

By the Committee on Innovation, Industry, and Technology; and
Senator Thurston

580-02213-20

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending s. 119.071, F.S.; providing an exemption from
4 public records requirements for certain documents that
5 depict the structural elements of certain 911 or E911
6 communication system infrastructure, structures, or
7 facilities; providing an exemption from public records
8 requirements for geographical maps indicating the
9 actual or proposed locations of certain 911 or E911
10 communication system infrastructure, structures, or
11 facilities; providing for retroactive application;
12 authorizing disclosure under certain circumstances;
13 providing for future legislative review and repeal of
14 the exemptions; amending s. 286.0113, F.S.; providing
15 an exemption from public meetings requirements for
16 portions of meetings which would reveal certain
17 documents depicting the structural elements of 911 or
18 E911 communication system infrastructure, structures,
19 or facilities, or geographic maps indicating the
20 actual or proposed locations of 911 or E911
21 communication system infrastructure, structures, or
22 facilities; requiring the recording and transcription
23 of exempt portions of such meetings; providing an
24 exemption from public records requirements for such
25 recordings and transcripts; providing an exception;
26 providing for future legislative review and repeal of
27 the exemptions; providing a statement of public
28 necessity; providing an effective date.

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

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

34 119.071 General exemptions from inspection or copying of
35 public records.—

36 (3) SECURITY AND FIRESAFETY.—

37 (e)1.a. Building plans, blueprints, schematic drawings, and
38 diagrams, including draft, preliminary, and final formats, which
39 depict the structural elements of 911 or E911 communication
40 system infrastructure, including towers, antennae, equipment or
41 facilities used to provide 911 or E911 communication services,
42 or other 911 or E911 communication structures or facilities
43 owned and operated by an agency are exempt from s. 119.07(1) and
44 s. 24(a), Art. I of the State Constitution.

45 b. Geographical maps indicating the actual or proposed
46 locations of 911 or E911 communication system infrastructure,
47 including towers, antennae, equipment or facilities used to
48 provide 911 or E911 services, or other 911 or E911 communication
49 structures or facilities owned and operated by an agency are
50 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
51 Constitution.

52 2. This exemption applies to building plans, blueprints,
53 schematic drawings, and diagrams, including draft, preliminary,
54 and final formats, which depict the structural elements of 911
55 or E911 communication system infrastructure or other 911 and
56 E911 communication structures or facilities owned and operated
57 by an agency, and geographical maps indicating actual or
58 proposed locations of 911 or E911 communication system

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59 infrastructure or other 911 or E911 communication structures or
60 facilities owned and operated by an agency, before, on, or after
61 the effective date of this act.

62 3. Information made exempt by this paragraph may be
63 disclosed:

64 a. To another governmental entity if disclosure is
65 necessary for the receiving entity to perform its duties and
66 responsibilities;

67 b. To a licensed architect, engineer, or contractor who is
68 performing work on or related to the 911 or E911 communication
69 system infrastructure, including towers, antennae, equipment or
70 facilities used to provide 911 or E911 communication services,
71 or other 911 or E911 communication structures or facilities
72 owned and operated by an agency; or

73 c. Upon a showing of good cause before a court of competent
74 jurisdiction.

75 4. The entities or persons receiving such information must
76 maintain the exempt status of the information.

77 5. This paragraph is subject to the Open Government Sunset
78 Review Act in accordance with s. 119.15 and shall stand repealed
79 on October 2, 2025, unless reviewed and saved from repeal
80 through reenactment by the Legislature.

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

83 286.0113 General exemptions from public meetings.—

84 (4) (a) Any portion of a meeting that would reveal building
85 plans, blueprints, schematic drawings, or diagrams, including
86 draft, preliminary, and final formats, which depict the
87 structural elements of 911 or E911 communication system

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88 infrastructure, including towers, antennae, equipment or
89 facilities used to provide 911 or E911 communication services,
90 or other 911 and E911 communication structures or facilities
91 made exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011
92 and s. 24, Art. I of the State Constitution.

