

By the Committee on Governmental Oversight and Productivity;
and Senators Brown-Waite, Smith and Crist

302-463B-02

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A bill to be entitled

An act relating to public records and meetings;
amending s. 281.301, F.S.; expanding an
exemption from public-records requirements for
security system plans that are in the custody
of state agencies; expanding an exemption from
public-meeting requirements for meetings at
which such plans are discussed; providing for
future repeal; providing a statement of public
necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 281.301, Florida Statutes, is
amended to read:

281.301 Security systems; records and meetings exempt
from public access or disclosure.--

(1) A security system plan or portion thereof
~~Information relating to the security systems~~ for:

(a) Any property owned by or leased to the state or
any of its political subdivisions; or

~~(b), and information relating to the security systems~~
~~for~~ Any privately owned or leased property

which plan or portion thereof is in the possession of any
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
the State Constitution. Those portions of any meeting relating
directly to, or which would reveal a security system plan or
portion thereof, are confidential and exempt from the
requirements of s. 286.011 and s. 24(b), Art. I of the State

1 Constitution. A security system plan includes,~~including~~ all
2 records, information, photographs, audio and visual
3 presentations, schematic diagrams, surveys, recommendations,
4 or consultations or portions thereof relating directly to or
5 revealing security systems, threat assessments conducted by
6 any agency as defined in s. 119.011(2) or any private entity,
7 threat-response plans, emergency-evacuation plans, sheltering
8 arrangements, or manuals for security personnel, emergency
9 equipment, or for security training ~~such systems or~~
10 ~~information, and all meetings relating directly to or that~~
11 ~~would reveal such systems or information are confidential and~~
12 ~~exempt from ss. 119.07(1) and 286.011 and other laws and rules~~
13 ~~requiring public access or disclosure.~~

14 (2) This section is subject to the Open Government
15 Sunset Review Act of 1995 in accordance with s. 119.15 and
16 shall stand repealed October 2, 2007, unless reviewed and
17 saved from repeal through reenactment by the Legislature.

18 Section 2. The Legislature finds that the expansion of
19 the exemption from public-records and public-meetings
20 requirements provided in section 281.301, Florida Statutes, is
21 a public necessity because security plans are a vital
22 component of public safety. Security system plans contain
23 components that address safety issues for public and private
24 property on which public business is conducted and address the
25 security of private property on which a large segment of the
26 public relies. The public relies on radio and television
27 towers, telephone and cable lines, power plants and grids, oil
28 and gas pipelines, and many types of privately owned
29 infrastructure to provide necessary services. To coordinate
30 the response of the public sector and the private sector in an
31 emergency, such as an act of terrorism, public agencies must

1 be able to review security system plans for public and private
2 property. If the information in security system plans is
3 available for inspection and copying, terrorists could use
4 this information to hamper or disable emergency-response
5 preparedness, increasing injuries and fatalities. Although
6 some skill would be required to use such information to
7 further an act of terrorism, ample evidence of the
8 capabilities of terrorists to conduct complicated acts of
9 terrorism exists. The September 11, 2001, attack on the World
10 Trade Center and the Pentagon, as well as the intentional
11 spread of anthrax in this country and state, which resulted in
12 the death of one Floridian, provide evidence that such
13 capabilities exist. These events also have shown the
14 importance of a coordinated response to acts of terrorism and
15 the need for the review of public and private system plans.
16 Consequently, the Legislature finds that security system plans
17 and meetings related thereto must be kept confidential.

18 Section 3. This act shall take effect upon becoming a
19 law.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 62-B

24 Amends an existing exemption from public records and meetings
25 requirements for security plans of a public or private entity
that is in the possession of any agency.

26 Includes security systems, threat assessments, threat-response
27 plans, sheltering arrangements, or manuals for security
personnel, emergency equipment, or security training within
28 the definition of "security system plan."

29 Provides a statement of public necessity.
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