

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TIMES PUBLISHING COMPANY, NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
Appellant, DISPOSITION THEREOF, IF FILED.

v.

CASE NO. 1D03-551

THE CITY OF PENSACOLA,

Appellee.

Opinion filed February 24, 2004.

An appeal from an order from the circuit court for Escambia County.
Frank Bell, Judge.

George K. Rahdert and Bradley M. Bole of Rahdert, Steele, Bryan & Bole, P.A.,
St. Petersburg, Attorneys for Appellant.

Don J. Caton and William D. Wells, Pensacola, Attorneys for Appellee.

PER CURIAM.

AFFIRMED.

BOOTH, VAN NORTWICK and LEWIS, JJ., CONCUR.



IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

TIMES PUBLISHING COMPANY,

Petitioner,

CASE NO. 2002-2053
DIVISION "B"

vs.

CITY OF PENSACOLA,

Respondent.



ORDER

The Petitioner having filed a written public record request to the Respondent and the Respondent having responded to the request stating that the information sought was exempt under F.S. 119.07(3)(d) since any such weapons in the possession of the Pensacola Police Department would be specialty weapons utilized for surveillance and defensive purposes, by surveillance personnel. Also the City of Pensacola responded by stating that under F.S. 119.071 that the information sought relates to the physical security of public and private facilities. The City provided an explanation of the terrorist threat assessments that had been conducted in the City of Pensacola with respect to its various facilities and asserted that to the extent the Pensacola Police Department personnel had any of the weapons referenced, it is for the purpose to which the exemption is directed.

Summary

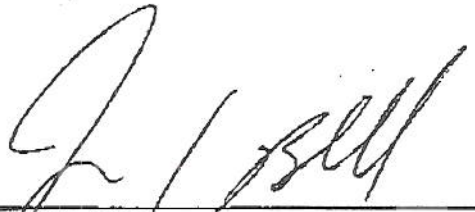
The Legislature took the pre-existing provision of F.S. 281.301, which had originally been enacted in 1987, and expanded it under Chapter 119 to include a definition of the phrase "security system plan" and made it retroactively applicable to records in the possession of a public agency prior to the date of adoption of F.S. 119.071. The intent of the Legislature was to broaden

the pre-existing exemption and to clarify it to provide a definition of a "security system plan" to include any "information" relating to physical security of a facility, and "threat assessments" conducted by any agency.

The Court after reading the deposition of Chief John Mathis, which has been marked Petitioner's Exhibit #5 into evidence, the Court makes a finding of fact that the facts and circumstances in which these items are maintained fall squarely on all fours on the exemptions referred to above in this order.

IN CONSIDERATION of the above, the Court narrowly construing the exemptions, finds that the facts and circumstances fit squarely within the purpose of the exemptions and based upon the Court's findings, the Petitioner's request for a Writ of Mandamus requiring the City of Pensacola to produce these records is hereby denied.

DONE AND ORDERED at Pensacola, Escambia County, Florida this the 13th day of November, 2002.


FRANK L. BEIL
CIRCUIT JUDGE

Copies furnished to:

Bradley M. Bole, Esquire
Attorney for Petitioner

William D. Wells, Esquire
Attorney for Respondent