued in Orange County, Florida.

## PARTIES AND THEIR DELEGATES

6. Plaintiff KNIGHT NEWS, INC. ("**Knight News**"), is a Florida corporation with its principal place of business in Orange County, Florida. Knight News is the publisher of an award-winning, student-run, online newspaper serving the University of Central Florida community that is available at <http://www.knightnews.com>. Knight News uses public records, particularly those of the University of Central Florida and its agents, as a primary means of newsgathering. Knight News is a person within the meaning of Section 119.01(1), *Florida Statutes*.

7. Defendant THE UNIVERSITY OF CENTRAL FLORIDA BOARD OF TRUSTEES (the "**Board of Trustees**"), an agency of the State of Florida, is a "part of the executive branch of state government" and is charged with administering the University of Central Florida ("**UCF**") in accordance with Florida law and the regulations promulgated by the state's Board of Governors. Fla.

Stat. § 1001.71(1, 3), 1001.706(2). The Board of Trustees is subject to Florida’s Public Records Act and Government-in-the-Sunshine Law as well as Article I, section 24 of the state Constitution and can sue or be sued in its own name. Fla. Stat. § 1001.72(1-2). The Board of Trustees has ultimate authority and control over and custody of the public records and at issue in this action as well as control over public access to the outside-of-the-Sunshine meetings at issue in this action. The Board of Trustees has delegated these powers to Defendant JOHN C. HITT.

8. Defendant JOHN C. HITT is an individual serving both as president of the University of Central Florida and as a delegate and agent of THE UNIVERSITY OF CENTRAL FLORIDA BOARD OF TRUSTEES, and as such exercises and further delegates the Board of Trustees’ authority and control over and custody of the public records and at issue in this action as well as control over public access to the outside-of-the-Sunshine meetings at issue in this action.

9. UCF Policy No. 2-100.2, “Florida Public Records Act—Scope and Compliance,” approved by Defendant HITT on June 2, 2009, governs the university’s responses to public records requests. The policy provides, *inter alia*, that

- a. “[a]ny department or office may be the recipient of a public records request;”
- b. “[i]f the department or office receiving the request is not the custodian of the records requested, then the request (or, if feasible, the requestor) should be forwarded to the appropriate department or office in possession or custody of the requested records;”
- c. “[t]here is no particular format for a public records request . . . A person does not have to prove a "legitimate" need for a public record to be entitled to inspect it;” and
- d. “The university must respond to a public records request within a reasonable period of time after receiving the request.”

10. The Non-Party UCF Student Government Association (“SGA”) is subject to the

ultimate authority of the administration of UCF, Defendant HITT and the Board of Trustees. Fla. Stat. §§ 1001.71, 1004.26; UCF Regulation 5.0021(1)(a).

11. The Non-Party Student Senate is a representative body elected by the UCF students. *See* Fla. Stat. § 1004.26(2). The Student Senate is a branch of SGA, and exercises authority over an ever-increasing, multi-million dollar budget comprised of public funds. For example, the 2010-2011 SGA budget totaled \$15.5 million (\$15,500,000.00), and the 2011-2012 SGA budget totaled \$17 million (\$17,000,000.00). Defendant HITT approved SGA's current \$18.9 million (\$18,900,000.00) budget by signing the Student Senate's "2012-2013 Activity & Service Fee Budget Bill" on May 2, 2012.

12. The SGA budget is funded by an Activity & Service Fee paid by all UCF students as a component part of their tuition. Fla. Stat. § 1009.24(9-10). These funds are maintained in accounts kept by the UCF Finance and Accounting Office, and all contracts, purchases, appointments and payments to personnel must be in accordance with UCF procedures. UCF Regulation 5.0021(1)(e).

## **GENERAL ALLEGATIONS**

### **I. Request for Impeachment Affidavits**

13. On February 22, 2012, Knight News requested from UCF and SGA copies of certain impeachment affidavits filed against SGA Comptroller Joshua Miller and SGA Speaker of the Senate Wesley Jones. This request is attached hereto as **Exhibit "1"** and incorporated by Plaintiff as if fully set forth herein.

14. As shown in Exhibit 1, Knight News requested that if UCF and SGA "intend[ed] to deny the request, or intend to redact any information from the records, by claiming some or all of the material is confidential or exempt from Florida's Public Record Law, we would kindly request that [UCF and SGA] provide us with the statutory exemption upon which you rely to do so."

15. On February 23, 2012, UCF and SGA responded to the aforementioned request by e-

mailing to Knight News redacted copies of the impeachment affidavits. The response e-mail and its attached affidavits are attached hereto as **Exhibit “2”** and incorporated by Plaintiff as if fully set forth herein.

16. As shown in Exhibit 2 and despite Plaintiff’s request, no statutory citation was provided to support the redactions evident in the produced affidavits.

17. The impermissible redaction from these documents constitutes an irreparable injury to Knight News not compensable in damages.

18. UCF and its SGA have demonstrated a pattern of noncompliance with the Public Records Act, specifically when it comes to producing illegally redacted records and the other matters complained of herein, thus hindering the ability of Knight News to fully report such public business to the public.

## **II. Request for Reports of Elections Violations**

19. On March 30, 2012, Knight News requested from UCF and SGA copies of affidavits alleging violations of SGA elections requirements. Knight News also requested from UCF and SGA a written explanation of the basis for any denial of the request or redaction from the response. A copy of the request is attached as **Exhibit “3”** and is incorporated by Plaintiff as if fully set forth herein.

20. On April 2, 2012, UCF and SGA responded, stating “Thank you for your request. I will let you know as soon as we have the violation affidavits ready for you.” A copy of this response is attached hereto as **Exhibit “4”** and incorporated by the Plaintiff as if fully set forth herein.

21. Subsequently, also on April 2, 2012, UCF and SGA sent Knight News an e-mail asking that an “official public records request form . . . found at <http://ucfsga.com/forms>” be filled out “so we have it on record.” A copy of this e-mail and form referenced therein are attached as **Exhibits “5”** and **“6,”** respectively, and both are incorporated by the Plaintiff as if fully set forth herein.

22. Knight News lawfully refused to fill out the “official public records request form.” *See, Dade Aviation Consultants v. Knight Ridder, Inc.*, 800 So. 2d 302, 305 n.1 (Fla. 3d DCA 2001) (“There is no requirement in the Public Records Act that requests for records must be in writing”).

23. Also, on April 2, 2012, a reporter from a news organization in competition with Knight News—that, upon information and belief, did fill out the “official public records request form” on that same day—received copies of the same records requested by Knight News.

24. Also on April 2, 2012, Knight News sent correspondence to UCF and SGA inquiring whether filling out the “official public records request form” was required to obtain public records from UCF and SGA. Neither UCF nor SGA have to date responded to this inquiry.

25. A hearing to discuss the alleged elections violations was held later on April 2, 2012.

26. At the hearing, during which the requested records were discussed, a Knight News reporter inquired about the status of the public records request. The reporter was told the records could not be released because a UCF employee had gone home for the day.

27. Prior to the aforementioned hearing, however, and upon information and belief, a news organization in competition with Knight News received from UCF or SGA copies of the records previously requested by Knight News.

28. UCF and SGA did not provide the records requested by Knight News to Plaintiff until April 4, 2012, two days after the aforementioned hearing. The records produced were redacted, and no statutory citation was provided to support the redactions evident in the produced affidavits. A copy of this production and the e-mail to which it was attached is attached as **Exhibit “7”** and incorporated by the Plaintiff as if fully set forth herein.

29. Section 119.07(1)(c), *Florida Statutes*, requires that the custodian of public records or his or her designee to acknowledge requests to inspect or copy records promptly and to respond to such

requests in good faith. The only delay in producing records permitted under Chapter 119 "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt." *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984).

30. UCF and SGA failed to produce the requested records to Knight News in the "limited reasonable time allowed" by law, as the agency was able to retrieve and then produce via email the requested records to the competing news source—which, upon information and belief, signed the request form—on April 2, 2012, yet failed to produce the same requested records to Knight News until two days later, on April 4, 2012 – despite the March 30 request Knight News sent noting, "We would appreciate having the records as soon as possible, considering how important the matter is to the community." Ex. C.

31. Failing to produce public records for inspection and copying in a reasonable amount of time, and impermissibly withholding and delaying the release of records for student journalists who refuse to sign UCF's and SGA's "official public records request form"—while releasing the records to competing publications who sign the form—constitutes a severe competitive newsgathering disadvantage to Knight News, and irreparable injury that is not compensable in damages. UCF's and SGA's use of the "official public records request form" as a speed bump to prompt illegal delays in the production of public records is ongoing, and UCF and SGA will continue this illegal conduct unless the relief sought herein is granted.

