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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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