

27 (a)1. As used in this paragraph, the term "security system
28 plan" includes all:

29 a. Records, information, photographs, audio and visual
30 presentations, schematic diagrams, surveys, recommendations,
31 video or audio recordings from a security system camera, or
32 consultations or portions thereof relating directly to the
33 physical security of the facility or revealing security systems;

34 b. Threat assessments conducted by any agency or any
35 private entity;

36 c. Threat response plans;

37 d. Emergency evacuation plans;

38 e. Sheltering arrangements; or

39 f. Manuals for security personnel, emergency equipment, or
40 security training.

41 2. A security system plan or portion thereof for:

42 a. Any property owned by or leased to the state or any of
43 its political subdivisions; or

44 b. Any privately owned or leased property

45
46 held by an agency is confidential and exempt from s. 119.07(1)
47 and s. 24(a), Art. I of the State Constitution. This exemption
48 is remedial in nature, and it is the intent of the Legislature
49 that this exemption apply to security system plans held by an
50 agency before, on, or after the effective date of this
51 paragraph.

52 3. Information made confidential and exempt by this

53 paragraph may be disclosed ~~by the custodian of public records~~
 54 ~~to~~:

- 55 a. To the property owner or leaseholder; ~~or~~
- 56 b. To another state or federal agency to prevent, detect,
 57 guard against, respond to, investigate, or manage the
 58 consequences of any attempted or actual act of terrorism or
 59 criminal act, or to prosecute those persons who are responsible
 60 for such attempts or acts;
- 61 c. In furtherance of an agency's official duties and
 62 responsibilities;
- 63 d. To another governmental agency in furtherance of its
 64 official duties and responsibilities; or
- 65 e. Upon a showing of good cause before a court of
 66 competent jurisdiction.

67 4. The public records exemption provided by this paragraph
 68 for video and audio recordings from a security system camera
 69 included in a security system plan is subject to the Open
 70 Government Sunset Review Act in accordance with s. 119.15 and
 71 shall stand repealed on October 2, 2021, unless reviewed and
 72 saved from repeal through reenactment by the Legislature.

73 (d)1. Video or audio recordings from a security system
 74 camera for any property owned by or leased to the state or any
 75 of its political subdivisions, and for any privately owned or
 76 leased property which is in the possession of any agency as
 77 defined in s. 119.011(2), are confidential and exempt from s.
 78 119.07(1) and s. 24(a), Art. I of the State Constitution. It is

79 the intent of the Legislature that this exemption apply to video
 80 and audio recordings held by an agency before, on, or after the
 81 effective date of this paragraph.

82 2. Information made confidential and exempt by this
 83 paragraph may be disclosed:

84 a. To the property owner or leaseholder;

85 b. To another state or federal agency to prevent, detect,
 86 guard against, respond to, investigate, or manage the
 87 consequences of any attempted or actual act of terrorism or
 88 criminal act, or to prosecute those persons who are responsible
 89 for such attempts or acts;

90 c. In furtherance of an agency's official duties and
 91 responsibilities;

92 d. To another governmental entity if disclosure is
 93 necessary for the receiving entity to perform its duties and
 94 responsibilities; or

95 e. Upon a showing of good cause before a court of
 96 competent jurisdiction.

97 3. This paragraph is subject to the Open Government Sunset
 98 Review Act in accordance with s. 119.15 and shall stand repealed
 99 on October 2, 2021, unless reviewed and saved from repeal
 100 through reenactment by the Legislature.

101 Section 2. Section 281.301, Florida Statutes, is repealed.

102 Section 3. The Legislature finds that it is a public
 103 necessity that the video and audio recordings from a security
 104 system camera in a security system plan and video or audio

105 recordings from a security system camera for any property owned
106 by or leased to the state or any of its political subdivisions,
107 and for any privately owned or leased property which is in the
108 possession of any agency, be made confidential and exempt from
109 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
110 State Constitution. The Legislature recognizes that sensitive
111 information is captured on a security system camera. The
112 exemption for video and audio recordings from a security system
113 camera in a security system plan and the exemption for video or
114 audio recordings from a security system camera for any property
115 owned by or leased to the state or any of its political
116 subdivisions, and for any privately owned or leased property
117 which is in the possession of any agency, provides for the
118 protection of an individual's privacy of actions or words which
119 may be sensitive in nature. The exemptions allow for the
120 efficient and effective provision of security and surveillance
121 while maintaining confidentiality of the coverage and technical
122 aspects of the system which, if revealed, would make it easier
123 for individuals to evade detection by the security system. The
124 Legislature accordingly finds that it is a public necessity to
125 prohibit the disclosure of video and audio recordings from a
126 security system camera in a security system plan and video or
127 audio recordings from a security system camera for any property
128 owned by or leased to the state or any of its political
129 subdivisions, and for any privately owned or leased property
130 which is in the possession of any agency.

HB 869

2016

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