

Fourth Judicial Circuit Public Defender Public Records Policy

The Public Defender's office recognizes the broad scope and intent of Florida's public records laws. However, our office does not maintain records for all criminal justice matters pending within the Fourth Judicial Circuit. If your request seeks to obtain comprehensive records about criminal justice matters, there are other agencies which maintain that information. Our office maintains records related to the cases we are appointed to by the courts, and records related to the operation of the office.

In addition, even though our office is subject to public records laws, our office is exempt from many public records requests. Florida law is clear that the case files of individual Public Defender clients are not public records and may not be requested, demanded, or compelled under Chapter 119, Florida Statutes. *Long v. Dillinger*, 701 So. 2d 1168, 1169 (Fla. 1997); *Kight v. Dugger*, 574 So. 2d 1066 (Fla. 1990). Case-related costs that directly relate to the representation of our clients, and records of those expenses, are part of the client file. In *Kight*, the Florida Supreme Court held that files possessed by a government criminal defense agency in furtherance of its representation of an indigent client were not subject to disclosure under Chapter 119.

Many of the documents maintained by the office concern matters of legal and fiscal strategy which are case related. It is not proper for an attorney to release documents that reveal such strategies, therefore those matters are exempt from disclosure. *See Smith v. Power and Light Company*, 632 So. 2d 696 (Fla. 3d DCA 1994). *See also State v. Williams*, 678 So. 2d 1356, 1358 (Fla. 3d DCA 1996). The work-product doctrine seeks to protect our client's interests in obtaining complete legal representation; it also seeks to protect certain interests peculiar to the attorney. "Thus, while the attorney-client privilege belongs to the client alone, the work-product privilege may be asserted by either the client or the attorney." *State v. Rabin*, 495 So. 2d 257, 262 (Fla. 3d DCA 1997).

That being said, our office will honor the intent of the public records law within the limited areas of our operation that are not covered by public records exceptions or recognized in case-law.