

DEPARTMENTAL STANDARD OPERATING PROCEDURE
Miami-Dade Aviation Department
DSOP No. 03 - 03
Effective: February 4, 2004

**SUBJECT: REQUESTS FOR COPIES OF MIAMI-DADE AVIATION
DEPARTMENT'S SECURITY-RELATED RECORDS**

PURPOSE: To facilitate proper and timely responses to requests for copies of security-related records from the courts, attorneys, news media, engineers, architects, consultants, contractors, departmental employees and the public in general.

I. AUTHORITY

- A. [Transportation Security Regulations \(TSR\), 49 C.F.R. §1520, et al., Protection of Sensitive Security Information.](#)
- B. [Florida Statutes, §119.07](#), Section 1, Subsection (3), Paragraph (ee), Inspection, Examination, and Duplication of Records; Exemptions, as amended.

“This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary and final formats that depict the internal layout and structural elements of specified facilities and structures owned or operated by an agency on or after the effective date of the Act. Information made exempt by this paragraph may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer or contractor, who is performing work on or related to the building, related area or other structure owned or operated by an agency; or upon a showing of good cause before a court of competent jurisdiction. The entities or persons receiving such information shall maintain the exempt status of the information.”
- C. [Florida Statutes §281.301](#), Information relating to security systems is exempt from public access or disclosure.
- D. [Florida Statute §331.22](#), Disclosure Exemptions for Airport Security Plans.
- E. Miami-Dade County [Administrative Order 4-48](#), Fees Charged to the Public for Examining and Duplicating Records.

- F. Revised County Manager's memorandum dated October 16, 2002, regarding Public Records Exemption for County Facilities. (Annex A).

II. DEFINITIONS

- A. *Persons with a need to know* - Individuals in need of information to carry out Department of Transportation (DOT) approved, accepted, or directed security duties; persons who are in training to carry out DOT approved duties; individuals who supervise or otherwise manage the individuals carrying out DOT approved duties; persons who need to advise or represent aircraft operators and law enforcement or security personnel. *TSR, 49 CFR §1520, et al.*
- B. *Plan Agency* - An entity that maintains an office space or plan room, that allows prospective bidders access to plans and specifications to do estimates, perform take-offs, etc.
- C. *Records* – Information obtained or developed during security activities or research and development activities. Records include but are not limited to: Any writing, drawing, map, tape, film, photograph, or any other format in which security information is preserved. *TSR, 49 CFR §1520, et al.*
- D. *Sensitive Security Information (SSI)* – Includes but it is not limited to: Security programs, technical specifications of objects used to test screening and security communications equipment and procedures, security directives and information circulars, selection criteria used in any security screening process for persons, baggage or cargo, and security contingency plans or related information or comments. *TSR, 49 CFR §1520, et al.*

III. POLICY

Miami-Dade Aviation Department (MDAD) shall be in full compliance with:

- A. All civil aviation security related laws, rules, procedures, and exemptions established by the Transportation Security Administration (TSA), the State of Florida, and Miami-Dade County.
- B. MDAD internal controls and procedures.

IV. SECURITY-RELATED RECORDS EXEMPT FROM DISCLOSURE

Requests under any of the categories below must be submitted to the MDAD Safety and Security Division immediately upon receipt.

- A. Security records and information withheld according to TSA, §1520 et al., Protection of Security Information.
- B. Items falling under the purview of Florida Statutes §331.22, Disclosure Exemptions for Airport Security Plans.
- C. Items enumerated in Florida Statutes §281.301, Security Systems; Records and Meetings Exempt from Public Access or Disclosure.

V. REQUESTS FOR COPIES OF DEPARTMENTAL BUILDING PLANS, BLUEPRINTS, SCHEMATIC DRAWINGS, OR ANY OTHER CONSTRUCTION-RELATED RECORD

According to federal and state laws, construction related documents of governmental facilities are vulnerable to unlawful security interference. In order to comply with the requirements of these laws, MDAD has created two main categories to handle requests for copies of Aviation records that might be considered security related.

