

By Senators Brown-Waite and Smith

10-635-02

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.

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

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8 119.15, and shall stand repealed on October 2, 2007, unless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

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

13 286.0113 General exemptions from public
14 meetings.--Those portions of any meeting which would reveal a
15 security-system plan or portion thereof made confidential and
16 exempt by s. 119.071(1) are exempt from the provisions of s.
17 286.011 and s. 24(b), Art. I of the State Constitution. This
18 section is subject to the Open Government Sunset Review Act of
19 1995, in accordance with s. 119.15, and shall stand repealed
20 on October 2, 2007, unless reviewed and saved from repeal
21 through reenactment by the Legislature.

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

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

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

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25 SENATE SUMMARY

26 Provides an exemption from public-records requirements
27 for a security-system plan or portion thereof for any
28 property owned by or leased to the state or any of its
29 political subdivisions, and for such a plan for any
30 privately owned or leased property which is in the
31 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.