"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
2302.7, PUBLIC RECORDS REQUEST

EFFECTIVE DATE:	11/20/2025
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DISTRIBUTION GROUP:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	RECORDS UNIT SUPERVISOR
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RELATED LAWS:	Fla. Stat. Chapter 119
RELATED POLICIES:	P&P 2304, City Policy 141.5
CHIEF OF POLICE:	ERIC D. SMITH

CONTENTS:

1. PURPOSE

The purpose of this policy is to set standards for the release of public records that are generated by or in the custody of the Orlando Police Department in response to public records requests which are consistent with the State of Florida's policy of open access to public records as set forth in Chapter 119 of the Florida Statutes and s. 24(a), Art. I of the State Constitution.

2. POLICY

It is the policy of the Orlando Police Department to assure the free flow of information to the public, provided that such information does not jeopardize active investigations, prejudice the accused's right to a fair trial, or violate the law.

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.

They may include audio recordings, 9-1-1 calls and dispatch recordings, electronic mail, video tapes, handwritten notes, some drafts, investigators' files, telephone message slips, post-it notes, and any other record which transfers information from one person to another.

Persons requesting public records may not be required to identify themselves or to advise the agency why they want the public record prior to the documents being released.

3. DEFINITIONS

Confidential or Exempt Records: Records which Florida statutes describe as "confidential" may not be disclosed except as provided for in statute. Records which Florida Statutes describe only as "exempt" may or may not be disclosed in the discretion of OPD.

Criminal Intelligence Information: Information collected by OPD or any other criminal justice agency with respect to an identifiable person or groups of persons in an effort to anticipate, prevent, or monitor possible criminal activity. This information is considered "active" as long as it is related to intelligence gathering that is conducted with a reasonable, good faith belief that it will lead to the detection of ongoing or reasonably anticipated criminal activities. Active criminal intelligence information is exempt from disclosure while active but may be released with permission of the investigator or officer who is assigned to the case. Once released, it loses its exempt status.

Criminal Investigative Information: Information with respect to an identifiable person or group of persons compiled by OPD or any other criminal justice agency in the course of conducting a criminal investigation of a specific act or omission. The term includes, but is not limited to, information derived from laboratory tests, reports of investigations or information, or from any type of surveillance. This information is considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. It remains active throughout criminal prosecution and direct appeals. However, records given to the person arrested in discovery in the criminal prosecution may not be considered active. Criminal investigative information is exempt from disclosure while active but may be released with permission of the investigator or officer who is assigned to the case. Once released, it loses its exempt status.

Killing of a Law Enforcement Officer: Means all acts or events that cause or otherwise relate to the death of a law enforcement officer who was acting in accordance with his or her official duties, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death. This term includes any death of a sworn law enforcement officer who dies during the performance of their official duties, including accidental deaths.

Killing of a Minor: Means all acts or events that cause or otherwise relate to the death of a victim who has not yet reached the age of 18 at the time of the death, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of the death of a victim under the age of 18, events

that depict a victim under the age of 18 being killed, or events that depict the body of a victim under the age of 18 who has been killed. This term includes any death of anyone who was under the age of 18, including accidental and legally justified killings.

Killing of a Victim of Mass Violence: Means events that depict either a victim being killed or the body of a victim killed in an incident in which three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence. This term does not include events that depict the perpetrator of an incident of mass violence being killed.

Public Records: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software (information), or other material (regardless of its physical form, characteristics or means of transmission) which are made or received pursuant to law or ordinance or in connection with the transaction of official business of this Department. The fact that a particular item is designated a "public record" does NOT mean that it is open to public inspection, but rather that it belongs to a public agency. Public records generally are available for inspection by the public at some point in time but there are limitations as to when that occurs

Public Records Request (PRR): A request for records from a government agency.

Security or Firesafety System Plan: Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security or firesafety of the facility or revealing security or firesafety systems; Threat assessments conducted by any agency or any private entity; Threat response plans; Emergency evacuation plans; Sheltering arrangements; Manuals for security or firesafety personnel, emergency equipment, or security or firesafety training. Florida appellate courts have interpreted such plans to include security camera recordings as such recordings directly relate to or reveal information about security systems as they reveal the capabilities and vulnerabilities of the current system.