- A. As built, existing, and new construction-related records **during non-bid phases:**
 - 1. Requests from a departmental employee or an Architect, Engineer (A/E), consultant or contractor under contract with MDAD will be reviewed to determine if the requestor is a *person with a need to know*. The requestor must obtain a Request for Copies of MDAD Construction-Related Records (*During non-bid phases*) Form and have it signed by the contracting Division Manager or Project Manager. (Annex B).
 - 2. A copy of the form must be submitted to the MDAD Safety and Security Division for information. MDAD employees and others will be subject to the same requirements as set forth in Section V. B. 2. below.
 - 3. All other requests from entities not working for MDAD, such as news media, the general public, A/E, consultants, and contractors will be treated as a public records request pursuant to Florida Statutes §119.07. MDAD must submit the request to the

departmental Assistant County Manager (ACM) with a recommendation from the MDAD Safety and Security Division. In addition, the MDAD Safety and Security Division must prepare a response for the ACM's signature addressed to the requestor.

B. New construction-related records **during bid phases:**

1. MDAD has implemented the following internal controls, limitations, and procedures to be exercised during the bid process.
 - a. The contracting Division Manager or Project Manager must sign a Request for Copies of MDAD New Construction-Related Records (*During bid phases*) Form authorizing the release. (Annex C).
 - b. Bidders must also sign an affidavit stating that they are cognizant of the security issues associated with the records they have been given access to and that they will be held responsible for them. (Annex D).
 - c. The contracting Division Manager or Project Manager must submit copies of the form and the affidavit to the MDAD Security and Safety Division for information.
2. Firms picking up bid records will pay for the cost of printing, as set forth in Section VI below plus a refundable deposit. Once the bidding phase is completed, the copies of the plans are to be returned to MDAD and the deposit will be refunded.
3. A/E, contractors, and consultants will be held responsible for the records they duplicate for employees and other contractors, and consultants during the bidding, plan review, and construction processes.
4. Records provided to Plan Agencies will be subject to the same security-related requirements.
 - a. These agencies are to be encouraged to also establish their own similar internal controls and procedures to be exercised when providing copies of these records to others.
 - b. MDAD may request copies of these controls and procedures. If requested by the Agency, MDAD may provide assistance in developing these controls.

VI. ALLOWABLE FEES AND/OR CHARGES FOR COPIES OF PUBLIC RECORDS

- A. The law allows agencies to charge for copies made in response to a public records request. Whenever fees or charges apply, the Fees/Charges for Public Record Request Form must be filled out. (Annex E).
 - 1. Payment can be made in cash, check, or money order payable to MDAD.
 - 2. A signed receipt must be given to the requestor.
- B. The fee structure for copies is as follows:
 - 1. \$.15 per single-sided page
 - 2. \$.20 per double-sided page
- C. If the nature or volume of the records requested to be inspected, examined, or copied, requires 20 minutes or more of information technology resources use or extensive clerical or supervisory assistance, a special service charge shall be added to the actual cost of duplication. This charge will be calculated by multiplying the employee's hourly salary, including fringe benefits, by the hours worked to produce the final product. The calculation of hours begins with the retrieval of the records. The following criteria will be used to calculate the service charge:
 - 1. For MDAD employees, multiply 1.40 times the hourly rate times the number of hours worked.
 - 2. For temporary agency employees, use the agency billing rate times the number of hours worked.
- D. The Division duplicating the records is responsible for filling out and processing the Fees/Charges for Public Record Request form. The MDAD Personnel Office will provide employees' salary information for the fees/charges calculation.
- E. If the MDAD Support Services Section handles the retrieval and the duplication of the records, the Records Manager will do the fees/charges calculation.

REVOCACTION: None.

CROSS REFERENCE: None.



Angela Gittens, Aviation Director

Date: February 4, 2004

ANNEXES:

- Annex A – Revised County Manager’s memorandum regarding Public Records Exemption for County Facilities
- Annex B – Request for Copies of MDAD Construction-Related Records (*During non-bid phases*)
- Annex C - Request for Copies of MDAD New Construction-Related Records (*During bid phases*)
- Annex D – Confidentiality Affidavit
- Annex E - Form for Fees/Charges for Public Record Requests