



The Florida Senate

Interim Project Report 2001-046

November 2000

Committee on Transportation

Senator Daniel Webster, Chairman

PUBLIC RECORD EXEMPTION FOR AIRPORT SECURITY PLANS

SUMMARY

The protection of travelers in Florida against threats of terrorism is of critical state concern and the exemption from public disclosure for airport security plans and certain photographs, maps, blueprints, drawings, and similar materials that depict critical airport operating facilities, is narrowly tailored to serve a public purpose and is necessary to ensure the safety and security of airports and airline passengers.

The exemption provided for airport security plans continues to be sufficiently compelling to override the strong public policy of open government.

BACKGROUND

The Public Records Law, chapter 119, F.S., requires records which are maintained by a public agency in the course of its statutory responsibilities be open and accessible to the public. The chapter authorizes the creation of an exemption to this requirement by general law if certain procedural requirements are met. However, such exemption to the Public Records Law is subject to automatic repeal by the Legislature unless a determination is made that the exception provides an identifiable public purpose sufficiently compelling to override the strong public policy of an open government.

Section 119.07, F.S., requires every person who has custody of a public record must permit such record to be inspected or examined by any person wishing to do so, unless such record is specifically exempted.

Section 24(a), Article I of the Florida State Constitution provides that every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or made specifically confidential by the constitution.

Section 281.301, F.S., provides information relating to the security systems for any property owned by or leased to the state or any of its political subdivisions, and information relating to the security systems for any privately owned or leased property which is in the possession of any political subdivision or business entity acting on behalf of any public agency are confidential and exempt from ss. 119.07(1) and 286.011, F.S., and other laws and rules requiring public access or disclosure.

Section 331.22, F.S., was created in 1996 to afford confidentiality to the security plans of an aviation authority created by the Legislature, or of an aviation department of a county or municipality which operates an international airport. In addition to security plans, photographs, maps, blueprints, drawings, and similar materials that depict critical operating facilities of a public airport also would be exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information relating to real estate leases, layout plans, blueprints, or other relevant information would not be protected by the exemption.

The section specifies the exemption is repealed effective October 2, 2001, and must be reviewed by the Legislature before that date in accordance with the Open Government Sunset Review Act.

METHODOLOGY

To complete this review staff questioned interested parties concerning the use and need for the exemption, and reviewed the history of the public records exemption.

FINDINGS

The 1996 Legislature found the protection of travelers in Florida against threats of terrorism is of critical state concern and the exemption from public disclosure for airport security plans and certain photographs, maps, blueprints, drawings, and similar materials that depict critical airport operating facilities, is narrowly tailored to

serve a public purpose and is necessary to ensure the safety and security of airports and airline passengers. The exemption provided for airport security plans continues to be sufficiently compelling to override the strong public policy of open government.

Staff recommends the exemptions found in s. 331.22, F. S., be readopted. The exemption provided for airport security plans continues to be sufficiently compelling to override the strong public policy of open government.

RECOMMENDATIONS

COMMITTEE(S) INVOLVED IN REPORT *(Contact first committee for more information.)*

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MEMBER OVERSIGHT

N/A