Suicide of a Person: Means events that depict the suicide of a person, the body of a person whose manner of death was suicide, or any portion of such person's body.

4. PROCEDURES

4.1 PROCESSING PUBLIC RECORDS REQUESTS

All public records requests shall be processed consistent with City Policy 141.5 and in a manner consistent with the intent of Florida's public records laws. Requests from outside sources for readily available documents will be referred to the Records Management Section or Police Legal Advisor for processing except for information concerning fast-breaking events that will be handled per the current issue of P&P 2304, Release of Information to the Media. Readily available documents that are public in nature will be generally handled by the OPD Records Unit. The City Records Manager shall manage all other requests for records.

4.1.1 REQUESTS FOR READILY AVAILABLE DOCUMENTS

"Readily Available Documents" are those that are easily retrievable, regularly disseminated to the public, and do not require additional review in order to determine whether they contain exempt information, such as most charging affidavits, incident reports, closed case file reports, closed disciplinary files, etc. Any employee who receives a request for this type of information should promptly acknowledge the request and should forward the request to the Records Unit who will promptly comply with the request by providing review and/or a copy of the information as requested. Information regarding any unusual requests should be emailed to the City Records Manager, after production, to inform them about what was requested and provided. Since the documents are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requestor should be charged as indicated in City Policy 141.5.

4.1.2 REQUESTS FOR OTHER DOCUMENTS

a. **Request Submissions**: Although it cannot be required of them, all requestors should be encouraged to put their public records requests in writing or via the City's online public request portal (https://records.orlando.gov/). This will assist OPD staff in clarifying the exact scope of the request. Requestors should specify whether they wish to simply inspect records or obtain copies.

b. **Requests Received**: Staff who receive public records requests that they are not able to immediately fulfill should forward the request to Records Management.

c. **Acknowledgments**: As soon as reasonably possible after the receipt of a Public Records Request (PRR) request, the Records Manager will acknowledge the request and forward it to the appropriate City Departments which may have records responsive to the request. The City shall make every effort to respond fully to all Public Records Requests within 48 hours of their receipt and the Records Manager shall be responsible for monitoring compliance with the 48 hour performance standard.

d. **Staff Responses**: OPD staff receiving an emailed PRR directly from the City Records Manager or as a forward from the Legal Advisor's Office will respond to the City Records Manager as soon as possible as to whether they have any responsive documents and what the estimated amount of retrieval time will be. If any of the responsive documents are stored off site, the office will immediately notify the City Records Manager to request the retrieval of the responsive records. If the request is received as a forward from the Police Legal Advisor's Office, copies of responsive email communications should be sent to the PLA.

e. **Retrieval**: If OPD has responsive records in their possession, and the retrieval and production will require more than one half hour, OPD staff shall provide the City Records Manager with the name of the employee who will be doing the retrieval and the estimated time needed to conduct the retrieval and review for responsive and exempt information. In the event that records will be provided to the requester on physical media such as USB drives, OPD staff should also provide the City Records Manager with the actual cost to the City for the physical media that will be given to the requester

f. **Costs**: The City Records Manager is responsible for managing the costs associated with the retrieval, review, and reproduction and shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the labor charges and copying charges, if any. Records will confirm with the requestor that the City must be paid in advance of the requestor's receipt of the records. For large requests (those requiring more than $100 in labor charges or more than $100 in copy charges), the City shall require an advance deposit prior to beginning retrieval.

g. **Exempt or Confidential Records**: Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary by Police Legal Advisor, or the Office of Legal Affairs.

h. **Destructions**: Florida law provides a schedule for the length of retention of various types of public records. Staff shall contact the Records and Archives Manager for assistance in determining the correct retention schedules and to arrange for destruction in accordance with the state mandated procedures. **In no event shall staff proceed with the destruction of records that are the subject of a current Public Records Request or records that are currently at issue in pending litigation.**

i. Florida law does not require staff to create or reassemble records in a new format, answer questions, and/or conduct analysis. Staff are required to provide access to data that exists, provided it can be reasonably retrieved.

j. When a public records request is made for records specifically relating to any employee of the Orlando Police Department, the employee shall be notified via email, by the person receiving the Public Records Request. The types of records for which such notification may be made include, but are not limited to: requests to inspect Internal Affairs discipline files of a specific officer or set of officers; requests to view training records or response to resistance forms of a specific employee or set of employees; requests to inspect personnel records, payroll records, transfer histories, or similar records pertaining to the work history of a specific employee or set of employees; and requests to view arrest or work records dealing specifically with a particular employee or set of employees.