32. UCF and its SGA have demonstrated a pattern of noncompliance with the Public Records Act, specifically when it comes to illegally delaying production of records until after a hearing during which the records are discussed and the other matters complained of herein, thus hindering the ability of Knight' News to fully report such public business to the public.

### **III. Request for Activity & Service Fee Budget Request Packets**

33. On April 9, 2012, Knight News requested from UCF and SGA eight Activity & Service Fee budget request packets. A copy of this request is attached as **Exhibit “8”** and incorporated by the Plaintiff as if fully set forth herein. The budget was scheduled for approval at an April 12, 2012 hearing.

34. Later on April 9, 2012, UCF and SGA responded stating that the request was sent “over to the proper channels.” A copy of this e-mail is attached as **Exhibit “9”** and incorporated by the Plaintiff as if fully set forth herein.

35. On April 12, 2012, the day of the hearing, UCF and SGA responded stating that “Grant also has available the PDFs of the A&SF budget packets you previously requested.” The requested records were not attached to message, which, along with Knight News’s response requesting the records via e-mail, is attached as **Exhibit “10”** and incorporated by the Plaintiff as if fully set forth herein.

36. Later that day, the Student Senate approved the proposed \$18.9 million budget. Meanwhile, UCF and SGA still had not produced the requested budget packets.

37. On April 16, 2012, Knight News twice again requested the A&S Fee budget requests. Later that day, UCF and SGA responded, through a university associate vice president, who stated he was out of the office and would “look into this when I return tomorrow.” A copy of these requests and UCF’s “out of the office” reply is attached as **Exhibit “11”** and incorporated by the Plaintiff as if fully set forth herein.

38. UCF and SGA still had not responded by April 19, 2012, when Knight News sent another message inquiring about the records. A copy of this message is attached as **Exhibit “12”** and incorporated by the Plaintiff as if fully set forth herein.



39. On April 19, 2012, UCF and SGA responded by e-mailing to Knight News a redacted copy of an executive board's budget request packet. A copy of this e-mail and the budget request packet produced are attached as **Exhibit "13"** and incorporated by the Plaintiff as if fully set forth herein.

40. On April 23, 2012, Knight News reminded UCF and SGA of the pending public records request and that the other seven requested budget request packets had yet to be produced. A copy of this e-mail is attached as **Exhibit "14"** and incorporated by the Plaintiff as if fully set forth herein.

41. On April 24, 2012, thirteen days after the initial request and twelve days after the budget was actually voted on, UCF and SGA responded by e-mailing to Knight News redacted copies of the other seven budget request packets. A copy of this e-mail and the packets produced is attached as **Exhibit "15"** and incorporated by the Plaintiff as if fully set forth herein.

42. As shown in Exhibits 9, 10, 11, 13 and 15, no statutory citation was provided to support the redactions evident in the produced budget request packets.

43. Section 119.07(1)(c), *Florida Statutes*, requires that the custodian of public records or his or her designee to acknowledge requests to inspect or copy records promptly and to respond to such requests in good faith. The only delay in producing records permitted under Chapter 119 "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt." *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984).

44. UCF and SGA failed to produce the requested records to Knight News in the "limited reasonable time allowed" by law, as the agency was able to retrieve them in advance of the April 12, 2012 Student Senate meeting.

45. UCF and its SGA have demonstrated a pattern of noncompliance with the Public Records Act, specifically when it comes to illegally delaying production of records until after a hearing during which the records are discussed and the other matters complained of herein, thus hindering the

ability of Knight' News to fully report such public business to the public.

46. The impermissible delays in production of these records as well as the unlawful redactions from these documents constitute an irreparable injury to Knight News not compensable in damages.

#### **IV. Request for Passing the Gavel Expense Report**

47. On April 10, 2012, Knight News requested from UCF and SGA an expense report for a SGA "Passing of the Gavel" ceremony held on April 9, 2012. A copy of this request is attached as **Exhibit "16"** and incorporated by the Plaintiff as if fully set forth herein.

48. On April 11, 2012, UCF and SGA twice responded, ultimately stating: "We are currently reviewing your request and determining what information we can release to you. This process usually takes less than 72 hours however we will make every effort to expedite this request. Once we have approved the request you will receive the information from my office." A copy of these responses and Plaintiff's reply is attached as **Exhibit "17"** and incorporated by the Plaintiff as if fully set forth herein.

49. On April 12, 2012, UCF and SGA responded stating that "We have compiled the expenses for Passing of the Gavel and Grant Heston has the information ready for you if you are still in need." The requested records were not attached to the message. Ex. 10.

50. Later that day, UCF and SGA responded by stating an un-itemized total of the Passing the Gavel expenses, but no records or supporting documentation were attached to the message. A copy of this response is attached as **Exhibit "18"** and incorporated by the Plaintiff as if fully set forth herein.

51. On April 16, 2012, Knight News twice again requested the Passing the Gavel expense report. Ex. 11. Later on April 16, 2012, UCF and SGA responded, through a university associate vice president, who stated he was out of the office and would "look into this when I return tomorrow." *Id.*

52. UCF and SGA still had not responded by April 19, 2012, when Knight News sent

another message inquiring about the records. Ex. 12.

53. UCF and SGA have, to date, failed to produce to Knight News the requested Passing the Gavel expense report.

54. Section 119.07(1)(c), *Florida Statutes*, requires that the custodian of public records or his or her designee to acknowledge requests to inspect or copy records promptly and to respond to such requests in good faith. The only delay in producing records permitted under Chapter 119 "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt." *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984).

55. Since the request has been pending for approximately 10 months, UCF and SGA have failed to produce the requested records to Knight News in the "limited reasonable time allowed" by law.

56. UCF and its SGA have demonstrated a pattern of noncompliance with the Public Records Act, specifically when it comes to illegally delaying production of records, refusing to produce records and the other matters complained of herein, thus hindering the ability of Knight' News to fully report such public business to the public.

57. The impermissible delays in production of these records as well constitute an irreparable injury to Knight News not compensable in damages.

**V. Requests for Records Concerning 2012 Homecoming Performances**

58. The aforementioned Activity & Service Fee Budget Bill allocated \$423,625.00 for UCF's 2012 Homecoming festivities.

59. UCF and SGA created a committee of students, the Homecoming Executive Board, to plan Homecoming events and pay for them using the \$423,625.00 budget allocation.

60. The Homecoming Executive Board commenced a social media campaign using

Facebook to promote the Homecoming theme, its events and the scheduled performers. For instance, on September 18, 2012, the Homecoming Executive Board posted, “If we can get over at least 7,000 likes on our Facebook page we will release a clue to the artist coming for Concert Knight! 38 days until Homecoming begins! Go Knights!” Evidently, by this time, the Homecoming Executive Board had already entered into contracts with the performer or performers. The next day, the Homecoming Executive Board posted, “We are less than 300 likes away from revealing our clue to the artist coming for Concert Knight!”

61. On September 20, 2012, Knight News requested from UCF and SGA records concerning certain Homecoming events, and, particularly, information that would show what performers had been contracted for “Homecoming Comedy Knight” and “Concert Knight.” UCF and SGA responded by denying the request unless a reason for the request was provided:

What is it that you would need this information for? As you know, part of the Homecoming tradition is that the Homecoming Executive Board releases our artists choices via social media or other forms of communication. I would be happy to provide you with this information if you could provide me with a reasoning for this request.”

A copy of this e-mail exchange is attached as **Exhibit “19”** and incorporated by the Plaintiff as if fully set forth herein.

62. The “other forms of communication” UCF and SGA intended to employ appear to include coordination with a Knight News competitor, a student newspaper called the Central Florida Future. On September 23, 2012, the Homecoming Executive Board posted on Facebook: “Check out the Central Florida Future on Monday and it will reveal who the comedian is!” A copy of this post is attached as **Exhibit “20”** and incorporated by the Plaintiff as if fully set forth herein.

63. Indeed, the Central Florida Future devoted its entire September 24, 2012 front page to Homecoming and revealed that day which comedian would be performing, precisely the information

requested by Knight News the week before. The impressive graphics packages on the front page and in the Homecoming advertisements suggest that UCF and SGA provided the requested records to the Central Florida Future well in advance of the publication deadline—and at or before the time the Knight News request was denied.

64. As a result of UCF and SGA's apparent preference for releasing information through the Central Florida Future and denying Knight News the same information, Knight News's competitor "broke" the story before Knight News.

65. UCF and SGA have, to date, still not produced the requested records, which the Homecoming Executive Board confirmed exist in a September 24, 2012 e-mail. A copy of this e-mail is attached as **Exhibit "21"** and incorporated by the Plaintiff as if fully set forth herein.

