Public Records, executive aircraft records

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Subject:
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RE: PUBLIC RECORDS—RESERVATIONS FOR USE OF EXECUTIVE AIRCRAFT

To: Reubin O'D. Askew, Governor, Tallahassee

Prepared by: Staff

QUESTION:

Are the advance plane reservations made by the governor and cabinet members for use of executive aircraft "public records" within the purview of s. 119.011, F. S.?

SUMMARY:

The advance itineraries or plane reservations made by authorized officials for use of executive aircraft are "public records" within the purview of s. 119.011, F. S.

Section 119.011, F. S., defines "public records" to include all documents and other material "made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Under s. 287.16(4), F. S., the Division of Motor Pool of the Department of General Services is authorized to "allocate and charge fees to the state agencies to which aircraft or motor vehicles are furnished, based upon any reasonable criteria . . . ." And, apparently to implement that statute, the Executive Board of the Department of General Services (consisting of the governor and the cabinet) on August 31, 1971, adopted a regulation reading as follows:

"The aircraft trip log constitutes the basic document used in preparation of invoices for collection of aircraft charges directed by the legislature. For this reason, pilots of executive aircraft will insure that these forms are completed accurately, listing all persons carried and their itineraries."

In addition to the aircraft trip logs completed by the pilots and kept on file permanently by the Division of Motor Pool's Bureau of Aircraft, the "Plan of Operation for the Executive Aircraft Pool" for the fiscal year 1972-1973, adopted by the Department of General Services and approved by the governor and cabinet on June 29, 1972, requires that "[a]dvance itineraries should be sent to the Chief of the Bureau of Aircraft, Department of General Services. . . ." These advance itineraries, as submitted by the authorized officials—which, in effect, are advance reservations—are recorded by the bureau on a card designed for that purpose and are kept by the bureau in a card file as a record separate and apart from the aircraft trip log records, for the purpose of scheduling the use of the aircraft in the aircraft pool.

There can be no doubt that the aircraft trip log records are "public records" within the purview of the statute; and I have the view that the card containing the advance itinerary is so much a part and parcel of the same "official transaction" that it, too, must be deemed to be a "public record." In AGO 071-394, in holding that the confidential applications for the position of school superintendent were public records, I distinguished between such applications and the "work product" of a public official made for his own convenience, as follows:

"In the instant case, on the other hand, the documents in question are not simply for the personal convenience of the school board and are not the preliminary rough notes of the board. They are formal documents prepared by persons other than the school members and their receipt is a link in the chain of events leading to the transaction of an important specific official act . . . . Both documents play a key role in the selection process."

Here, the advance itinerary filed by the official is not made solely for his "personal convenience" nor solely for the personal convenience of the official whose duty it is to schedule the operations of the various aircraft in the aircraft pool. It is a formal document made and filed in accordance with the requirement of the "Plan of Operation for the Executive Aircraft Pool" referred to above; and its receipt by the Bureau of Aircraft "is a link in the chain of events leading to the transaction of an important specific official act"—the scheduling and use of the executive aircraft by the official. And, in my opinion, it is a document "made or received in connection with the transaction of official business" by the Bureau of Aircraft.

The desire of the Department of General Services to withhold the release, in advance, of travel information concerning our highest executive officials for security reasons is understandable. Unfortunately, however, the law is clear; and so far as I can find there is no statute or common-law rule under which such information is deemed to be confidential, nor any statute prohibiting the advance itineraries from being inspected by the public, so as to bring them within the exceptions to the Public Records Law contained in s. 119.07, *id*.

Accordingly, your question must be answered in the affirmative.