4.2 RECORDS UNIT FUNCTION

The Records Management Section Manager or designee will review all public records requests and determine if the records are subject to release. The manager will consult with the Police Legal Advisor if necessary.

It is the responsibility of the Records Unit to collect, preserve, maintain, retrieve, and disseminate all case-related information generated and received by employees of the Orlando Police Department. This will be accomplished in accordance with agency directives, administrative procedures, and all applicable law. The following is a list of the Records Unit functions and responsibilities:

a. Telephone and service counter requests for readily available documents from the public or Department employees should be promptly met during normal business hours.
b. Local record checks are performed to identify an individual's criminal history with the Orlando Police Department. Record checks shall be completed at the service counter while the customer waits. Payment must be made with a credit card, a debit card, and/or a money order.
c. Record check requests submitted by mail shall be processed as soon as possible. By mail, payment shall be by money order or check. Record checks shall not include FCIC/NCIC inquiries.
d. Mail-in requests for copies of readily available reports/documents shall be processed as soon as possible. Payment may be made by money order or check.
e. Walk-in requests for copies of readily available reports/documents shall be completed while the customer waits, if the request can be reasonably met in that time frame. Payment must be made with a credit card, a debit card, and/or a money order.
f. Imaging of reports/documents will be accomplished as space requirements dictate.
g. Records Unit personnel shall use the standardized request/response forms when appropriate.

4.3 DUPLICATION AND REPRODUCTION FEES

A fee will be charged to the public for the duplication of Department records and documents in accordance with Florida Statute 119.07 and City Policy 141.5.

4.3.1 STANDARD SIZE DOCUMENTS

The charge for duplication of a letter size (8 1/2" x 11"), legal size (8 1/2" x 14") or oversize (11" x 17") document, capable of being reproduced on existing City equipment, is $.15 per copy. Duplication of two-sided pages is $.20. For all other copies, the charge shall be the actual cost of reproduction of the public record.

4.3.2 LARGE DOCUMENTS

For large, single documents not covered above (e.g., blueprints, maps, plats, etc.), the charge shall be the actual cost to the City for reproduction.

4.3.3 MULTI-MEDIA PUBLIC RECORDS REQUESTS

The fee for copies of photographs, cassette tapes, videotapes, or other multi-media records to be provided on physical storage media (such as USB drives) shall be the cost to the City, plus applicable labor charges.

4.3.4 INFORMATION TECHNOLOGY SYSTEMS

The charge for paper output copies generated from a computer system shall be in accordance with 4.3.1 above. The charge for output to any other medium shall be the cost to the City for such medium. Charges shall be imposed for the extensive use of information technology. The actual cost of duplication and a reasonable special service charge shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred, or both.

Upon receiving a public records request necessitating a computer printout the Records Management Section Manager, or designee, will determine if the request can be processed by one of the standard computer programs available to the Records Section. Any request that cannot be processed by the Records Section will be referred to the Crime Analysis Unit for review and processing. If the Crime Analysis Unit cannot process the request using one of the standard CAU computer programs, it will be forwarded to the Police Planning Administrator who will inform the requestor of the Department's inability to provide the requested information. The Police Planning Administrator will inform the requestor of any information that can be provided via standard computer reports. Any employee who processes computer printout requests for non-law enforcement entities will contact the Records Unit to ensure non-public information is not inadvertently released.

Community Relations officers will receive training from the Records Unit on how to run the Public Statistics program. This program deletes automatically non-public information. This information may be released to Neighborhood Watch leaders or prospective Neighborhood Watch members. This same information may be released to City Commissioners to assist them in addressing issues in their districts.

4.3.5 LABOR CHARGES

In accordance with Florida Statute 119.07(4), a labor charge will be imposed for any request or requests requiring extensive clerical or supervisory assistance by City staff. Such charge shall be the result of the employee's hourly rate of pay and benefits multiplied by the actual time worked. This labor charge will be imposed on any request requiring more than 30 minutes of staff time.