66. Florida public records law does not permit a state agency to deny a records request because no reason is given for the request and certainly has no provision conditioning compliance with the Public Records Act on conformance with a marketing plan or how many people like the agency's Facebook page. *See Fla. Stat. § 119.07(1)(a)*.

67. Section 119.07(1)(c), *Florida Statutes*, requires that the custodian of public records or his or her designee to acknowledge requests to inspect or copy records promptly and to respond to such requests in good faith. The only delay in producing records permitted under Chapter 119 "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt." *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984). UCF and SGA failed to produce the requested records to Knight News in the "limited reasonable time allowed" by law, as the agency was, upon information and belief, able to retrieve and then produce requested records to the competing news source on or about the same date as the Knight News request, and the records still have not been produced to Knight News.

68. Failing to produce public records for inspection and copying in a reasonable amount of time, and impermissibly withholding and delaying the release of records for student journalists who aren't included in UCF and SGA's preferred "forms of communication" —while releasing the records to competing publications as part of a Homecoming marketing plan—constitutes a severe competitive newsgathering disadvantage to Knight News, and irreparable injury that is not compensable in damages.

69. UCF and its SGA have demonstrated a pattern of noncompliance with the Public Records Act, specifically when it comes to illegally delaying production of records until after the information therein has been released as part of a Homecoming marketing plan and the other matters complained of herein, thus hindering the ability of Knight News to fully report such public business to the public.

## **VI. Requests for Records Concerning Hazing Allegations**

70. On November 8, 2012, Knight News requested from UCF records concerning hazing allegations against a campus fraternity, Alpha Tau Omega. UCF responded the next day, producing a letter to the fraternity president from UCF and a redacted "Incident Reporting Form" detailing the alleged hazing. A copy of the request, response and produced documents is attached as **Exhibit "22"** and is incorporated by the Plaintiff as if fully set forth herein.

71. UCF provided no statutory basis or explanation for the redactions.

72. Later, on November 21, 2012, Knight News requested from UCF a wide array of records related to hazing, hazing investigations, communication concerning hazing, etc. A copy of this request is attached as **Exhibit "23"** and is incorporated by the Plaintiff as if fully set forth herein.

73. A series of e-mail exchanges between UCF and Knight News followed:

- a. UCF sought clarification of portions of the request on November 26, 2012;

- b. Knight News asked UCF on the next day to proceed with the remainder of the request while the clarification is worked out;
- c. UCF on November 28, 2012 produced some records in response to the request;
- d. UCF on December 7, 2012 produced more records related to the request that had been redacted without statutory citation or explanation;
- e. UCF and Knight News clarified another request on the same day;
- f. on December 10, 2012, the day before a hearing on the hazing allegations, UCF produced more documents responsive to the request and set forth an estimate of the costs to produce the remainder.

A copy of the foregoing e-mail exchanges is attached as **Exhibit “24”** and is incorporated by the Plaintiff as if fully set forth herein.

74. Additionally, a copy of the redacted records UCF produced on December 7, 2012 is attached as **Exhibit “25”** and incorporated by the Plaintiff as if fully set forth herein.

75. UCF’s estimate of the costs required to produce the remainder of the requested records came nineteen days after the initial request, and seven minutes before the close of business on the day before a hearing scheduled on the hazing allegations.

76. Section 119.07(1)(c), *Florida Statutes*, requires that the custodian of public records or his or her designee to acknowledge requests to inspect or copy records promptly and to respond to such requests in good faith. The only delay in producing records permitted under Chapter 119 "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt." *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984). UCF failed to produce the requested records or an estimate of the cost of production to Knight News in the “limited reasonable time allowed” by law, and, instead, delayed sending an estimate until such time as

Knight News could not possibly expect a response until after the hazing hearing.

77. Failing to produce public records for inspection and copying in a reasonable amount of time, and impermissibly withholding and delaying the release of records until after the hearing at which they would be relevant constitutes a severe competitive newsgathering disadvantage to Knight News, and irreparable injury that is not compensable in damages.

78. UCF has demonstrated a pattern of noncompliance with the Public Records Act, specifically when it comes to illegally delaying production of records or an estimate of the costs of production until such time as Knight News could not possibly expect a response until after the hazing hearing and the other matters complained of herein, thus hindering the ability of Knight' News to fully report such public business to the public.

**VII. Denial of Access to 11/20/2012 Interim Suspension Hearing on Hazing Allegations**

79. Section 286.011(1), *Florida Statutes*, provides:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

80. On November 20, 2012, UCF held an interim suspension hearing during which the Board was to make a finding of whether Alpha Tau Omega fraternity interim suspension for alleged hazing violations would remain in effect.

81. This hearing was held outside of the sunshine. Multiple messages from UCF to Knight News stating the hearing was “closed to the public” and “conducted the same as every other student conduct hearing” is attached as **Exhibit “26”** and incorporated by the Plaintiff as if fully set forth herein.

82. Accordingly, though UCF Regulation 5.013(1)(a) sets forth the university’s authority,



delegated to it by the Board of Governors and Board of Trustees, to conduct interim suspension hearings in emergency circumstances, those hearings are “conducted the same as every other student conduct hearing” and therefore conducted in accordance with UCF Regulation 5.013(3)(a), governing formal hearings.

83. UCF provided to Knight News no basis, statutory or otherwise, for conducting the interim suspension hearing outside of the Sunshine.

84. The interim suspension hearing is conducted similarly to a bench trial. After an introduction by the hearing office, UCF’s Office of Student Rights and Responsibilities presents its case-in-chief against the student organization. Next, the student organization is given an opportunity to respond. The hearing officer then may question the student organizations representative, and the representative subsequently permitted to make closing remarks. A script for the hearing office conducting interim suspension hearings is attached hereto as **Exhibit “27”** and incorporated by the Plaintiff as if fully set forth herein.

85. At that time, the hearing is recessed so the hearing officer may “deliberate in executive session.” The student organization’s representative is then asked to leave the hearing room, however the representatives from UCF’s Office of Student Rights and Responsibilities (effectively, the prosecutors) are permitted to remain for the deliberations. The hearing officer also is permitted to conduct “further deliberations” so long as a “final determination letter” is delivered to the student organization within 24 hours. Ex. 27.

86. Upon information and belief, UCF was represented at the November 20, 2012 hearing and deliberations by UCF employees in the Office of Student Conduct, associate director Nicolas Olesky and coordinator Michelle Quinones. The hearing officer was Jeff Novak, of UCF’s Office of Student Rights and Responsibilities.

87. Upon information and belief, the student organization representative was excluded from the deliberations, but was asked to briefly return during deliberations to answer additional questions.

88. Ultimately, after deliberations, the hearing officer concluded that the interim suspension would remain in effect until a later formal hearing. This was an official act, documented in a November 20, 2012 letter from the hearing officer to Alpha Tau Omega Fraternity. This letter is attached as **Exhibit “28”** and incorporated by the Plaintiff as if fully set forth herein.

89. Though, at any time, the vice president of UCF’s Student Development and Enrollment Services or his or her designee may terminate the interim suspension, UCF Regulation 5.013(1)(a), the hearing officer’s decision is not a recommendation or finding of fact. And the UCF employee or employees who participate in the hearing (the “Student Conduct Board”) are no mere ad hoc, fact-finding, advisory panel.

90. UCF Regulation 5.007(4)(n) defines the “Student Conduct Board” as “any person or persons authorized by the Director of the OSRR or designee to determine whether a student has violated the Rules of Conduct and to recommend sanctions that may be imposed when a rules violation has been committed.”

91. They operate pursuant to a state regulation, and governed by UCF regulations, with the express purpose of adjudicating disciplinary issues—that is, taking official acts. Specifically, Florida Board of Governors Regulation 6.0105 requires the state’s universities to establish, *inter alia*, a committee or panel to conduct student disciplinary hearings to adjudicate allegations of violations of the school’s code of conduct.

92. Nonetheless, and contrary to Section 286.011(1), *Florida Statutes*, UCF Regulation 5.013(2)(d) purports to close such hearings to both the public *and* the accused student organization’s members: “The charged student organization’s hearing shall only be open to the charged student

organization's chief officer, their advisor, the hearing body, witnesses (when called upon), a representative from the Office of Student Conduct, and a university staff member from an appropriate office . . .”

93. UCF Regulation 5.013(3)(c)(10) adds yet another layer of secrecy, providing that the Student Conduct Board panel's deliberations, conducted after the close of evidence, are conducted “in confidential executive session,” during which even the charged student organization's chief officer is excluded. The panel's deliberations are not audio-recorded like the rest of the hearing.

94. However, Section 286.011(2), *Florida Statutes*, requires that the “minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection.”