93 (b) Any portion of a meeting that would reveal geographical
94 maps indicating the actual or proposed locations of 911 or E911
95 communication system infrastructure, including towers, antennae,
96 equipment or facilities used to provide 911 or E911
97 communication services, or other 911 or E911 communication
98 structures or facilities made exempt by s. 119.071(3)(e)1.b. is
99 exempt from s. 286.011 and s. 24, Art. I of the State
100 Constitution.

101 (c) No portion of an exempt meeting under paragraph (a) or
102 paragraph (b) may be off the record. All exempt portions of such
103 meeting shall be recorded and transcribed. Such recordings and
104 transcripts are confidential and exempt from disclosure under s.
105 119.07(1) and s. 24(a), Art. I of the State Constitution unless
106 a court of competent jurisdiction, after an in-camera review,
107 determines that the meeting was not restricted to the discussion
108 of the information made exempt by s. 119.071(3)(e)1. In the
109 event of such a judicial determination, only that portion of the
110 recording and transcript which reveals nonexempt information may
111 be disclosed to a third party.

112 (d) This subsection is subject to the Open Government
113 Sunset Review Act in accordance with s. 119.15 and shall stand
114 repealed on October 2, 2025, unless reviewed and saved from
115 repeal through reenactment by the Legislature.

116 Section 3. The Legislature finds that it is a public

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117 necessity that building plans, blueprints, schematic drawings,
118 and diagrams, including draft, preliminary, and final formats,
119 which depict the structural elements of 911 or E911
120 communication system infrastructure, including towers, antennae,
121 equipment or facilities used to provide 911 or E911
122 communication services, and other 911 or E911 communication
123 structures or facilities owned and operated by an agency, and
124 geographic maps indicating the actual or proposed locations of
125 such communication system infrastructure, structures, or
126 facilities should be made exempt from s. 119.07(1), Florida
127 Statutes, and s. 24(a), Article I of the State Constitution to
128 ensure the security of emergency communication infrastructure,
129 structures, and facilities. In addition, the Legislature finds
130 that it is a public necessity that any portion of a meeting
131 revealing such documents and maps that are held by an agency
132 should be made exempt from s. 286.011, Florida Statutes, and s.
133 24(b), Article I of the State Constitution and that the
134 recordings and transcripts of such an exempt meeting be
135 confidential and exempt from disclosure under s. 119.07(1),
136 Florida Statutes, and s. 24(a), Article I of the State
137 Constitution. Building plans, blueprints, schematic drawings,
138 and diagrams, including draft, preliminary, and final formats,
139 received and held by counties, municipalities, and other
140 governmental agencies that depict the structural elements of 911
141 or E911 communication system infrastructure, structures, and
142 facilities are currently subject to release as public records
143 upon request. Similarly, geographical maps showing the present
144 or proposed locations of such 911 or E911 communication system
145 infrastructure, structures, and facilities that are in the

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146 possession of counties, municipalities, and other governmental
147 agencies are also subject to release as public records upon
148 request. Counties, municipalities and other governmental
149 agencies may review the building plans or geographical maps to
150 ensure compliance with land development regulations, building
151 codes, agency rules, and standards to protect the public health
152 and safety. These building plans include diagrams and schematic
153 drawings of emergency communication systems, electrical systems,
154 and other physical plant and security details which depict the
155 structural elements of such emergency communication facilities
156 and structures. 911 and E911 communication facilities, including
157 towers and antennae, are a vital link in the chain of survival.
158 Such critical infrastructure must be protected as any disruption
159 during an active shooter or other terror event is very likely to
160 result in greater loss of life and property damage. To function
161 properly, towers and antennae need to be visible, increasing the
162 security risk of such facilities. Because architectural and
163 engineering plans reviewed and held by counties, municipalities
164 and other government agencies include information about towers,
165 equipment, ancillary facilities, critical systems, and
166 restricted areas, these plans could be used by criminals or
167 terrorists to examine the physical plant for vulnerabilities.
168 Information contained in these documents could aid in the
169 planning of, training for, and execution of criminal actions
170 including cybercrime, arson, and terrorism. Consequently, the
171 Legislature finds that it is a public necessity to exempt such
172 information from public records requirements to reduce exposure
173 to security threats and protect the public.

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