

By Senators Brown-Waite and Smith

10-684A-02

1                                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           creating s. 119.107, F.S.; providing an  
4           exemption from public-records requirements for  
5           a security-system plan or portion thereof;  
6           creating s. 286.0113, F.S.; providing an  
7           exemption from public-meeting requirements for  
8           those portions of any meeting which would  
9           reveal a security-system plan or portion  
10          thereof which is confidential and exempt under  
11          this act; providing for future review and  
12          repeal; providing a statement of public  
13          necessity; providing an effective date.

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

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17           Section 1.   Section 119.071, Florida Statutes, is  
18 created to read:

19           119.071 General exemptions from inspection or copying  
20 of public records.--A security-system plan or portion thereof  
21 for:

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

24           (2) Any privately owned or leased property

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26 which plan or portion thereof is in the possession of any  
27 agency, as defined in s. 119.011, is confidential and exempt  
28 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
29 the State Constitution. As used in this section, the term a  
30 "security-system plan" includes all records, information,  
31 photographs, audio and visual presentations, schematic

1 diagrams, surveys, recommendations, or consultations or  
2 portions thereof relating directly to or revealing security  
3 systems; threat-assessments conducted by any agency as defined  
4 in s. 119.011 or any private entity; threat-response plans;  
5 emergency-evacuation plans; sheltering arrangements; or  
6 manuals for security personnel, emergency equipment, or  
7 security training. This section is subject to the Open  
8 Government Sunset Review Act of 1995, in accordance with s.  
9 119.15, and shall stand repealed on October 2, 2007, unless  
10 reviewed and saved from repeal through reenactment by the  
11 Legislature.

12           Section 2. Section 286.0113, Florida Statutes, is  
13 created to read:

14           286.0113 General exemptions from public  
15 meetings.--Those portions of any meeting which would reveal a  
16 security-system plan or portion thereof made confidential and  
17 exempt by s. 119.071(1) are exempt from the provisions of s.  
18 286.011 and s. 24(b), Art. I of the State Constitution. This  
19 section is subject to the Open Government Sunset Review Act of  
20 1995, in accordance with s. 119.15, and shall stand repealed  
21 on October 2, 2007, unless reviewed and saved from repeal  
22 through reenactment by the Legislature.

23           Section 3. The Legislature finds that the exemption  
24 from public records and public meetings requirements provided  
25 by this act is a public necessity because security-system  
26 plans contain components that address safety issues for public  
27 and private property on which public business is conducted and  
28 address the security of private property on which a large  
29 segment of the public relies. The public relies on radio and  
30 television towers, telephone and cable lines, power plants and  
31 grids, oil and gas pipelines, and many types of privately

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

22           Section 4. This act shall take effect upon becoming a  
23 law.

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SENATE SUMMARY

Provides an exemption from public-records requirements for a security-system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions, and for such a plan for any privately owned or leased property which is in the possession of a state agency. Provides an exemption from public-meeting requirements for those portions of any meeting which would reveal a security-system plan or portion thereof which is confidential and exempt under this act. Provides for future review and repeal. Provides a statement of public necessity.