95. Failing to permit access to public board meetings and maintain a record of the proceedings constitutes an irreparable injury that is not compensable in damages.

96. UCF has demonstrated an intent not to comply with the Section 286.011(1), *Florida Statutes*, specifically by denying Knight News access to the interim suspension hearing and asserting all such hearings are closed, thus hindering the ability of Knight' News to fully report such public business to the public. And the existence of UCF Regulations 5.013(2)(d) and 5.013(3)(c)(7) make it likely UCF will continue to close such hearings to the public in the future.

### **VIII. Denial of Access to Student Conduct Board Formal Hearing on Hazing Allegations**

97. Section 286.011(1), *Florida Statutes*, provides:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

98. On December 11, 2012, a UCF Office of Student Conduct Student Conduct Board

formal panel hearing was held, during which the Board was to make a finding of whether Alpha Tau Omega fraternity was “in violation or “not in violation” of UCF’s prohibitions on hazing. Ultimately, the panel found the fraternity did violate the hazing rules.

99. That morning, Knight News sought from UCF access to that formal panel hearing and was denied. Knight News immediately e-mailed UCF officials demanding either access to the meeting or the written legal basis for excluding the public. A copy of this e-mail is attached as the first part of **Exhibit “29”** and incorporated by the Plaintiff as if fully set forth herein.

100. A UCF associate general counsel responded that afternoon stating that “student conduct proceedings are closed to the public” and “not subject to [Fla. Stat §] 286.011.” UCF further stated that

the conduct panel operates to provide a recommended finding (whether "in violation" or "not in violation") and sanction (if appropriate) to the Director of the OSRR. The Director of the OSRR retains the authority to accept or reject any finding regarding "in violation" or "not in violation" and, as to a finding of "in violation" that is accepted, to accept or change the recommended sanction. See University Regulation UCF-5.013(3)(a)3. Thus, the panel serves a fact-finding and advisory function in support of staff and is not subject to F.S. 286.011.

A copy of this e-mail is attached as the second part of **Exhibit “29”** and incorporated by the Plaintiff as if fully set forth herein.

101. However, the Student Conduct Board is no mere ad hoc, fact-finding, advisory panel. It is set up pursuant to a state regulation, and governed by UCF regulations, with the express purpose of adjudicating disciplinary issues—that is, taking official acts. Specifically, Florida Board of Governors Regulation 6.0105 requires the state’s universities to establish, *inter alia*, a committee or panel to conduct student disciplinary hearings to adjudicate allegations of violations of the school’s code of conduct.

102. Additionally, UCF Regulation 5.007(4)(n) defines the “Student Conduct Board” as “any person or persons authorized by the Director of the OSRR or designee to determine whether a student

has violated the Rules of Conduct and to recommend sanctions that may be imposed when a rules violation has been committed.”

103. UCF Regulation 5.013(3)(a) sets forth the procedure to be followed by the Student Conduct Board panel during a formal hearing. Specifically, the panel is to render a “finding(s) as to ‘in violation’ or ‘not in violation’ of the Organizational Rules of Conduct and consider any recommended sanctions by the panel.” UCF Regulation 5.013(3)(a)(2).

104. Next, “[t]he Director of the OSRR or designee may accept the finding(s) of ‘in violation’ or ‘not in violation’ or remand the case for rehearing. If the Director of the OSRR or designee accepts the finding of ‘in violation,’ they may approve, mitigate or increase the sanctions recommended by the panel.”

105. Notably, if the Student Conduct Board panel renders a finding of “not in violation,” the Director or designee has no authority to summarily reverse the panel’s finding or levy sanctions. Therefore, the Student Conduct Board panel’s finding is no recommendation, it is UCF’s official action on the disciplinary matter.

106. Nonetheless, and contrary to Section 286.011(1), *Florida Statutes*, UCF Regulation 5.013(2)(d) purports to close such hearings to both the public *and* the accused student organization’s members: “The charged student organization’s hearing shall only be open to the charged student organization’s chief officer, their advisor, the hearing body, witnesses (when called upon), a representative from the Office of Student Conduct, and a university staff member from an appropriate office . . .”

107. UCF Regulation 5.013(3)(c)(10) adds yet another layer of secrecy, providing that the Student Conduct Board panel’s deliberations, conducted after the close of evidence, are conducted “in confidential executive session,” during which even the charged student organization’s chief officer is

excluded. The panel's deliberations are not audio-recorded like the rest of the hearing.

108. However, Section 286.011(2), *Florida Statutes*, requires that the "minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection."

109. Failing to permit access to public board meetings and maintain a record of the proceedings constitutes an irreparable injury that is not compensable in damages.

110. UCF has demonstrated an intent not to comply with the Section 286.011(1), *Florida Statutes*, specifically by denying Knight News access to the Student Conduct Board formal panel hearing and asserting all such hearings are closed, thus hindering the ability of Knight' News to fully report such public business to the public. And the existence of UCF Regulations 5.013(2)(d) and 5.013(3)(c)(7) make it likely UCF will continue to close such hearings to the public in the future.

#### **IX. Request for Speaker's Contract**

111. On February 5, 2013, at approximately 3:35 p.m., a Knight News editor, Jake Sadowsky, orally requested from UCF's Office of Fraternity and Sorority Life the contract between UCF and speaker T.J. Sullivan, of CampusSpeak, who was hired to speak to UCF's Greek (fraternity and sorority) community about risk management and motivating organizations to fight apathy at 9 p.m. on the same day.

112. The office secretary asked the editor why he needed the contract. The editor lawfully refused to provide a reason.

113. At the time, the office secretary was on the telephone with the department's director, Scott Clarke. Upon information and belief, it is Clarke that instructed the secretary to tell the editor that the department is "not allowed to give out their contracts." Clarke refused to speak directly with the editor.

114. Sorority Life Director Robert "Clay" Coleman then asked if he could be of assistance. The editor replied that all he wanted was the requested contract. Coleman then also asked the editor why he was requesting the contract.

115. The editor again lawfully refused to provide a reason for the records request then asked the Coleman, "Are you saying you are not going to give me the contract, yes or no?" Coleman replied, "No, we are not giving you the contract."

116. UCF has, to date, still not produced the requested record.

117. Florida public records law does not permit a state agency to deny a records request because no reason is given for the request. *See Fla. Stat. § 119.07(1)(a)*.

118. Section 119.07(1)(c), *Florida Statutes*, requires that the custodian of public records or his or her designee to acknowledge requests to inspect or copy records promptly and to respond to such requests in good faith. The only delay in producing records permitted under Chapter 119 "is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt." *Tribune Company v. Cannella*, 458 So. 2d 1075, 1079 (Fla. 1984). UCF and SGA failed to produce the requested records to Knight News in the "limited reasonable time allowed" by law, and the records still have not been produced.

119. Failing to produce public records for inspection and copying in a reasonable amount of time, and impermissibly withholding and delaying the release of records for student journalists who aren't included in UCF and SGA's preferred "forms of communication" —while releasing the records to competing publications as part of a Homecoming marketing plan—constitutes a severe competitive newsgathering disadvantage to Knight News, and irreparable injury that is not compensable in damages.

120. UCF has demonstrated a pattern of noncompliance with the Public Records Act,

specifically when it comes to refusing to produce public records proper request, thus hindering the ability of Knight News to fully report such public business to the public.

**X. Denial of Access to 2/22/2013 Interim Suspension Hearing on Various Allegations**

121. Section 286.011(1), *Florida Statutes*, provides:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

122. On February 12, 2013, Knight News requested from UCF access to a an interim suspension hearing during which the Board will make a finding of whether Sigma Epsilon Fraternity interim suspension for alleged hazing and other violations will remain in effect. UCF denied the request on February 13, 2012. A copy of the correspondence between UCF and Knight News is attached as **Exhibit “30”** and is incorporated by Plaintiff as if fully set forth herein. Chi\* (Edited typo from original)

123. Accordingly, this hearing will be held outside of the sunshine.

124. UCF Regulation 5.013(1)(a) sets forth the university’s authority, delegated to it by the Board of Governors and Board of Trustees, to conduct interim suspension hearings in emergency circumstances, those hearings are “conducted the same as every other student conduct hearing” and therefore conducted in accordance with UCF Regulation 5.013(3)(a), governing formal hearings.

125. UCF refused to provide Knight News no basis, statutory or otherwise, for conducting the interim suspension hearing outside of the Sunshine. Ex. 30.

126. The interim suspension hearing is conducted similarly to a bench trial. After an introduction by the hearing office, UCF’s Office of Student Rights and Responsibilities presents its case-in-chief against the student organization. Next, the student organization is given an opportunity to respond. The hearing officer then may question the student organizations representative, and the



representative subsequently permitted to make closing remarks. Ex. 27.

