50-2022-CT-018958 AMB

☐ Marsy's Law invoked - CVI present

ARREST / NOTICE TO APPEAR

O. On-View 3. Request for Warrant S. Summons T. Taken into Custody

O | JUVENILE

ADMINISTRATION

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	0500800	West Palm Beach Police Department	9 4 2022-0018131

Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

If Weapon Seized: Enter Type: UNARMED | Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
BELVEDERE RD/ AUSTRALIAN AVE, WPB	1599 BELVEDERE RD/S AUSTRALIAN AVE, WEST PALM

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
11/12/2022	23:01	11/12/2022	23:11			

DEFENDANT

Name (Last, First, Middle): MASSIMO, NOREEN PENNIE Alias:

Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White, B - Black, I - American Indian, A - Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	06/12/1968	5'09	169	BROWN	BROWN	FAIR	Medium

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):

Marital Status: D | Religion:

Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. Drug Influence ☒ Yes ☐ No ☐ Unk.

Local Address (Street, Apt. Number) (City) (State) (Zip): 500 N CONGRESS AVE 35, WEST PALM BEACH, FL 33401

Home Phone: (561) 809-0227

Residence Type: 1. City 2. County 3. Florida 4. Out of State: 1

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 500 N CONGRESS AVE 35, WEST PALM BEACH, FL 33401

Mobile Phone:

Address Source: VERBAL

Business Address (Name, Street) (City) (State) (Zip):

Work Phone:

Occupation:

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
M250635687120 / FL	[redacted]		HOLLYWOOD, FL,	US

CO-DEF

Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

Co-Defendant Name (Last, First, Middle) | Race | Sex | Date of Birth | ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian

Name (Last, First, Middle) | Residence Phone

Address (Street, Apt. Number) (City) C/O R (State) (Zip) | Business Phone

Notified by: (Name) | Date | Time | JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated

Released To: (Name) Relationship | Date | Time

The above address was provided by ☐ defendant and/or ☐ defendant's parents.
The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

School Attended | Grade

Property Crime? ☐ Yes ☒ No | Description of Property | Value of Property

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Disperse/ Distribute M. Manufacture/ Produce/ Cultivate Z. Other

Drug Type: N. N/A A. Amphetamine B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetic U. Unknown Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DUI BLOOD ALCOHOL 0.08 OR MORE PER 100 ML	316.193(1B)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant:

Any knowledge of the following: ☐ Mental ☐ Escape Risk ☒ Medication ☐ Deformities ☐ Injuries
Explain: ABILIFY, EFEXOR

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☒ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By	Released By	Released To
OFC E HOWARD	OFC E HOWARD	PBC JAIL

Transported By	Date Transported	Time Transported	Other
OFC E HOWARD			

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): Criminal Justice CRIMINAL JUSTICE COMPLEX
Court Date and Time: 12/22/2022 08:30:00 3228 GUN CLUB ROAD

No Photo Available

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant (or Juvenile and Parent/Custodian) Date Signed

I CONSENT TO RECEIVE REMINDERS OF COURT DATE(S) AND TIMES FOR THIS CASE BY TEXT MESSAGE TO THE NUMBER IDENTIFIED HERE. I UNDERSTAND THAT STANDARD TEXT MESSAGE RATES MAY APPLY AND THAT I MAY REVOKE THIS CONSENT VIA THE TEXT MESSAGE SYSTEM IF I CHOOSE. (561) 809-0227 INITIAL

ADMIN

HOLD for Other Agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Signature of Arresting Officer: EH #2201

Name of Arresting Officer (Print): HOWARD, EDWARD I.D. # 02201

Name Verification (Printed by Arrestee) (PRINT)

Witness Person: O'Neal 2200 Pouch #

Transporting Officer: OFC E HOWARD I.D. # 2201 Agency WPB

Witness here if subject signed with an "X"

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J# 0535947

P# 1513

DUI PROBABLE CAUSE AFFIDAVIT

On the 12th **Day of** November **at** 2301 **A.M. P.M.**

Subject: Noreen Massimo **Case Number:** 20220018131

Agency: West Palm Beach Police Department **Arresting Officer:** Ofc. Edward Howard #2201

Personal Contact

Driving Pattern Actual physical control (physical evidence putting the driver behind the wheel)

Witness Shannon Adkins advised police of the following:

She was run off the road at S Dixie Hwy and Belvedere Rd by a White Cadillac SUV. The SUV was then driving recklessly by going through several red lights heading westbound. Adkins then advised the driver continued to drive recklessly until the police made contact with the vehicle.

