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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2020	.	
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The Committee on Rules (Thurston) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (e) is added to subsection (3) of
section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of
public records.—

(3) SECURITY AND FIRESAFETY.—

(e)1.a. Building plans, blueprints, schematic drawings, and
diagrams, including draft, preliminary, and final formats, which



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12 depict the structural elements of 911, E911, or public safety
13 radio communication system infrastructure, including towers,
14 antennae, equipment or facilities used to provide 911, E911, or
15 public safety radio communication services, or other 911, E911,
16 or public safety radio communication structures or facilities
17 owned and operated by an agency are exempt from s. 119.07(1) and
18 s. 24(a), Art. I of the State Constitution.

19 b. Geographical maps indicating the actual or proposed
20 locations of 911, E911, or public safety radio communication
21 system infrastructure, including towers, antennae, equipment or
22 facilities used to provide 911, E911, or public safety radio
23 services, or other 911, E911, or public safety radio
24 communication structures or facilities owned and operated by an
25 agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the
26 State Constitution.

27 2. This exemption applies to building plans, blueprints,
28 schematic drawings, and diagrams, including draft, preliminary,
29 and final formats, which depict the structural elements of 911,
30 E911, or public safety radio communication system infrastructure
31 or other 911, E911, or public safety radio communication
32 structures or facilities owned and operated by an agency, and
33 geographical maps indicating actual or proposed locations of
34 911, E911, or public safety radio communication system
35 infrastructure or other 911, E911, or public safety radio
36 communication structures or facilities owned and operated by an
37 agency, before, on, or after the effective date of this act.

38 3. Information made exempt by this paragraph may be
39 disclosed:

40 a. To another governmental entity if disclosure is



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41 necessary for the receiving entity to perform its duties and
42 responsibilities;

43 b. To a licensed architect, engineer, or contractor who is
44 performing work on or related to the 911, E911, or public safety
45 radio communication system infrastructure, including towers,
46 antennae, equipment or facilities used to provide 911, E911, or
47 public safety radio communication services, or other 911, E911,
48 or public safety radio communication structures or facilities
49 owned and operated by an agency; or

50 c. Upon a showing of good cause before a court of competent
51 jurisdiction.

52 4. The entities or persons receiving such information must
53 maintain the exempt status of the information.

54 5. For purposes of this paragraph, the term "public safety
55 radio" is defined as the means of communication between and
56 among 911 public safety answering points, dispatchers, and first
57 responder agencies using those portions of the radio frequency
58 spectrum designated by the Federal Communications Commission
59 under 47 C.F.R. 90 for public safety purposes.

60 6. This paragraph is subject to the Open Government Sunset
61 Review Act in accordance with s. 119.15 and shall stand repealed
62 on October 2, 2025, unless reviewed and saved from repeal
63 through reenactment by the Legislature.

64 Section 2. Subsection (4) is added to section 286.0113,
65 Florida Statutes, to read:

66 286.0113 General exemptions from public meetings.—

67 (4) (a) Any portion of a meeting that would reveal building
68 plans, blueprints, schematic drawings, or diagrams, including
69 draft, preliminary, and final formats, which depict the



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70 structural elements of 911, E911, or public safety radio
71 communication system infrastructure, including towers, antennae,
72 equipment or facilities used to provide 911, E911, or public
73 safety radio communication services, or other 911, E911, or
74 public safety radio communication structures or facilities made
75 exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011 and s.
76 24, Art. I of the State Constitution.

77 (b) Any portion of a meeting that would reveal geographical
78 maps indicating the actual or proposed locations of 911, E911,
79 or public safety radio communication system infrastructure,
80 including towers, antennae, equipment or facilities used to
81 provide 911, E911, or public safety radio communication
82 services, or other 911, E911, or public safety radio
83 communication structures or facilities made exempt by s.
84 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of
85 the State Constitution.

86 (c) No portion of an exempt meeting under paragraphs (a) or
87 (b) may be off the record. All exempt portions of such meeting
88 shall be recorded and transcribed. Such recordings and
89 transcripts are confidential and exempt from disclosure under s.
90 119.07(1) and s. 24(a), Art. I of the State Constitution unless
91 a court of competent jurisdiction, after an in-camera review,
92 determines that the meeting was not restricted to the discussion
93 of the information made exempt by s. 119.071(3)(e)1.a. or b. In
94 the event of such a judicial determination, only that portion of
95 the recording and transcript which reveals nonexempt information
96 may be disclosed to a third party.

97 (d) For purposes of this subsection, the term "public
98 safety radio" is defined as the means of communication between



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99 and among 911 public safety answering points, dispatchers, and
100 first responder agencies using those portions of the radio
101 frequency spectrum designated by the Federal Communications
102 Commission under 47 C.F.R. 90 for public safety purposes.