4.3.6 CERTIFIED COPY OF PUBLIC RECORDS

The charge for a certified copy of a public record shall be one dollar ($1.00) per Certification, plus the application copying and charges.

4.3.7 COLLECTION OF FEES

It will be the responsibility of the Records Unit to collect all fees for the cost of public records requests. Fees will be collected prior to relinquishing any document/printout to the individual. A receipt for payment of costs associated with public records requests shall be given to the requestor upon payment of the levied fee.

4.4 PUBLIC RECORD RETENTION AND DESTRUCTION

All public records MUST be retained in accordance with retention schedules set by the Florida Division of Library and Information Services. The general retention schedules can be found at https://dos.fl.gov/library-archives/records-management/general-records-schedules/. Even exempt records must be retained as dictated by the records retention schedule. Prior to the destruction of any record, the proper disposition request will be completed, and a log reflecting both when the applicable retention period elapsed and when the record was destroyed must be kept.

If a particular OPD record only exists in one place, then that copy shall be designated to be the official record copy. Where multiple copies of the same record exist, the official record copy of OPD records shall be determined based on where each copy is stored. The following is a list of locations where records may be found, given in hierarchical order of which copy of the record will be designated to be the official record copy over others (e.g., copies found on digital forensics servers take priority over copies found in LERMS, etc.):

1. Digital Forensics Servers

2. LERMS
3. Evidence.com
4. Fusus Vault
5. Communications Unit Servers
6. AS400, N Drive, and other network drive locations
7. Physical files, hard copies, microfiche, or external storage media such as USB drives
8. Personal devices belonging to employees

Any copies of records besides the official record copy are considered to be duplicates and may be destroyed once they are no longer useful to the agency. Prior to destroying any copy which is believed to be a duplicate, staff shall verify that the official record copy of that same record is both accessible and legible. In the event that the official record copy of a record is prematurely destroyed, any duplicate copy of that same record that is discovered to still be in existence and in the custody of OPD shall be designated as the official record copy.

If personal electronic devices such as cellphones are used for City business, the records which pertain to official business which are created on that device are considered to be public records and must be retained and provided in response to public records requests. Once the records that were created on personal devices have been transferred to City-controlled storage media (such as LERMS, evidence.com, or the City email servers), the copy on the member's personal device may be deleted as the copy that was transferred to the City-controlled storage media will be considered the official records copy.

4.5 STANDARDS FOR DISCLOSURE AND DISTRIBUTION OF INFORMATION AND RECORDS

Release of readily accessible police report records to the public (including all crash reports, incident reports, supplements, statements, arrest affidavits, etc.) is to be made only through the Records Unit, Airport Division office (property crimes only), Media Relations, or the Police Legal Advisor. No one else is authorized to release these records. Members of the public may obtain copies for a fee (see Section 4.4) or review the records during regular business hours. (34.02c). Law enforcement personnel may obtain unedited copies of documents/reports for official use with no fees assessed. The law enforcement agent requesting said copies is responsible for their proper disposal and will ensure they are not released to the public. Records Unit personnel should refer to Section 4.46 of this policy when assessing costs for documents. Records Unit personnel shall review each document or report and shall sanitize documents and reports in accordance with this policy prior to release.

In the following circumstances, the request for records will be referred to the Police Records Manager/Designee and, if necessary, the Police Legal Advisor: (34.02c)

a. Where there is any dispute as to the proper categorization of any public record.
b. Sealed records.
c. Any request for records that requires more than 30 minutes staff time to copy.
d. Any request for records that requires research to gather the records or data.
e. Requests needing clarification for records (e.g., a request to see "all correspondence" or "all records" of a certain type).
f. Any individual who contests a denial to review or receive a requested record.

This policy does not apply to the release of information and records to a criminal justice agency or in response to a judicial order. A criminal justice agency means any law enforcement agency, court, or prosecutor. It also includes any other agency charged by law with law enforcement duties, or any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution. The term also includes the Department of Corrections.

