

By the Committee on Criminal Justice; and Senators Brown-Waite and Smith

307-738A-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:

16
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

25
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 exemption is remedial in nature and it
8 is the intent of the Legislature that this exemption be
9 applied to security-system plans received by an agency before,
10 on, or after the effective date of this section. Information
11 made confidential and exempt by this section may be disclosed
12 by the custodial agency to another state or federal agency to
13 prevent, detect, guard against, respond to, investigate, or
14 manage the consequences of any attempted or actual act of
15 terrorism, or to prosecute those persons who are responsible
16 for such attempts or acts, and the confidential and exempt
17 status of such information shall be retained while in the
18 possession of the receiving agency. This section is subject to
19 the Open Government Sunset Review Act of 1995, in accordance
20 with s. 119.15, and shall stand repealed on October 2, 2006,
21 unless reviewed and saved from repeal through reenactment by
22 the Legislature.

23 Section 2. Section 286.0113, Florida Statutes, is
24 created to read:

25 286.0113 General exemptions from public
26 meetings.--Those portions of any meeting which would reveal a
27 security-system plan or portion thereof made confidential and
28 exempt by s. 119.071(1) are exempt from the provisions of s.
29 286.011 and s. 24(b), Art. I of the State Constitution. This
30 section is subject to the Open Government Sunset Review Act of
31 1995, in accordance with s. 119.15, and shall stand repealed

1 on October 2, 2006, unless reviewed and saved from repeal
2 through reenactment by the Legislature.

3 Section 3. The Legislature finds that the exemption
4 from public records and public meetings requirements provided
5 by this act is a public necessity because security-system
6 plans contain components that address safety issues for public
7 and private property on which public business is conducted and
8 address the security of private property on which a large
9 segment of the public relies. The public relies on radio and
10 television towers, telephone and cable lines, power plants and
11 grids, oil and gas pipelines, and many types of privately
12 owned infrastructure to provide necessary services. To
13 coordinate the response of the public sector and the private
14 sector in an emergency, such as an act of terrorism, public
15 agencies must be able to review security-system plans for
16 public and private property. If the information in
17 security-system plans is available for inspection and copying,
18 terrorists could use this information to hamper or disable
19 emergency-response preparedness, thereby increasing injuries
20 and fatalities. Although some skill would be required to use
21 such information to further an act of terrorism, ample
22 evidence exists of the capabilities of terrorists to conduct
23 complicated acts of terrorism. The September 11, 2001, attack
24 on the World Trade Center and the Pentagon, as well as the
25 intentional spread of anthrax in this country and state, which
26 resulted in the death of one Floridian, provide evidence that
27 such capabilities exist. These events also have shown the
28 importance of a coordinated response to acts of terrorism and
29 the need for the review of public and private security-system
30 plans. Consequently, the Legislature finds that

31

1 security-system plans and meetings related thereto must be
2 kept exempt and confidential.

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

5

6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 16-C

9

9 - Provides that information made confidential and exempt
10 by the bill may be disclosed by the custodial agency to
11 another state or federal agency for specified purposes
12 and that the confidential and exempt status of such
information is retained while in the possession of the
receiving agency.

13

13 - Provides that the exemption is remedial in nature and
14 that it applies to records received before, on, or
after, the effective date of the bill.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31