

By the Committee on Security, Select and Representatives
 Gelber, Ball, Green, Cantens, Bense, Hart and Machek

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 for
 6 any property owned by or leased to the state or
 7 any of its political subdivisions, or any
 8 privately owned or leased property, that is in
 9 the possession of a state agency; providing an
 10 exemption from public meeting requirements for
 11 those portions of any meeting which would
 12 reveal a security system plan or portion
 13 thereof made confidential and exempt under the
 14 act; providing for future review and repeal;
 15 providing a statement of public necessity;
 16 providing an effective date.

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

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 20 Section 1. Section 119.071, Florida Statutes, is
 21 created to read:
 22 119.071 Security system plans; records and meetings
 23 exempt from public access or disclosure.--A security system
 24 plan or portion thereof for any property owned by or leased to
 25 the state or any of its political subdivisions, or any
 26 privately owned or leased property, which plan or portion
 27 thereof is in the possession of any agency, as defined in s.
 28 119.011(2), is confidential and exempt from the provisions of
 29 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 30 Those portions of any meeting which would reveal a security
 31 system plan or portion thereof made confidential and exempt by

1 this section are exempt from the provisions of s. 286.011 and
2 s. 24(b), Art. I of the State Constitution. A security system
3 plan includes all records, information, photographs, audio and
4 visual presentations, schematic diagrams, surveys,
5 recommendations, or consultations or portions thereof relating
6 directly to or revealing security systems; threat assessments
7 conducted by any agency as defined in s. 119.011(2) or any
8 private entity; threat-response plans; emergency evacuation
9 plans; sheltering arrangements; or manuals for security
10 personnel, emergency equipment, or security training. This
11 section is subject to the Open Government Sunset Review Act of
12 1995, in accordance with s. 119.15, and shall stand repealed
13 on October 2, 2006, unless reviewed and saved from repeal
14 through reenactment by the Legislature.

15 Section 2. The Legislature finds that the exemption
16 from public records and public meetings requirements provided
17 by this act is a public necessity because security system
18 plans are a vital component of public safety. Security system
19 plans contain components that address safety issues for public
20 and private property on which public business is conducted and
21 address the security of private property on which a large
22 segment of the public relies. The public relies on radio and
23 television towers, telephone and cable lines, power plants and
24 grids, oil and gas pipelines, and many types of privately
25 owned infrastructure to provide necessary services. To
26 coordinate the response of the public sector and the private
27 sector in an emergency, such as an act of terrorism, public
28 agencies must be able to review security system plans for
29 public and private property. If the information in security
30 system plans is available for inspection and copying,
31 terrorists could use this information to hamper or disable

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

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

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19 HOUSE SUMMARY

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21 Provides an exemption from public records requirements
22 for a security system plan or portion thereof for any
23 political subdivisions, or any privately owned or leased
24 property, that is in the possession of a state agency.
25 Provides an exemption from public meeting requirements
26 for those portions of any meeting which would reveal a
27 security system plan or portion thereof made confidential
28 and exempt under the act. Provides for future review and
29 repeal and provides a statement of public necessity.
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