When a document contains both public and exempt information, the exempt information will be redacted. Only the redacted copy will be released. If exempt or confidential information is redacted from a record, the statutory reason for

doing so must be provided to the requestor in writing (e.g., "F.S. 119.071(2)(c) – Active Criminal Intelligence & Investigative Information is exempt).

4.6 RELEASE OF REPORTS TO OUTSIDE AGENCIES

Specific reports are routinely distributed to outside agencies. These reports are as follows:

- Domestic Violence reports are forwarded to the Outreach Program within 24 hours after receipt by the Records Manager or his or her designee. (Requirement under Florida Statute 741.29)
- Animal Cruelty reports are forwarded to the Orlando Humane Society by the Records Manager or his or her designee.
- Attempted Suicide reports are forwarded to We Care, Inc. by the Report Review Supervisor.

4.7 INFORMATION AND RECORDS CLASSIFICATIONS

For the purpose of this policy, all information and records are divided into three types.

4.7.1 TYPE I PROHIBITED OR RESTRICTED INFORMATION

Type I Information is generally prohibited from being released and may be released to any person only after review by the Police Legal Advisor and/or authorization by the Chief of Police or his or her designee.

Type I Information consists of:

a. Photographs, video, or audio recordings which depict the killing of a law enforcement officer, the killing of a victim of an incident of mass violence, the killing of a minor, or the suicide of a person. Generally, such records may only be provided to designated family members of the decedent or pursuant to a court order signed by a judge. Such records may be shared with other law enforcement agencies in furtherance of their duties, but the request from the other agency must be made in writing. (§119.071(2)(p), Fla. Stat.)

b. Photographs, name, address, or other fact or information which reveals the identity of the victim of any sexual battery, child abuse, or lewd, lascivious, or indecent assault upon or in the presence of a child. (§119.071(2)(h), Fla. Stat.)

c. Any information gathered during an Internal Affairs investigation until the case is no longer active or the case has concluded. (§112.533(5), Fla. Stat.)

d. Any criminal history record derived from state or federal records systems. Requests for state criminal history records (FCIC) should be referred to FDLE. Requests for national criminal history records (NCIC) should be referred to the FBI. No individual may see or receive a copy of his or her own criminal history record. (§943.045 – 943.08, Fla. Stat., and Ch. 28, Code of Federal Regulations)

e. All information contained on a BA-52 form pertaining to patients transported for mental health treatment under the Baker Act. (Incident report information is public information.) (§394.4615, Fla. Stat.)

f. Information which could be used to locate or harass the victim of any crime or the victim's family, or which could disclose the confidential or privileged information of the victim. Such information may include (but is not limited to) the victim's address, their phone number and other contact information, the identity of the victim's employer, contact information of the victim's relatives, and any other information which could be used to locate or harass the victim. Note, however, that the Victims who want to take advantage of this exemption must affirmatively exert their rights under Marsy's Law and may do so by filling out a written form that will then be routed to the Records Unit for filing. These forms are available in the Supply Unit. (Art. 1, Sec. 16, Fla. Const.)

g. Any request from another law enforcement agency to inspect or copy an OPD record, any responsible correspondence, and any other information that would identify the type and nature of that request or the records produced is exempt as long as such information is considered by the requesting agency to be active criminal investigative or active criminal intelligence information. The fact of the request, any document to that fact, and the information itself remain exempt until we are notified by the requesting agency that the intelligence or investigative information is no longer active. (§119.071(2)(c)2, Fla. Stat.)

h. All social security numbers are prohibited from disclosure except as provided in section 119.071, Fla. Stat. Social security numbers may be released to another governmental entity if disclosure is necessary for that entity to perform its duties and responsibilities. (§119.071(5)(a), Fla. Stat.)

i. Any criminal intelligence information or criminal investigative information that has been made available to OPD by a non-Florida criminal justice agency only on a confidential or similarly restricted basis. Such information may only be shared in accordance with the conditions imposed by the providing agency. (§119.071(2)(b), Fla. Stat.)

j. Body camera recordings, or portions thereof, which were taken within the interior of a private residence, the interior of a facility that offers health care, mental health care, or social services, or taken in a place that a reasonable person would expect to be private. (§119.071(2)(b), Fla. Stat.)

