

1                                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           creating s. 119.071, 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.

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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 the physical security of  
3 the facility or revealing security systems; threat-assessments  
4 conducted by any agency as defined in s. 119.011 or any  
5 private entity; threat-response plans; emergency-evacuation  
6 plans; sheltering arrangements; or manuals for security  
7 personnel, emergency equipment, or security training. This  
8 exemption is remedial in nature and it is the intent of the  
9 Legislature that this exemption be applied to security-system  
10 plans received by an agency before, on, or after the effective  
11 date of this section. Information made confidential and exempt  
12 by this section may be disclosed by the custodial agency to  
13 another state or federal agency to prevent, detect, guard  
14 against, respond to, investigate, or manage the consequences  
15 of any attempted or actual act of terrorism, or to prosecute  
16 those persons who are responsible for such attempts or acts,  
17 and the confidential and exempt status of such information  
18 shall be retained while in the possession of the receiving  
19 agency. This section is subject to the Open Government Sunset  
20 Review Act of 1995, in accordance with s. 119.15, and shall  
21 stand repealed on October 2, 2006, unless reviewed and saved  
22 from repeal through reenactment by 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

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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.

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