



**Eric Frankton**

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**Subject:** FW: Third Demand for Turnover of Public Records

3<sup>rd</sup> Demand

Eric Frankton  
I.T. Director / Records Manager  
(RMLO)

*City of DeBary*  
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**From:** Lance D. King [mailto:lking@fishbacklaw.com]  
**Sent:** Friday, September 23, 2016 3:56 PM  
**To:** Doug Daniels <doug@danielslegal.com>  
**Cc:** Ron McLemore <RMcLemore@DeBary.org>; Eric Frankton <EFrankton@DeBary.org>; Kurt Ardaman <ardaman@fishbacklaw.com>  
**Subject:** Third Demand for Turnover of Public Records

Mr. Johnson and Doug:

This email constitutes a third demand by the City for the turnover of all public records in Mr. Johnson’s possession in accordance with Section 119.021(4), Florida Statutes. This demand is made pursuant to the City’s obligation and right to demand such records under Section 119.021(4)(b), the City’s attempts to comply with public records requests that it has received, and the City’s desire to honor a persistent public demand for the records.

Section 119.021(4)(b) requires the turnover of public records within 10 days of demand by the City. The City’s first demand was made on August 30, 2016. For your reference, the statute provides, in relevant part:

**119.021 Custodial requirements; maintenance, preservation, and retention of public records.—**

...  
(4)(a) Whoever has custody of any public records shall deliver, at the expiration of his or her term of office, to his or her successor or, if there be none, to the records and information management program of the Division of Library and Information Services of the Department of State, all public records kept or received by him or her in the transaction of official business.

(b) Whoever is entitled to custody of public records shall demand them from any person having illegal possession of them, who must forthwith deliver the same to him or her. Any person unlawfully possessing public records must within 10 days deliver such records to the lawful custodian of public records unless just cause exists for failing to deliver such records.

Sincerely,

Lance D. King  
Fishback, Dominick, Bennett,  
Ardaman, Ahlers, Langley & Geller LLP