k. Records and reports generated by the Child Protection Team (CPT) of the Department of Health. Generally, any CPT records in OPD's possession may only be released to the State Attorney's Office, other law enforcement agencies, and the Department of Children and Families, or pursuant to a court order signed by a judge. (§39.202(6), Fla. Stat.)

l. Information revealing the identity or phone number of a person reporting an emergency by accessing the E911 system. (§365.171(12)(a), Fla. Stat.)

m. Personal identifying information (including names, phone numbers, and addresses) of witnesses to murders which occurred with the previous years. (§119.071(2)(m), Fla. Stat.)

n. Security or firesafety system plans or portions thereof unless the release is to the owner or leaseholder of the property to which the security system relates, made in furtherance or OPD's official duties, or to other governmental agencies in furtherance of their official duties. (§119.071(3)(a), Fla. Stat.)

o. Information identifying persons making reports of child abandonment, abuse, neglect. (§39.202(2), Fla. Stat.)

p. Information about the location of safe houses, safe foster homes, or other residential facilities serving child victims of commercial sexual exploitation. (§409.1678(6)(a), Fla. Stat.)

4.7.2 TYPE II EXEMPT INFORMATION

Type II Information is information that is not required by law to be released, but which may be released within the discretion of certain persons. Type II Information may be released as follows:

a. If the information pertains to an active criminal investigation, the release may be made by the State Attorney's Office, or
b. By the investigator assigned to the case upon review by the Police Legal Advisor, or
c. If the information does not pertain to an active criminal investigation, it may be released by the custodian of the documents after approval by the Police Legal Advisor.

Type II Information is all information and records which do not fall within Type I and fall within any of the following categories:

a. Active criminal intelligence information.
b. Any information revealing the identity of confidential informants or sources.
c. The identity, testimony, or credibility of any prospective witnesses.
d. Any information revealing surveillance techniques or procedures or personnel.
e. Any information revealing undercover personnel of any criminal justice agency.
f. Any intelligence or investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of a crime.
g. All criminal intelligence and criminal investigative information, whether active or inactive, received by a criminal justice agency before January 25, 1979.
h. Examination questions and answer sheets of examinations administered by OPD or the City of Orlando for purposes of licensure, certification, or employment (examinees are to be allowed to review their own individual examinations).
i. The existence or contents of admissions or confessions made by individuals, or the refusal or failure of the accused to make any statement.
j. Home addresses, telephone numbers, and photographs of active or former law enforcement personnel (both sworn and unsworn), including correctional and correctional probation officers, personnel of the Department of Children and Families and the Department of Health whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from public records disclosure.
k. Home addresses, telephone numbers, and photographs of firefighters certified in compliance with §633.35, Fla. Stat.; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from public records disclosure.
l. Home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from public records disclosure.
m. Home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from public records disclosure.
n. The home addresses, photographs, and home telephone numbers of county and municipal code inspectors and code enforcement officers are exempt from public records disclosure.
o. The partial home addresses, and home telephone numbers of any person who currently holds one of the office of Governor, Lieutenant Governor, Chief Financial Officer, Attorney General, Agriculture Commissioner, state representative, state senator, property appraiser, supervisor of elections, school superintendent, school board member, mayor, city commissioner, or county commissioner are exempt from public records disclosure. The names, home addresses, dates of birth, and the name and location of the school or day care facility attended by the minor children of such individuals are also exempt from public records disclosure.

p. If OPD is in possession of potentially exempt information and the City of Orlando is NOT the employer of the individual, the confidentiality of the personal information (photograph, home address, telephone number, etc.) shall be maintained only if the affected individual files a WRITTEN request with the City or OPD. §119.07(6)(i)(4)
q. If the City is the employer of a person whose personal information is exempt by virtue of their position with the City (e.g., firefighter, law enforcement employee, code enforcement officer, etc.), the confidential nature of the information must be maintained even in the absence of a written request.

4.7.3 TYPE III INFORMATION

Documents that contain only Type III information must be made available on demand to any person for inspection and examination. No authorization for release is required. Copies of these documents must be given to the requesting party, but can only be released through the City Records Manager, the OPD Records Unit, the Police Legal Advisor, Media Relations, or the Airport Division office (property crimes only).