127. At that time, the hearing is recessed so the hearing officer may “deliberate in executive session.” The student organization’s representative is then asked to leave the hearing room, however the representatives from UCF’s Office of Student Rights and Responsibilities (effectively, the prosecutors) are permitted to remain for the deliberations. The hearing officer also is permitted to conduct “further deliberations” so long as a “final determination letter” is delivered to the student organization within 24 hours. Ex. 27.

128. Upon information and belief, UCF will be represented at the hearing and deliberations by UCF employees in the Office of Student Conduct. The hearing officer will also be a UCF employee. Ex. 27.

129. The student organization representative will be excluded from the deliberations. Ex. 27.

130. Ultimately, after deliberations, the hearing officer will conclude whether the interim suspension will remain in effect until a later formal hearing. This will be an official act.

131. Though, at any time, the vice president of UCF’s Student Development and Enrollment Services or his or her designee may terminate an interim suspension, UCF Regulation 5.013(1)(a), the hearing officer’s decision is not a recommendation or finding of fact. And the UCF employee or employees who participate in the hearing (the “Student Conduct Board”) are no mere ad hoc, fact-finding, advisory panel.

132. UCF Regulation 5.007(4)(n) defines the “Student Conduct Board” as “any person or persons authorized by the Director of the OSRR or designee to determine whether a student has violated the Rules of Conduct and to recommend sanctions that may be imposed when a rules violation has been committed.”

133. They operate pursuant to a state regulation, and governed by UCF regulations, with the

express purpose of adjudicating disciplinary issues—that is, taking official acts. Specifically, Florida Board of Governors Regulation 6.0105 requires the state’s universities to establish, *inter alia*, a committee or panel to conduct student disciplinary hearings to adjudicate allegations of violations of the school’s code of conduct.

134. Nonetheless, and contrary to Section 286.011(1), *Florida Statutes*, UCF Regulation 5.013(2)(d) purports to close such hearings to both the public *and* the accused student organization’s members: “The charged student organization’s hearing shall only be open to the charged student organization’s chief officer, their advisor, the hearing body, witnesses (when called upon), a representative from the Office of Student Conduct, and a university staff member from an appropriate office . . .”

135. UCF Regulation 5.013(3)(c)(10) adds yet another layer of secrecy, providing that the Student Conduct Board panel’s deliberations, conducted after the close of evidence, are conducted “in confidential executive session,” during which even the charged student organization’s chief officer is excluded. The panel’s deliberations are not audio-recorded like the rest of the hearing.

136. However, Section 286.011(2), *Florida Statutes*, requires that the “minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection.”

137. Failing to permit access to public board meetings and maintain a record of the proceedings constitutes an irreparable injury that is not compensable in damages.

138. UCF has demonstrated an intent not to comply with the Section 286.011(1), *Florida Statutes*, specifically by denying Knight News access to the interim suspension hearing and asserting all such hearings are closed, thus hindering the ability of Knight' News to fully report such public business to the public. And the existence of UCF Regulations 5.013(2)(d) and 5.013(3)(c)(7) make it

likely UCF will continue to close such hearings to the public in the future.

\* \* \*

139. Section 119.011, *Florida Statutes*, defines "public records" which are open to inspection as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business of any agency."

140. The documents requested, as described in this complaint, were made or received by Defendants in connection with the transaction of UCF's or SGA's official business and were prepared with the intent to communicate, perpetuate or formalize knowledge. Therefore, these documents constitute public records within the meaning of Section 119.011, *Florida Statutes*. See *Shevin v. Byron, Harless, Schaffer, Reid and Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

141. Knight News has a clear legal and constitutional right to inspect all portions of public records to which no statutory exemption applies. Art. I, section 24(a), FLA. CONST.; Fla. Stat. § 119.07(1)(a).

142. As a custodian of public records, Defendants have a mandatory and non-discretionary duty to permit the inspection of all non-exempt public records and bears the burden of proving an exemption. Fla. Stat. § 119.07(1).

143. Knight News has a clear legal right to insist upon Defendants' performance of their mandatory, ministerial duty to provide statements setting forth with particularity the statutory basis to withhold or redact requested public records. *Mills v. Doyle*, 407 So. 2d 348 (Fla. 4th DCA 1981); *Von Stephens v. School Board of Sarasota Co.*, 338 So. 2d 890 (Fla. 2d DCA 1976).

144. In the event the custodian of requested records asserts a statutory exemption does apply, petitioner may, has, and hereby does, invoke Section 119.07(1)(f), *Florida Statutes*, which provides: "If

requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.”

145. Defendant has breached his duty to permit the inspection of public records and its duty to state which exemption exists to justify UCF’s and SGA’s redactions from the requested records. Specifically, Defendant’s refusal to timely provide access to public records without regard for the identity of the requestor and to timely state the basis for statutory exemptions violates Section 119.07, *Florida Statutes*.

146. Knight News is entitled to and seeks an immediate hearing pursuant to Section 119.11, *Florida Statutes*, which provides: “Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.” *See Salvador v. Fennelly*, 593 So. 2d 1091, 1093 (Fla. 4<sup>th</sup> DCA 1992) (rejecting agency’s suggestion that “immediate” under s. 119.11(1) meant a reasonable period of time in the absence of an identifiable emergency). *See also Woodfaulk v. State*, 935 So. 2d 1225, 1227 (Fla. 5<sup>th</sup> DCA 2006).

147. Section 119.12, *Florida Statutes*, provides:

If a civil action is filed against an agency to enforce the provisions of this chapter and if the court determines that such agency unlawfully refused to permit a public record to be inspected or copied, the court shall assess and award, against the agency responsible, the reasonable costs of enforcement including reasonable attorneys’ fees.

Accordingly, should Knight News prevail in this action on its public records claims, it is entitled to costs and attorneys’ fees.

\* \* \*

148. Section 286.011(1), *Florida Statutes*, provides:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or

political subdivision, except as otherwise provided in the Constitution . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

149. Knight News has a clear legal and constitutional right to access to public meetings where decisions are made. *Id.*

150. Defendants have a mandatory and non-discretionary duty to permit public access to public meetings and bears the burden of proving an exemption.

151. "[I]t is the entire decision-making process that the legislature intended to affect by the enactment of the statute before us . . . . Every step in the decision-making process, including the decision itself, is a necessary preliminary to formal action. It follows that each such step constitutes an 'official act,' an indispensable requisite to 'formal action,' within the meaning of the act." *Times Publishing Co. v. Williams*, 222 So.2d 470, 473 (Fla. 2d DCA 1969).

152. The interim suspension hearings and formal panel hearings of the Student Conduct Board are a "board" or "commission," as described in the Sunshine Law, because they exercise decision-making authority delegated by the Board of Governors, to the Board of Trustees, to UCF's president and UCF employees, including the Student Conduct Board.

153. Before the hearings, the panels and hearing officers, along with staff from the Office of Student Conduct, review the evidence and determine the questions that will be asked. Subsequent to the hearings, the Office of Student Conduct staff member debriefs the hearing officer or panel and serves in an "advisory capacity" during the hearing itself. A copy of UCF's "Roles and Expectations" for the hearings is attached as **Exhibit "31"** and incorporated by the Plaintiff as if fully set forth herein.

154. Even if the vice president of UCF's Student Development and Enrollment Services claims authority to summarily decide the fate of student organization facing discipline, that authority has been delegated to a board, subjecting the board to the Sunshine Law. *See Dascott v. Palm Beach*

County, 877 So. 2d 8 (Fla. 4<sup>th</sup> DCA 2004).

155. Additionally, Florida Board of Governors Regulation 6.0105 requires the state's universities to establish, *inter alia*, a committee or panel to conduct student disciplinary hearings to adjudicate allegations of violations of the school's code of conduct. These panels should be open to the public.

156. Additionally, Section 286.011(4), *Florida Statutes* provides:

Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency. . .

Accordingly, should Knight News prevail in this action on its claims concerning access to public meetings, it is entitled to an award of costs and reasonable attorneys' fees.

\* \* \*

157. Knight News has no adequate remedy at law.

158. All conditions precedent to this action have been met, sustained, or waived by the actions of Defendant as alleged herein.

159. Knight News has incurred costs in pursuing this action, retained the undersigned counsel to represent its interests in this action and is obligated to pay a reasonable fee for the undersigned's legal services.

**COUNT I – PETITION FOR WRIT OF MANDAMUS**  
**Failure to Cite Exemptions to Mandatory Production of Public Records**  
**[Impeachment Affidavits]**

160. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a writ of mandamus to correct their failure to state exemptions to the mandatory production of public records,

pursuant to Sections 119.01, *et seq.*, *Florida Statutes*.

