


POLICY 111.6	PUBLIC RECORDS REQUESTS	
	REVISED: 1/02, 12/07, 08/11, 12/14, 06/21, 09/21	RELATED POLICIES: 111.1, 111.3, 111.4
	CFA STANDARDS:	REVIEWED: AS NEEDED

A. POLICY

It is the policy of the Fort Lauderdale Police Department to comply with all requests for Public Records in accordance with the Florida Public Records Law [**Chapter 119**, Florida Statutes], while protecting confidential or exempt material. All Department members shall understand the provisions and importance of the Public Records Law and be fully aware of the liability arising out of improperly or illegally disseminating confidential records or other exempt documents as well as the liability associated with the failure to respond to requests for public records.

B. PURPOSE

The purpose of this policy is to:

1. Track all requests for and coordinate responses to requests for public records;
2. Provide proper responses to requests for public records within a reasonable time;
3. Obtain proper compensation for the Department, as provided by law;
4. Avoid duplication of effort by Department employees; and
5. Prevent the release of exempt and confidential information, including but not limited to, open investigations, juvenile records, records related to victims of sex crimes and Baker Act Forms, as provided by law.
6. It is not the intent of this policy to alter the process for the general public to obtain copies of police reports. The Records Unit will continue to distribute accident and offense reports to members of the public as requested and in compliance with Florida law.

C. DEFINITIONS:

1. Public Records:

“Public records” includes all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other materials, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency [§**119.011(12)**, Florida Statutes]. This definition encompasses all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge.

2. Agency:

“Agency” includes any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency [§119.011(2), Florida Statutes].

3. Extensive assistance:

When the nature or volume of public records to be inspected or copied requires fifteen minutes or more of information technology resources or extensive clerical or supervisory assistance, or both, the agency may charge a reasonable service charge based on the cost actually incurred by the agency for such extensive use of information technology resources or personnel [§119.07(4)(d), Florida Statutes]. Any questions regarding the appropriateness of a fee for the production of a record should be forwarded to the Police Legal Advisor.

D. PROCEDURE

1. REQUESTS FOR PUBLIC RECORDS

- a. All public records request shall be received by all members of the police department and forwarded to the Public Records Coordinator.
- b. In order to better facilitate responses to and tracking of requests, written requests for public records are preferred; however, requests by phone or in person must be honored even if the requesting party wishes to remain anonymous.
- c. Any requests for public records, other than a request for a basic police report, shall be forwarded to the Public Records Coordinator. (A request for a report shall be forwarded to the Records Unit.)
- d. For those requests received by or forwarded to the Public Records Coordinator, the Public Records Coordinator shall log the request into the Public Records Log and then determine if the request contains any exemptions from disclosure under the Public Records Law.
 - (1). The Public Records Coordinator may seek an opinion from the Police Legal Advisor or other Department member in making this determination.
 - (2). Any Department member in doubt as to the appropriateness of releasing a record may request a determination from the Police Legal Advisor and may refer to the Attorney General’s *Public Records, Guide for Law Enforcement Agencies*.
 - (3). The Public Records Coordinator or any member of the Department, asserting an exemption from disclosure shall state the basis of the exemption which he or she contends is applicable to the record, and shall include the statutory citation

to the exemption. The Legal Advisor should be consulted if there is any question regarding the applicability of a statutory public records exemption.

- (4) The Department shall take such actions as may be necessary to respond to each request for public records within a reasonable time of the request being made.

2. **REQUEST FOR INFORMATION – Automated License Plate Reader System (ALPR)**

- a. The following information obtained through the use of an ALPR system is confidential and exempt from public records law in accordance with Section 316.0777 F.S.:
 - (1). Images and data containing or providing personal identifying information obtained through the use of an ALPR system; and
 - (2). Personal identifying information of an individual in data generated or resulting from images obtained through the use of an ALPR system.
 - (3). Any information relating to a license plate registered to an individual may NOT be disclosed to the individual when such information constitutes active criminal intelligence information or active criminal investigative information.
- b. Such information may be disclosed as follows:
 - (1). Data may be disclosed by or to a criminal justice agency in the performance of the criminal justice agency's official duties.
 - (2). Any such information relating to a license plate registered to an individual may be disclosed to the individual, when such information does not constitute active criminal intelligence information or active criminal investigative information.

E. PAYMENT

1. Florida law authorizes the imposition of a special service charge when the nature or volume of public records to be inspected requires extensive use of information technology resources or extensive clerical or supervisory assistance, or both. The charge must be reasonable and based on the labor or computer costs actually incurred by the agency [§ 119.07(4)(d), Florida Statutes].
2. Florida law authorizes the custodian of the public records to charge fees for providing copies of public records. The fees must meet the standards set by Florida State Statute of up to 15 cents per one-sided copy, for copies that are 14 inches by 8 ½ inches or less. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. A charge of up to \$1.00 per copy may be assessed for a certified copy of a public record [§119.07(4)(a-e), Florida Statutes]. The custodian may charge the requesting party the actual cost of duplication for copies of records on media other than that mentioned in this

subsection, including but not limited to maps, photographs, compact discs, cassette and video tapes, and color copies.

F. LIABILITIES

1. Failure to comply with the provisions of the Public Records Law may result in criminal and civil penalties being imposed on the member of the Department violating the Public Records Law [§ 119.10, Florida Statutes].
2. Should a civil action be filed against the City or the Department by a party requesting public records to enforce the provisions of the Public Records Law, and if a court determines that the City or the Department unlawfully refused to permit a public record to be inspected, examined or copied, the court may assess and award the reasonable costs of enforcement including reasonable attorney's fees, provided that the complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action [§ 119.12(1), Florida Statutes].

Additionally, to ensure that the City is entitled to receive the 5 day notice referenced above, the Department shall prominently post the contact information for the Department's public records custodian in the police department lobby area and on the Department's website [§ 119.12(2), Florida Statutes].