Type III Information includes:

a. All information not included in Types I or II, with the exception of information about juveniles. (See Section 4.8 below.)

b. The date, time, location, and nature of a reported crime.

c. The name, sex, age, and address of a person arrested (except juveniles under certain conditions, see Section 4.8).

d. The name, sex, age, and address of a victim of a crime, except for a victim of any sexual offense, child abuse, or a minor victim of human trafficking.

e. The time, date, and location of the incident (unless the location otherwise reveals exempt or confidential information).

f. The crime charged.

g. Documents given or required to be given to the person arrested, except those portions of documents that would disclose otherwise exempt or confidential information. (This usually is limited to the charging affidavit.)

h. Information on prior arrests and/or convictions; however, no NCIC/FCIC record may be released.

i. Photographs of the arrestee. If the arrestee is a law enforcement officer, photos maintained by the employing agency may not be disclosed.

j. Photographs of the suspect/accused, if deemed necessary for protection of the public, or to obtain public assistance in the apprehension.

k. Any information which falls within the definition of public records which is not otherwise exempt.

l. Most arrest affidavits except specific information, i.e., defendant or victim information which is otherwise protected.

NOTE: Witness names and the names of suspects who have not been arrested may qualify as exempt criminal investigative information and may be treated as exempt information as long as the case is active.

4.8 JUVENILE RECORDS-DELINQUENCY

Section 985.04, Fla. Stat. makes all information obtained by OPD relating to the investigation of offenses committed by juvenile offenders confidential and exempt from disclosure. OPD is extremely limited in what records may be released concerning juvenile offenders in response to public records requests.

4.8.1 JUVENILES ARRESTED OR CHARGED WITH FELONIES

For juveniles who are taken into custody (i.e., arrested) for a felony offense, OPD is only permitted to release the name, photograph, address, and the crime or arrest reports of juvenile arrestees in response to public records requests. All other records are confidential and exempt in their entirety.

Examples of records which constitute crime and arrest reports include:

- ICJIS Arrest Affidavits
- Affidavits in Support of Custody Orders
- Case Reports and Case Supplemental Reports

If the juvenile has not yet been arrested or charged with the crime by the State Attorney's Office, no records or information may be released.

4.8.2 JUVENILES ARRESTED OR CHARGED WITH MISDEMEANORS

For juveniles who are only charged with misdemeanor offenses, generally, no records may be released at all unless a court order signed by a judge is obtained.

4.8.3 VICTIM ACCESS TO JUVENILE RECORDS

The legislature has authorized the victim to have access to information and proceedings in a juvenile case. Nothing in the law prohibits the release of information to:

a. The victim of the offense.
b. The victim's parent or guardian if the victim is a minor.
c. The lawful representative of the victim or of the victim's parent or guardian if the victim is a minor.
d. The next of kin if the victim is a homicide victim. The release of the juvenile offense report by a law enforcement agency to the victim of the offense is not prohibited.

A law enforcement agency may release information deemed relevant to adequately inform the victim. Victims should be advised that they may not release the information to any outside party except as necessary to pursue legal remedies.

Except as provided herein, all other public records exemptions apply to juvenile information (i.e., active criminal/intelligence information, etc.)

4.9 JUVENILE RECORDS-DEPENDENCY

Section 39.202(6), Fla. Stat., makes all records and reports of the Child Protection Team (CPT) of the Department of Health confidential and exempt from disclosure except as specifically set forth in Chapter 39 of the Florida Statutes. This exemption applies to the reports and records generated by CPT. It does not apply to OPD's own reports and supplemental reports. The records that are confidential and exempt pursuant to section 39.202(6), Fla. Stat., which are most likely to be in the possession of OPD generally consist of CPT reports authored by Child Protection Team members and recorded forensic interviews of minor victims which are conducted by Child Protection Team members. The entirety of the record is confidential and exempt and must be withheld.

CPT records in OPD's possession may only be released to the State Attorney's Office, other law enforcement agencies, and the Department of Children and Families. Release to any other person or entity will generally require a court order signed by a judge. Generally, OPD should not provide copies of records originating from the Department of Children and Families or the Child Protection Team (CPT). Staff may acknowledge possession to any person requesting such information and refer them to direct their request to the Department of Children and Families or the CPT.

