

## Case Law Update

AMILIA ADELE GLENNEY, appellant, v. HOWARD C. FORMAN, as Clerk of Court, Broward County, Florida, Appellee. 4<sup>th</sup> District. Case No. 4DO5-1965. July 5, 2006.

Appellant was the victim of domestic violence committed by her husband. Following an investigation by law enforcement authorities, criminal information was filed against appellant's husband, naming appellant as the domestic violence victim. Thereafter, the clerk opened a court file listing appellant as the criminal defendant. Appellant appeared for arraignment at which time the error was recognized but not corrected and the clerk issued another summons for appellant to appear for arraignment. Appellant did not appear and was arrested on a "No Bond" capias and incarcerated for twenty-four hours. Appellant was released on her own recognizance after the magistrate judge found a lack of probable cause for her arrest. The appellate court held that the trial court erred in ruling that the clerk did not owe appellant a duty under Florida law. The court stated that the clerk has only a general duty to any particular individual. However, the appellate court ruled that in this case the clerk should have corrected the file at the first arraignment. The clerk's general duty in this case became a special duty to act non-negligently once the clerk's office became aware of the mistake in naming appellant as the criminal defendant and failed to correct it. The appellate court did state that because the trial court dismissed the complaint based on a legal duty analysis, it may still address the issue of sovereign immunity upon remand.

**CLAIMS COMMUNICATOR**  
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200 E. Gaines St.  
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# CLAIMS

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## Communicator

Alex Sink - Chief Financial Officer, State of Florida  
Published by the Florida Department of Financial Services, Division of Risk Management,  
as an informational newsletter for state agencies participating in the state risk management program.

### Risk Management Welcomes New Chief Financial Officer Alex Sink



Right-Left: Christia Nunnery; Trilly Lester, Director of Risk Management; CFO Alex Sink; Wanda Brazell; Pam Martin, Assistant Director

Effective Jan. 2, Alex Sink became Florida's new Chief Financial Officer. CFO Sink is a dynamic financial and civic leader whose experience encompasses nearly 30 years in the financial industry. During her banking career, she was president of Florida's largest bank, Bank of America, and oversaw the supervision of more than 9,000 employees in 800 branches. Her experience and expertise will be a tremendous asset to the Department. CFO Sink hosted an open house at the Capitol following her inaugural ceremony, in which members of our staff met and welcomed her to Tallahassee. We are excited as we look forward to the transition and to working with CFO Sink and her management team.

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**Division of Risk Management**  
Trilly Lester, Division Director  
Pamela Martin, Assistant Director

**State Liability Claims Bureau**  
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**State Employees' Workers' Compensation Claims Bureau**  
Denzil Weimorts, Chief

**Property, Financial & Risk Services Bureau**  
Shannon Segers, Chief

**Managing Editor**  
Wanda Brazell

**Layout and Design**  
DFS Publications Unit



# Division Recognizes State Agencies' Safety Efforts

## 'Best Safety Awareness Event' and 'Most Creative' Winner:

### Florida Department of Agriculture and Consumer Services

**Description of Entry:**  
 "Safe-T-Fits" — Third Annual Agency Safety Fair

The "Safe-T-Fits" slogan was selected from 170 entries for the agency's annual Safety Fair. The event promoted employee awareness of costly and frequently occurring workers' compensation claims. The fair featured presentations and informational booths developed by in-house personnel and volunteers. Approximately 1,350 (almost 30 percent of the entire Agency) employees attended the event, which was held in seven locations throughout the state.

**Team members:** Rene Ash, Matthew Croghan, Rick Harvey, Brenda Posthumus, John Reeves, Bill Marlowe, Pam Gordon, Connie Riherd, Amy Sinelli and Mike Gresham



Matthew Croghan, Assistant Division Director Pam Martin, Amy Sinelli



Jim Warren, Assistant Division Director Pam Martin, Richard Wilhelms

## 'Best Safety Awareness Campaign' Winner:

### Florida Department of Children and Families – Florida State Hospital

**Description of Entry:**  
**Application for the Best Safety Awareness Campaign**  
 The "Reducers" team was formed as part of Florida State Hospital's strategic planning process to reduce and eliminate the use of seclusion and restraint when a person in the hospital is experiencing a psychiatric crisis. During these crises, the staff is highly exposed to workers' compensation injuries.

**Team members:** Diane James, Josefina Baluga, Donna Coley, Eileen Murray, Adam L. Wasserman, Larry Annis, Jon Cameron, Marguerite Morgan, Annie Jackson, Paul Coley, Michael Thompson and Steve Lacy

## 'Best Safety Training Program' Winner:

### Florida Department of Environmental Protection

**Description of Entry:** "Distance Training Facilitation"  
 Beginning in fiscal year 2002-03, the Department of Environmental Protection's Office of Public Education and Training began using a distance training system to provide training for Division officers in remote locations. The system is user-friendly, flexible and cost-effective, and provides training at times convenient to the employees' work demands. The training is available free to all DEP employees. Since its inception, the system has delivered more than 4,800 hours of training to 1,238 DEP employees and other associated state and local agencies.



Assistant Division Director Pam Martin, Bill Walls, Clabe Polk and SGT Burt Himmer

**Team members:** Clabe Polk, SGT Burt Himmer, Meghan Shoaf, Stacy Newsome and Bill Walls

## 'Safety Program of the Year' Winner:

### Florida Department of Environmental Protection

DEP's employees are involved in activities that include everything from flying airplanes to scuba diving, to law enforcement and high-risk hazardous exposures. To reduce these extreme exposures, DEP has created one of the most inventive and inclusive "safety cultures" in state government. This "safety culture" starts with a written safety policy and philosophy that includes a positive safety attitude, consistency and follow-up, emphasizing a caring, productive environment for its employees. One of its mottos is, "Accidents don't just happen-- they are caused."

DEP has won every other award we offer, and this is the culmination of all the hard work DEP and its safety coordinators have accomplished over many years.

### Team members:

Donald Trussell, Lanette Radel, Nancy Mould, Capt. Gary Wiser, Julie Roberts, Al Poppell, Sherry Ervin, Michael Pacione, Jerry Weinrich, Pat McPhaul, Clay Hall, Nick Contos, June Manning, Joseph Smyth, Valerie Huegel, Russell Simpson, Lisa Kelley, Mike Downs, Arlene Sword, Randal Landers, Gordon Romeis, Kenton Brown, SGT Burt Himmer, Jeff Russell, Rufus Noble, Scott Campbell, Carmen McDonald, Mark Smith, Thelma Proctor, Ken Kubeck, Amanda Himmer, Bill Walls, Charles Higman, Terri Messler and Marsha Connell



## Comments, Questions...

Claims Communicator  
 Florida Department of  
 Financial Services  
 Division of Risk Management  
 200 E. Gaines Street  
 Tallahassee, FL 32399-0336

Phone: (850) 413-4700

Fax: (850) 921-9097