161. The allegations contained within paragraphs 1 through 18, 139 – 147 and 157 - 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

162. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

163. Section 119.07(1)(e), Florida Statutes, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

164. Section 119.07(1)(f), Florida Statutes, provides:

If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.

165. Defendants have a ministerial, non-discretionary duty to state exemptions to justify redactions from public records produced pursuant to a public records request.

166. Defendants have failed, despite a written request, to state exemptions to justify redactions from the produced public records.

167. Mandamus is the appropriate remedy to enforce violations of the public records law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

168. Knight News is entitled to and seeks the issuance of either an alternative writ of mandamus or an order to show cause directed to Defendants compelling them to show why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court either an alternative writ of mandamus or an order to show cause directed to the Defendants, the setting of an

accelerated hearing, the issuance of a writ of mandamus requiring Defendants to produce the requested records in an unredacted manner and an award of costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT II – PETITION FOR WRIT OF MANDAMUS**  
**Failure to Cite Exemptions to Mandatory Production of Public Records**  
**[*Election Violations Affidavits*]**

169. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a writ of mandamus to correct their failure to state exemptions to the mandatory production of public records, pursuant to Sections 119.01, *et seq.*, *Florida Statutes*.

170. The allegations contained within paragraphs 1 through 12, 19 through 32, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

171. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

172. Section 119.07(1)(e), *Florida Statutes*, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

173. Defendants have a ministerial, non-discretionary duty to state exemptions to justify redactions from public records produced pursuant to a public records request.

174. Defendants have failed to state exemptions to justify redactions from the produced public records.

175. Defendants have a ministerial, non-discretionary duty to state exemptions to justify redactions from public records produced pursuant to a public records request.

176. Mandamus is the appropriate remedy to enforce violations of the public records law. *See*



*Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

177. Knight News is entitled to and seeks the issuance of either an alternative writ of mandamus or an order to show cause directed to Defendants compelling them to show why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court either an alternative writ of mandamus or an order to show cause directed to the Defendants, the setting of an accelerated hearing, the issuance of a writ of mandamus requiring Defendants to produce the requested records in an unredacted manner and an award of costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT III – PETITION FOR WRIT OF MANDAMUS**  
**Failure to Cite Exemptions to Mandatory Production of Public Records**  
**[A&S Fee Budget Request Packets]**

178. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a writ of mandamus to correct their failure to state exemptions to the mandatory production of public records, pursuant to Sections 119.01, *et seq.*, *Florida Statutes*.

179. The allegations contained within paragraphs 1 through 12 and 33 through 46, 139 – 147 and 157 - 159 *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

180. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

181. Section 119.07(1)(e), *Florida Statutes*, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

182. Defendants have failed to cite exemptions to justify redactions from the produced public

records.

183. Mandamus is the appropriate remedy to enforce violations of the public records law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

184. Knight News is entitled to and seeks the issuance of either an alternative writ of mandamus or an order to show cause directed to Defendants compelling them to show why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court either an alternative writ of mandamus or an order to show cause directed to the Defendants, the setting of an accelerated hearing, the issuance of a writ of mandamus requiring Defendants to produce the requested records in an unredacted manner and an award of costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT IV – PETITION FOR WRIT OF MANDAMUS**  
**Failure to Produce Public Records**  
**[“*Passing the Gavel*” Expense Report]**

185. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a writ of mandamus to correct their failure to state exemptions to the mandatory production of public records, pursuant to Sections 119.01, *et seq.*, *Florida Statutes*.

186. The allegations contained within paragraphs 1 through 12 and 47 through 57, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

187. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

188. Section 119.07(1)(e), *Florida Statutes*, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded

by statute.

189. Defendants have failed to date to produce the requested public records.

190. Mandamus is the appropriate remedy to enforce violations of the public records law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

191. Knight News is entitled to and seeks the issuance of either an alternative writ of mandamus or an order to show cause directed to Defendants compelling him to show why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court either an alternative writ of mandamus or an order to show cause directed to the Defendants, the setting of an accelerated hearing, the issuance of a writ of mandamus requiring Defendants to produce the requested records and do so in an unredacted manner and an award of costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT V – PETITION FOR WRIT OF MANDAMUS**  
**Failure to Produce and Cite Exemptions to Mandatory Production of Public Records**  
**[Homecoming 2012 Contracts]**

192. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a writ of mandamus to correct their failure to produce public records and state exemptions to the mandatory production of public records, pursuant to Sections 119.01, *et seq.*, *Florida Statutes*.

193. The allegations contained within paragraphs 1 through 12 and 58 through 69, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

194. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

195. Section 119.07(1)(e), *Florida Statutes*, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state

the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

196. Defendants have failed to produce the requested public records.

197. Defendants have failed to cite exemptions to justify redactions from the produced public records.

198. Mandamus is the appropriate remedy to enforce violations of the public records law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

199. Knight News is entitled to and seeks the issuance of either an alternative writ of mandamus or an order to show cause directed to Defendants compelling them to show why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court either an alternative writ of mandamus or an order to show cause directed to the Defendants, the setting of an accelerated hearing, the issuance of a writ of mandamus requiring Defendants to produce the requested records and do so in an unredacted manner and an award of costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT VI – PETITION FOR WRIT OF MANDAMUS**  
**Failure to Cite Exemptions to Mandatory Production of Public Records**  
**[Hazing Incident Reports]**

200. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a writ of mandamus to correct their failure to state exemptions to the mandatory production of public records, pursuant to Sections 119.01, *et seq.*, *Florida Statutes*.

201. The allegations contained within paragraphs 1 through 12 and 70 – 78, 139 – 147 and 157 - 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

202. This cause of action is alleged in additionally and alternatively to the other causes of

action alleged herein.

203. Section 119.07(1)(e), Florida Statutes, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

204. Defendants have failed to cite exemptions to justify redactions from the produced public records.

205. Mandamus is the appropriate remedy to enforce violations of the public records law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

206. Knight News is entitled to and seeks the issuance of either an alternative writ of mandamus or an order to show cause directed to Defendants compelling them to show why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court either an alternative writ of mandamus or an order to show cause directed to the Defendants, the setting of an accelerated hearing, the issuance of a writ of mandamus requiring Defendants to produce the requested records in an unredacted manner and an award of costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT VII – PETITION FOR WRIT OF MANDAMUS**  
**Failure to Produce Public Records**  
**[*Speaker's Contract*]**

207. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a writ of mandamus to correct his failure to state exemptions to the mandatory production of public records, pursuant to Sections 119.01, *et seq.*, Florida Statutes.

208. The allegations contained within paragraphs 1 through 12, 111 through 120, 139 – 147

and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

209. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

210. Section 119.07(1)(e), Florida Statutes, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

211. Defendants have failed to date to produce the requested public records.

212. Mandamus is the appropriate remedy to enforce violations of the public records law. *See Smith v. State*, 696 So. 2d 814, 816 (Fla. 2d DCA 1997).

213. Knight News is entitled to and seeks the issuance of either an alternative writ of mandamus or an order to show cause directed to Defendants compelling them to show why a writ of mandamus should not be issued granting the relief requested herein. Fla. R. Civ. P. 1.630(d).

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court either an alternative writ of mandamus or an order to show cause directed to the Defendants, the setting of an accelerated hearing, the issuance of a writ of mandamus requiring Defendants to produce the requested records and do so in an unredacted manner and an award of costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT VIII – DECLARATORY RELIEF**  
***[State exemptions to disclosure of public records]***

214. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a declaratory judgment, pursuant to Sections 86.011, *et. seq.*, and 119.01, *et seq.*, *Florida Statutes*.

215. The allegations contained within paragraphs 1 through 78, 111 – 120, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

216. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

217. Section 119.07(1)(e), Florida Statutes, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

218. Section 119.07(1)(f), Florida Statutes, provides:

If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.

219. There is a bona fide, actual and present need for a judicial declaration of the right of Knight News to receive from Defendants a stated statutory basis for the Defendants' redaction and withholding of public records from disclosure.

220. The declaration sought deals with a present, ascertained set of facts and a present controversy concerning that set of facts.

221. The rights of Knight News are dependent upon the aforementioned set of facts or the law applicable to those facts.

222. The Parties have an actual, present, adverse and antagonistic interest in the subject matter.

223. The relief sought herein is not merely the giving of legal advice by the court or the satisfaction of mere curiosity.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court, the setting of an accelerated hearing, a declaratory judgment stating that Defendants must, when producing redacted public records, state in writing and with particularity the reasons it concludes the records are

exempt from disclosure, including the statutory basis of the exemption justifying said redactions and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT IX – DECLARATORY RELIEF**  
**[*Timely provide copies of requested public records*]**

224. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a declaratory judgment, pursuant to Sections 86.011, *et. seq.*, and 119.01, *et seq.*, *Florida Statutes*.