Officer Fisher then advised me of the following:

The White Cadillac SUV was traveling northbound on Australian Ave in the center lane, running two cars off the road. He then attempted to pull the vehicle over, but it did not stop until another officer pulled up next to her with their emergency lights. Officer Fisher advised he smelled a strong odor of an unknown alcoholic beverage emanating from the driver. The driver stated she was lost after leaving a bar from downtown called E.R. Bradleys. The driver was the sole occupant of the vehicle and was in the driver seat. She was in actual physical control of

Observation of Driver

The driver had slurred speech and would sway while standing up.

Drivers Statements:

The driver stated she was coming from E.R. Bradley's, which is located in downtown West Palm Beach. She stated she consumed one glass of wine. The driver stated she had no memory of driving multiple vehicles off the road or almost causing several crashes.

Odors:

A strong odor of an unknown alcoholic beverage could be smelled emanating from the driver, which grew stronger the more she spoke to me.

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General Observations

Speech: Slurred

Attitude: Cooperative

Clothing: Black shirt, blue jean skirt, black sandals.

Medical Problems/Medications: Takes Abilify and Efexor daily.

Other:

DUI PROBABLE CAUSE AFFIDAVIT

Subject: Noreen Massimo **Case Number:** 20220018131

Roadside Tasks

Horizontal Gaze Nystagmus

- ■ Left Eye Does Not Follow Smoothly
- ■ Left Eye Jerks at 45 Degree Angle or Less
- ■ Distinct Jerking Left Eye at Maximum Deviation
- ■ Right Eye Does Not Follow Smoothly
- ■ Right Eye Jerks at 45 Degree Angle or Less
- ■ Distinct Jerking Right Eye at Maximum Deviation

The driver was instructed to stand with her feet together with her arms at her sides. She was then asked if she could identify the color of the stimulus I placed in front of her eyes; in which she advised was blue (which was correct). She was reminded to track the stimulus with her eyes only. I observed the driver swaying during the instructional and practical portion of this exercise. It should be noted the driver was wearing glasses during this exercise.

Walk and Turn Task

The driver was asked to place her left foot on the line (white traffic lane stripe) with her right foot directly in front of it with her heel touching her toe, then place her arms at her sides and stay in this position while I demonstrated this task. I observed the driver swaying during the instructional portion of this exercise. On the first set of heel to toe steps she touched heel to toe and did not step off the line. The driver then performed another three sets of steps and did not turn around as instructed. The driver paused while walking on the line.

One Leg Stand

I had the driver stand with her feet together and hands down at her side as I explained the exercise. I explained and demonstrated the exercise and she stated she understood the instructions. When told to begin, the driver lifted her right foot off the ground. She put her foot down to regain her balance at numerous times before the thirty seconds had elapsed. I observed the driver swaying during the instructional and practical portion of this exercise. The driver did not count out loud and her foot was lower than 6 inches from the ground.

Finger To Nose

I had the driver stand with her feet together and hands down at her sides as I explained the exercise. I explained and demonstrated the exercise and she stated she understood the instructions. The driver demonstrated that she knew her right from her left. I asked the driver to tilt her head back and close her eyes. The sequence preformed was: L, R, L, R, R, L. The driver did not use the tip of her finger to touch the tip of her nose. The driver did perform the sequence correctly and placed her arms back at her side after each sequence. I observed the driver swaying during the instructional and practical portion of this exercise.

Romberg Balance

I had the driver stand with her feet together and hands down at her sides as I explained the exercise. I explained and demonstrated the exercise and she stated she understood the instructions. I had the driver tilt her head back and close her eyes and estimate the passage of 30 seconds. She advised she finished this exercise at an internal clock of 50 seconds when the actual time was 30 seconds. I observed the driver swaying during this exercise.