103 (e) This subsection is subject to the Open Government
104 Sunset Review Act in accordance with s. 119.15 and shall stand
105 repealed on October 2, 2025, unless reviewed and saved from
106 repeal through reenactment by the Legislature.

107 Section 3. The Legislature finds that it is a public
108 necessity that building plans, blueprints, schematic drawings,
109 and diagrams, including draft, preliminary, and final formats,
110 which depict the structural elements of 911, E911, or public
111 safety radio communication system infrastructure, including
112 towers, antennae, equipment or facilities used to provide 911,
113 E911, or public safety radio communication services, and other
114 911, E911, or public safety radio communication structures or
115 facilities owned and operated by an agency, and geographical
116 maps indicating the actual or proposed locations of such
117 communication system infrastructure, structures, or facilities
118 should be made exempt from s. 119.07(1), Florida Statutes, and
119 s. 24(a), Article I of the State Constitution to ensure the
120 security of emergency communication infrastructure, structures,
121 and facilities. In addition, the Legislature finds that it is a
122 public necessity that any portion of a meeting revealing such
123 documents and maps that are held by an agency should be made
124 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article
125 I of the State Constitution. Building plans, blueprints,
126 schematic drawings, and diagrams, including draft, preliminary,
127 and final formats, received and held by counties,



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128 municipalities, and other governmental agencies that depict the
129 structural elements of 911, E911, or public safety radio
130 communication system infrastructure, structures, and facilities
131 are currently subject to release as public records upon request.
132 Similarly, geographical maps showing the present or proposed
133 locations of such 911, E911, or public safety radio
134 communication system infrastructure, structures, and facilities
135 that are in the possession of counties, municipalities, and
136 other governmental agencies are also subject to release as
137 public records upon request. Counties, municipalities, and other
138 governmental agencies may review the building plans or
139 geographical maps to ensure compliance with land development
140 regulations, building codes, agency rules, and standards to
141 protect the public health and safety. These building plans
142 include diagrams and schematic drawings of emergency
143 communication systems, electrical systems, and other physical
144 plant and security details which depict the structural elements
145 of such emergency communications facilities and structures. 911,
146 E911, and public safety radio communication facilities,
147 including towers and antennae, are a vital link in the chain of
148 survival. Such critical infrastructure must be protected as any
149 disruption during an active shooter or other terror event is
150 very likely to result in greater loss of life and property
151 damage. To function properly, towers and antennae need to be
152 visible, increasing the security risk of such facilities.
153 Because architectural and engineering plans reviewed and held by
154 counties, municipalities, and other government agencies include
155 information about tower, equipment, ancillary facilities,
156 critical systems, and restricted areas, these plans could be



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157 used by criminals or terrorists to examine the physical plant
158 for vulnerabilities. Information contained in these documents
159 could aid in the planning of, training for, and execution of
160 criminal actions including cybercrime, arson, and terrorism.
161 Consequently, the Legislature finds that it is a public
162 necessity to exempt such information from public records
163 requirements to reduce exposure to security threats and protect
164 the public.

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

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167 ===== T I T L E A M E N D M E N T =====

168 And the title is amended as follows:

169 Delete everything before the enacting clause
170 and insert:

171 A bill to be entitled
172 An act relating to public records and meetings;
173 amending s. 119.071, F.S.; providing an exemption from
174 public records requirements for certain documents
175 which depict the structural elements of certain 911,
176 E911, or public safety radio communication system
177 infrastructure, structures, or facilities; providing
178 an exemption from public records requirements for
179 geographical maps indicating the actual or proposed
180 locations of certain 911, E911, or public safety radio
181 communication system infrastructure, structures, or
182 facilities; providing for retroactive application;
183 authorizing disclosure under certain circumstances;
184 defining the term "public safety radio"; providing for
185 future legislative review and repeal of the



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186 exemptions; amending s. 286.0113, F.S.; providing an
187 exemption from public meetings requirements for
188 portions of meetings that would reveal certain
189 documents depicting the structural elements of certain
190 911, E911, or public safety radio communication system
191 infrastructure, structures, or facilities, or
192 geographical maps indicating the locations or proposed
193 locations of certain 911, E911, or public safety radio
194 communication system infrastructure, structures, or
195 facilities; requiring the recording and transcription
196 of exempt portions of such meetings; providing an
197 exemption from public records requirements for such
198 recordings and transcripts; providing an exception;
199 defining the term "public safety radio"; providing for
200 future legislative review and repeal of the exemption;
201 providing a statement of public necessity; providing
202 an effective date.