Florida House of Representatives - 2001 HB 125-B By Representatives Gelber, Harrell, Green, Ball, Bullard and Cusack

A bill to be entitled 1 2 An act relating to public records and meetings; 3 amending s. 281.301, F.S.; expanding an exemption from public records requirements for 4 security system plans or portions thereof for 5 any property owned by or leased to the state or 6 7 any of its political subdivisions, or any 8 privately owned or leased property, that are in 9 the possession of state agencies; expanding an exemption from public meeting requirements for 10 meetings at which such plans are discussed; 11 providing for future review and repeal; 12 providing a statement of public necessity; 13 14 providing an effective date. 15 16 Be It Enacted by the Legislature of the State of Florida: 17 Section 1. Section 281.301, Florida Statutes, is 18 19 amended to read: 20 281.301 Security system plans systems; records and meetings exempt from public access or disclosure .--21 2.2 (1) A security system plan or portion thereof 23 Information relating to the security systems for: 24 (a) Any property owned by or leased to the state or 25 any of its political subdivisions; or, and information 26 relating to the security systems for 27 (b) Any privately owned or leased property 28 29 which plan or portion thereof is in the possession of any 30 agency as defined in s. 119.011(2) is confidential and exempt from the requirements of s. 119.07(1) and s. 24(a), Art. I of 31 1

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Florida House of Representatives - 2001 763-121-01

the State Constitution. Those portions of any meeting relating 1 2 directly to, or which would reveal, a security system plan or portion thereof are confidential and exempt from the 3 requirements of s. 286.011 and s. 24(b), Art. I of the State 4 5 Constitution. A security system plan includes, including all б records, information, photographs, audio and visual 7 presentations, schematic diagrams, surveys, recommendations, 8 or consultations or portions thereof relating directly to or 9 revealing security systems, threat assessments conducted by any agency as defined in s. 119.011(2) or any private entity, 10 11 threat-response plans, emergency evacuation plans, sheltering 12 arrangements, or manuals for security personnel, emergency 13 equipment, or for security training such systems or 14 information, and all meetings relating directly to or that would reveal such systems or information are confidential and 15 exempt from ss. 119.07(1) and 286.011 and other laws and rules 16 requiring public access or disclosure. 17 (2) This section is subject to the Open Government 18 Sunset Review Act of 1995, in accordance with s. 119.15, and 19 20 shall stand repealed on October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature. 21 22 Section 2. The Legislature finds that the expansion of 23 the exemption from public records and public meetings 24 requirements provided by this act is a public necessity because security system plans are a vital component of public 25 26 safety. Security system plans contain components that address 27 safety issues for public and private property on which public 28 business is conducted and address the security of private property on which a large segment of the public relies. The 29 public relies on radio and television towers, telephone and 30 cable lines, power plants and grids, oil and gas pipelines, 31

HB 125-B

2

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Florida House of Representatives - 2001 763-121-01

and many types of privately owned infrastructure to provide 1 necessary services. To coordinate the response of the public 2 3 sector and the private sector in an emergency, such as an act of terrorism, public agencies must be able to review security 4 5 system plans for public and private property. If the information in security system plans is available for 6 7 inspection and copying, terrorists could use this information 8 to hamper or disable emergency response preparedness, 9 increasing injuries and fatalities. Although some skill would 10 be required to use such information to further an act of 11 terrorism, ample evidence of the capabilities of terrorists to 12 conduct complicated acts of terrorism exists. The September 13 11, 2001, attack on the World Trade Center and the Pentagon, as well as the intentional spread of anthrax in this country 14 and state, which resulted in the death of one Floridian, 15 16 provide evidence that such capabilities exist. These events 17 also have shown the importance of a coordinated response to acts of terrorism and the need for the review of public and 18 private security system plans. Consequently, the Legislature 19 finds that security system plans and meetings related thereto 20 21 must be kept confidential. Section 3. This act shall take effect upon becoming a 22 23 law. 24 25 26 LEGISLATIVE SUMMARY 27 Provides an exemption from public records and public meetings requirements for information concerning security system plans or portions thereof for any property owned by or leased to the state or any of its political subdivisions, or any privately owned or leased property, that are in the possession of a state agency. Provides a statement of public necessity and for future review and repeal of the exemptions. 28 29 30 31

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