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Breath Results from Instrument

1st Result	2nd Result	3rd Result (If Applicable)
0.091	0.092	

State of Florida

County of Palm Beach

The Following Instrument was notorized or sworn before me this _____ (DATE)

☑ Personaly Known ☐ Produced Identification ☐ Notary Public

Notary Public State of Florida
Thomas H Leahey
Commission GG 347108
Expires 06/20/2023

Notary / Clerk of Courts / Officer [illegible]

ECH #2201

Signature of Arresting Officer

TESTING FACILITY TASK REPORT

AGENCY: WPBPD

SUBJECT: Massimo, Noreen P

CASE NUMBER: 22-128975

DATE: Nov 12, 2022

VIDEO DVD NUMBER: n/a

BEGINNING TIME: 2337

ENDING TIME: 2348

BREATH TESTS RESULTS: 1) .091 TIME 2341 A.M.☐ P.M.☒ 2) .092 TIME 2344 A.M.☐ P.M.☒

3) n/a TIME 0 A.M.☐ P.M.☐ 4) n/a TIME 0 A.M.☐ P.M.☐

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: thick

ATTITUDE: cooperative

CLOTHING: blue jean skirt, black blouse, black sandals

MEDICAL CONDITIONS: depression, anxiety, high blood pressure

MEDICATIONS: Efexir, Abilify, Losinopril

OTHER:

eyes were glassy & bloodshot
odor of unknown alcoholic beverage on breath

COMMENTS:

arrived at center A/O conducted 20 observation period at 2315 hrs

subject refused to perform breath test - Do I have to

A/O read I/C & subject understood I/C

subject agreed to perform breath test

subject completed breath test

A/O read rights & subject understood rights

tech read breath test results & subject understood breath test result

A/O attempted Q&A

subject stated she wanted to remain silent

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PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 22-128925 PBSO ZONE 1-11

AGENCY CASE # 2022-18131 CRASH CASE # _____

TIME OF STOP/CRASH 2159 DATE 11/12/2022 DAY Saturday

SUBJECT'S NAME Norcen Massimo RACE W SEX F

HGT 5'5 **WGT** 169 **DOB** 6/12/98

LOCATION Belvedere Rd / Australian Ave

ARRESTING OFFICER'S NAME & ID Edward Howard #2781 AGENCY WPB

DIVISION: _____

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 2315

Arrest Time 2301

BREATH RESULTS:

1. .091
2. .092
3. N/A
4. N/A

TESTING OFFICER'S ID 19183

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006240 Software: 8100.27
Date of Test: 11/12/2022

Date of Last Agency Inspection: 10/21/2022
Observation Period Began: 23:15
Subject's Name: NOREEN P MASSIMO DOB: 06/12/1968 Sex: F

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	23:40
Air Blank	0.000	23:40
Control Test	0.080	23:40
Air Blank	0.000	23:41
Subject Sample #1	0.091	23:41
Air Blank	0.000	23:42
Air Blank	0.000	23:44
Subject Sample #2	0.092	23:44
Air Blank	0.000	23:45
Control Test	0.080	23:45
Air Blank	0.000	23:46
Diagnostics Check	OK	23:46

Cylinder Lot: 08622080A1
Exp: 06/05/2024

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State of Florida, County of Palm Beach,

Personally appeared before me the undersigned authority, who (__) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I THOMAS H LEAHEY, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 11/12/2022
Signature

Sworn to (or affirmed) before me this 12 day of November, 2022

ECH #2201 Ofc E Howard #2201
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

SUBJECT: _____ CASE NUMBER: _____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your ***BREATH*** for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am _____ of the _____

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your ***breath, urine*** or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X)_____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X)_____

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SUBJECT: _____ CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:
- EPILEPSY? _____
- GLASS EYE? _____
- FALSE TEETH? _____
- EAR INFECTION? _____
- INNER EAR TROUBLE? _____
- DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: _____

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PALM BEACH COUNTY
SHERIFF'S OFFICE
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2022029481	**Date:** 11/13/2022
	Specialist Name/ID: Chantel Daniels/30347