The name of any person reporting child abuse, abandonment, or neglect to the central abuse hotline may not be released to any person other than employees of the department responsible for child protective services, the central abuse hotline, or the appropriate state attorney without the written consent of the person reporting. If the reporter is otherwise a potential witness, their name may be released as a witness, but anything that identifies them as the hotline reporter may not be released without their written consent.

4.10 CRASH REPORTS

Pursuant to section 316.066, Fla. Stat., Crash reports are confidential and exempt from section 119.07(1), Fla. Stat. and section 24(a), Art. I of the State Constitution for 60 days after the report is filed. During this initial 60-day period, unredacted crash reports may only be provided to:

- Parties involved in the crash;
- Legal representatives of parties involved in the crash;
- Parties' licensed insurance agents;
- Parties' insurance companies or insurance companies of which the parties have applied for coverage;
- Persons under contract with the parties' insurance companies to provide claims or underwriting information;
- Victim services programs;
- Federal, state, and local governmental agencies in the performance of their duties; and
- Any third party acting on behalf of any of the above-listed persons/entities, provided that they only disclose the crash report to the person/entity that they are acting on behalf of.

During the initial 60-day period after the crash report is filed, radio and television stations licensed by the FCC and newspapers qualified to publish legal notice pursuant to sections 50.011 and 50.301, Fla. Stat., provided that the involved parties' home or employment address, driver's license or ID card numbers, date of births, and home and employment telephone numbers are redacted from the reports.

After the initial 60-day period after the crash report is filed has elapsed, unredacted crash reports may be provided to any of the entities that would have been entitled to receive crash reports during the initial 60-day period and in accordance with the Driver Privacy Protection Act ("DPPA"), Sections 18 U.S.C. s. 2721(b) and (c). Generally, this means that entities not listed above can only obtain a crash report if it is for one or more of the purposes set forth in 18 U.S.C. s. 2721(b).

Section 316.066, Fla. Stat., also imposes specific requirements that a requester must fulfill prior to obtaining a crash report at any time. Anyone seeking to obtain a crash report must first provide:

- A valid driver's license or other photographic identification, or other proof that they qualify to have access to the reports.
- A written sworn statement acknowledging that the information contained in the crash report is confidential and exempt and will not be used for any commercial solicitation of accident victims or knowingly disclose the information contained in the reports to any third party for the purpose of soliciting accident victims. A separate written sworn statement must be completed by the requestor for each individual crash report being requested.

4.11 RECORDINGS AND IMAGES WHICH DEPICT CERTAIN DEATHS OR DECEASED INDIVIDUALS

Photographs, videos, and audio recordings which depict the killings of law enforcement officers, minors, victims of mass violence, and suicides of persons are confidential and exempt from disclosure and strict limitations are placed on the release of such records.

Records covered by these exemptions may ONLY be released in the following circumstances:

- Records may be released to government agencies in furtherance of their official duties pursuant to requests made in writing.
- Records may be released to the decedent's relative with whom statutory authority rests to obtain such records, or to a person designated by the decedent's relative in writing.
- Records may be released pursuant to a court order issued by a judge upon a showing of good cause provided that the decedent's relative was given reasonable notice and an opportunity to be heard at a hearing on a petition to view/copy such records.

In all circumstances, any viewing/copying of the records must occur under the direct supervision of the custodian of records or their designee.

4.12BODY CAMERA RECORDINGS CREATED IN PROTECTED LOCATIONS

Body camera recordings are confidential and exempt from disclosure if the body camera was physically located within one of the following locations when the recording was created:

- The interior of a private residence;
- The interior of a facility that offers health care (including the interior of ambulances), mental health care, or social services;
- A place that a reasonable person would expect to be private.

The confidential portion of such recordings may only be released to persons appearing in the recordings and/or their personal representatives (and they may only receive the portions of the recording in which they appear), to persons who resided in the protected location at the time of the recording, or pursuant to a court order.

5. FORMS AND APPENDICES

APPENDIX A- Common Public Records Exemption Quick Reference

ATTACHMENT A- Public Records Request Form

ATTACHMENT B- Sworn Statement for Crash Report