225. The allegations contained within paragraphs 1 through 78, 111 – 120, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

226. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

227. Section 119.07(1)(e), *Florida Statutes*, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

228. Section 119.07(1)(f), *Florida Statutes*, provides:

If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.

229. There is a bona fide, actual and present need for a judicial declaration of the right of Knight News to receive from Defendants requested public records in a timely fashion.

230. The declaration sought deals with a present, ascertained set of facts and a present controversy concerning that set of facts.

231. The rights of Knight News are dependent upon the aforementioned set of facts or the law applicable to those facts.



232. The Parties have an actual, present, adverse and antagonistic interest in the subject matter.

233. The relief sought herein is not merely the giving of legal advice by the court or the satisfaction of mere curiosity.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court the setting of an accelerated hearing, a declaratory judgment stating that Defendants must produce public records in a timely fashion and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT X – DECLARATORY RELIEF**  
**[*Equal treatment of Plaintiff and other news organizations*]**

234. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a declaratory judgment, pursuant to Sections 86.011, *et. seq.*, and 119.01, *et seq.*, *Florida Statutes*.

235. The allegations contained within paragraphs 1 through 78, 111 – 120, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

236. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

237. Section 119.07(1)(e), Florida Statutes, provides:

If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

238. Section 119.07(1)(f), Florida Statutes, provides:

If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.

239. There is a bona fide, actual and present need for a judicial declaration of the right of

Knight News to be treated by Defendants equally to other requestors of public records. Specifically, Defendants must provide to Knight News public records requested by Knight News in a timely fashion, and not after production of the same records to other news organizations.

240. The declaration sought deals with a present, ascertained set of facts and a present controversy concerning that set of facts.

241. The rights of Knight News are dependent upon the aforementioned set of facts or the law applicable to those facts.

242. The Parties have an actual, present, adverse and antagonistic interest in the subject matter.

243. The relief sought herein is not merely the giving of legal advice by the court or the satisfaction of mere curiosity.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court the setting of an accelerated hearing, a declaratory judgment stating that Defendants must treat Knight News equally to other requestors of public records, specifically, ordering Defendants to provide to Knight News public records requested by Knight News in a timely fashion, and not after production of the same records to other news organizations and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT XI – PERMANENT MANDATORY INJUNCTION**  
**[*State exemptions to disclosure of public records*]**

244. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a permanent mandatory injunction. *See Daniels v. Bryson*, 548 So. 2d 679 (Fla. 3d DCA 1989).

245. The allegations contained within paragraphs 1 through 78, 111 – 120, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

246. This cause of action is alleged in additionally and alternatively to the other causes of

action alleged herein.

247. Knight News has a clear legal right to receive from Defendants a statement of exemptions Defendant relies upon to redact or refuse to produce public records when Defendant responds to Knight News's public records requests. The existence of this clear legal right is free from reasonable doubt.

248. UCF and SGA have shown a pattern of illegally ignoring requests made in writing by Knight News to cite the statutory exemption upon which UCF and SGA relies upon to justify redacting portions of records before being released, as well as refusing to explain, in writing and with particularity, the reasons it concluded the records meet that exemption, thus violating Section 119.07(1)(e-f), *Florida Statutes*.

249. Knight News has and will continue to suffer irreparable harm if a permanent mandatory injunction is not issued directing Defendants to state the statutory exemptions Defendants relies upon to justify their redactions from and refusal to produce public records lawfully requested by Knight News.

250. The threatened injury to Knight News—continually being provided with unlawfully redacted public records—outweighs any threatened harm that the requested injunction may cause Defendants.

251. Injunctive relief is proper upon an appropriate showing for a violation of Chapter 119, Florida Statutes. *See Daniels v. Bryson*, 548 So. 2d 679 (Fla. 3d DCA 1989) (injunctive relief appropriate where there is a demonstrated pattern of noncompliance with the Public Records Act, together with a showing of likelihood of future violations; mandamus would not be an adequate remedy since mandamus would not prevent future harm).

252. The injunction sought by Knight News will not disserve the public interest. Indeed, it will serve the public interest by giving effect to the state legislature's mandates in the Public Records

Act. *See Fla. Stat. § 119.01, et seq.*

253. Knight News has a substantial likelihood of success on the merits.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court the setting of an accelerated hearing, a permanent mandatory injunction ordering Defendants to, when producing redacted public records, state in writing and with particularity the reasons they conclude the records are exempt from disclosure, including the statutory basis of the exemption justifying said redactions and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT XII – PERMANENT MANDATORY INJUNCTION**  
***[Timely provide copies of requested public records]***

254. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a permanent mandatory injunction. *See Daniels v. Bryson*, 548 So. 2d 679 (Fla. 3d DCA 1989).

255. The allegations contained within paragraphs 1 through 78, 111 – 120, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

256. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

257. Knight News has a clear legal to receive from Defendants requested public records in a timely fashion. The existence of this clear legal right is free from reasonable doubt.

258. Knight News will suffer irreparable harm if a permanent mandatory injunction is not issued directing Defendants to legal to receive from Defendant requested public records in a timely fashion.

259. The threatened injury to Knight News—continually being provided with requested public records in an untimely manner—outweighs any threatened harm that the requested injunction may cause Defendants.

260. Injunctive relief is proper upon an appropriate showing for a violation of Chapter 119, Florida Statutes. *See Daniels v. Bryson*, 548 So. 2d 679 (Fla. 3d DCA 1989) (injunctive relief appropriate where there is a demonstrated pattern of noncompliance with the Public Records Act, together with a showing of likelihood of future violations; mandamus would not be an adequate remedy since mandamus would not prevent future harm).

261. The injunction sought by Knight News will not disserve the public interest. Indeed, it will serve the public interest by giving effect to the state legislature's mandates in the Public Records Act. *See Fla. Stat. § 119.01, et seq.*

262. Knight News has a substantial likelihood of success on the merits.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court the setting of an accelerated hearing, a permanent mandatory injunction ordering Defendants to produce to Knight News public records requested by Knight News in a timely fashion and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT XIII – PERMANENT MANDATORY INJUNCTION**  
***[Equal treatment of Plaintiff and other news organizations]***

263. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a permanent mandatory injunction. *See Daniels v. Bryson*, 548 So. 2d 679 (Fla. 3d DCA 1989).

264. The allegations contained within paragraphs 1 through 78, 111 – 120, 139 – 147 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

265. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

266. Knight News has a clear legal right to be treated by Defendants equally to other requestors of public records. Specifically, Defendants must provide to Knight News public records

requested by Knight News in a timely fashion, and not after production of the same records to other news organizations whose requests for the same records postdate Plaintiff's. The existence of this clear legal right is free from reasonable doubt.

267. UCF and SGA have shown a pattern of preferring to produce public records to Knight News's competitor news organizations before producing those same records to Knight News, even if Plaintiff's records requests predate its competitors'.

268. Knight News will suffer irreparable harm if a permanent mandatory injunction is not issued directing Defendant to provide to Knight News public records requested by Knight News in a timely fashion, and not after production of the same records to other news organizations whose records requests postdate Plaintiff's.

269. The threatened injury to Knight News—continually being provided with requested public records only after those records have been produced to other news organizations—outweighs any threatened harm that the requested injunction may cause Defendant.

270. The injunction sought by Knight News will not disserve the public interest. Indeed, it will serve the public interest by giving effect to the state legislature's mandates in the Public Records Act. *See Fla. Stat. § 119.01, et seq.*

271. Knight News has a substantial likelihood of success on the merits.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court the setting of an accelerated hearing, a permanent mandatory injunction ordering Defendants to provide to Knight News public records requested by Knight News in a timely fashion, and not after production of the same records to other news organizations whose request postdate Plaintiff's, and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT XIV – PERMANENT MANDATORY INJUNCTION**  
***[Minutes of Student Conduct Board Interim Suspension and Formal Panel Hearings]***

272. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a permanent mandatory injunction.

273. The allegations contained within paragraphs 1 through 12, 79 – 110, 121 – 138, 148 – 156 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

274. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

275. Knight News has a clear legal right to inspect the minutes of a public meeting, and the right to inspect such records is meaningless if Defendants fails to keep minutes in accordance with Section, 286.011(2), *Florida Statutes*. Specifically, Defendant must keep minutes of the formal hearings conducted by Student Conduct Board panels and interim suspension hearings, in their entirety, and permit Knight News to inspect those minutes and all other records from the hearing. The existence of this clear legal right is free from reasonable doubt.

276. UCF and SGA have shown an intention to continue not keeping minutes of the deliberations of the Student Conduct Board’s interim suspension hearings and formal panel hearings as well as denying public inspection of the hearing records.

277. Knight News will suffer irreparable harm if a permanent mandatory injunction is not issued directing Defendants to keep minutes of the deliberations of the Student Conduct Board panels and make them available for inspection.

278. The threatened injury to Knight News—continually being denied access to minutes of the deliberations of the Student Conduct Board panels as well as other records related to the hearings—outweighs any threatened harm that the requested injunction may cause Defendants.

279. The injunction sought by Knight News will not disserve the public interest. Indeed, it

will serve the public interest by giving effect to the state legislature's mandates in the Sunshine Law. See Fla. Stat. § 286.011(1-2).

280. Knight News has a substantial likelihood of success on the merits.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court the setting of an accelerated hearing, a permanent mandatory injunction ordering Defendants to keep minutes of Student Conduct Board panel's deliberations and permitting Knight News to inspect those records, and other records from the hearing, and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT XV – DECLARATORY RELIEF**  
**[Unconstitutionality of Interim Suspension Hearing Procedure;**  
**Interim Suspension Officer's November 20, 2012 Act Not Binding]**

281. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a declaratory judgment, pursuant to Sections 86.011, *et. seq.*, and 286.011, *Florida Statutes*. Specifically, Knight News seeks a declaration that any actions taken at the November 20, 2012 Alpha Tau Omega Interim Suspension Hearing are not binding.

282. The allegations contained within paragraphs 1 through 12, 79 – 96, 148 – 156 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

283. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

284. Section 286.011, *Florida Statutes*, provides:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

285. Nonetheless, and contrary to Section 286.011(1), *Florida Statutes*, UCF Regulation



5.013(2)(d) purports to close such hearings to both the public *and* the accused student organization's members: "The charged student organization's hearing shall only be open to the charged student organization's chief officer, their advisor, the hearing body, witnesses (when called upon), a representative from the Office of Student Conduct, and a university staff member from an appropriate office . . ."

286. Additionally, UCF Regulation 5.013(3)(c)(10) adds yet another layer of secrecy, providing that the hearing officer's deliberations, conducted after the close of evidence, are conducted "in confidential executive session," during which even the charged student organization's chief officer is excluded.

287. UCF Regulations 5.013(2)(d) and 5.013(3)(c)(10) are in direct conflict with Section 286.011(1), *Florida Statutes*, rendering UCF's regulations unconstitutional.

288. By refusing to allow public access to the interim suspension hearing and deliberations, UCF rendered the actions taken in that meeting non-binding. Fla. Stat. § 286.011(1).

289. There is a bona fide, actual and present need for a judicial declaration of the right of Knight News to access interim suspension hearings for student organizations and of the power of the UCF, its delegates to make a binding decision while closing their hearings to public access.

290. The declaration sought deals with a present, ascertained set of facts and a present controversy concerning that set of facts.

291. The rights of Knight News are dependent upon the aforementioned set of facts or the law applicable to those facts.

292. The Parties have an actual, present, adverse and antagonistic interest in the subject matter.

293. The relief sought herein is not merely the giving of legal advice by the court or the

satisfaction of mere curiosity.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court, the setting of an accelerated hearing, a declaratory judgment stating that UCF Regulations 5.013(2)(d) and 5.013(3)(c)(10) are unconstitutional, that any actions taken at the November 20, 2012 interim suspension hearing are not binding and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT XVI – DECLARATORY RELIEF**  
**[Unconstitutionality of UCF Regulations 5.013(2)(d) and 5.013(3)(c)(10);**  
**Panel's Dec. 11, 2012 Act Not Binding]**

294. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a declaratory judgment, pursuant to Sections 86.011, *et. seq.*, and 286.011, *Florida Statutes*. Specifically, Knight News seeks a declaration that UCF Regulations 5.013(2)(d) and 5.013(3)(c)(10) are unconstitutional under the laws of the State of Florida and that any actions taken at the Dec. 11, 2012 Student Conduct Board formal hearing are not binding.

295. The allegations contained within paragraphs 1 through 12, 97 - 110, 148 – 156 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

296. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

297. Section 286.011, *Florida Statutes*, provides:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

298. Nonetheless, and contrary to Section 286.011(1), *Florida Statutes*, UCF Regulation 5.013(2)(d) purports to close such hearings to both the public *and* the accused student organization's

members: “The charged student organization’s hearing shall only be open to the charged student organization’s chief officer, their advisor, the hearing body, witnesses (when called upon), a representative from the Office of Student Conduct, and a university staff member from an appropriate office . . .”

299. Additionally, UCF Regulation 5.013(3)(c)(10) adds yet another layer of secrecy, providing that the Student Conduct Board panel’s deliberations, conducted after the close of evidence, are conducted “in confidential executive session,” during which even the charged student organization’s chief officer is excluded.

300. UCF Regulations 5.013(2)(d) and 5.013(3)(c)(10) are in direct conflict with Section 286.011(1), *Florida Statutes*, rendering UCF’s regulations unconstitutional.

301. By refusing to allow public access to the Student Conduct Board panel hearing and its deliberations, UCF rendered the actions taken in that meeting non-binding. Fla. Stat. § 286.011(1).

302. There is a bona fide, actual and present need for a judicial declaration of the right of Knight News to access Student Conduct Board hearings concerning student organizations and of the power of the Student Conduct Board to make a binding decision while closing its formal hearings to public access.

303. The declaration sought deals with a present, ascertained set of facts and a present controversy concerning that set of facts.

304. The rights of Knight News are dependent upon the aforementioned set of facts or the law applicable to those facts.

305. The Parties have an actual, present, adverse and antagonistic interest in the subject matter.

306. The relief sought herein is not merely the giving of legal advice by the court or the

satisfaction of mere curiosity.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court, the setting of an accelerated hearing, a declaratory judgment stating that UCF Regulations 5.013(2)(d) and 5.013(3)(c)(10) are unconstitutional, that any actions taken at the Dec. 11, 2012 Student Conduct Board formal hearing are not binding and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**COUNT XVIII – PERMANENT MANDATORY INJUNCTION**  
**[*Open Formal Panel Hearings and Interim Suspension Hearings to the Public*]**

307. This is an action by Plaintiff KNIGHT NEWS, INC. against Defendants for a permanent mandatory injunction.

308. The allegations contained within paragraphs 1 through 12, 79 - 110, 121 – 138, 148 – 156 and 157 – 159, *supra*, are hereby incorporated by Plaintiff as if fully set forth herein.

309. This cause of action is alleged in additionally and alternatively to the other causes of action alleged herein.

310. Knight News has a clear legal right to attend public meetings where decisions will be made. The existence of this clear legal right is free from reasonable doubt.

311. UCF and SGA have shown an intention to continue not permitting access to interim suspension hearings and formal panel hearings as well as denying public inspection of the hearing records.

312. Knight News will suffer irreparable harm if a permanent mandatory injunction is not issued directing Defendants to permit access to formal panel hearings and interim suspension hearings.

313. The threatened injury to Knight News—continually being denied access to the formal panel hearings and interim suspension hearings—outweighs any threatened harm that the requested injunction may cause Defendants.

314. The injunction sought by Knight News will not disserve the public interest. Indeed, it will serve the public interest by giving effect to the state legislature's mandates in the Sunshine Law. See Fla. Stat. § 286.011(1-2).

315. Knight News has a substantial likelihood of success on the merits.

WHEREFORE, Plaintiff KNIGHT NEWS, INC., respectfully requests from this Court the setting of an accelerated hearing, a permanent mandatory injunction ordering Defendants to open interim suspension hearings and formal panel hearings to the public, and awarding costs, attorneys' fees and any other relief deemed by the Court to be just and proper under the foregoing circumstances.

**VERIFICATION**

STATE OF FLORIDA        )  
  )  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, having personally appearing before the notary public whose signature and seal are affixed to this documents, and wither being \_\_\_\_ personally known to the notary public or \_\_\_\_ having produced the following identification \_\_\_\_\_ and not otherwise being a person whose document the notary public is prohibited from authorizing under Section 117.05(6), *Florida Statutes*, duly swear, depose and state that I have examined the foregoing document and that allegations therein are true, correct and based upon my personal knowledge.

Sign: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
**KNIGHT NEWS, INC.**

Sworn to and subscribed before me this \_\_\_\_ day of February, 2013.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name  
*Notary Public – State of Florida*

My commission expires:

(seal)

Dated: February \_\_\_\_, 2013

Respectfully submitted,

**J.S. HEMLEPP, P.A.**

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