

By the Committees on Rules; and Innovation, Industry, and  
Technology; and Senator Thurston

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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  
5       which depict the structural elements of certain 911,  
6       E911, or public safety radio communication system  
7       infrastructure, structures, or facilities; providing  
8       an exemption from public records requirements for  
9       geographical maps indicating the actual or proposed  
10      locations of certain 911, E911, or public safety radio  
11      communication system infrastructure, structures, or  
12      facilities; providing for retroactive application;  
13      authorizing disclosure under certain circumstances;  
14      defining the term "public safety radio"; providing for  
15      future legislative review and repeal of the  
16      exemptions; amending s. 286.0113, F.S.; providing an  
17      exemption from public meetings requirements for  
18      portions of meetings that would reveal certain  
19      documents depicting the structural elements of certain  
20      911, E911, or public safety radio communication system  
21      infrastructure, structures, or facilities, or  
22      geographical maps indicating the locations or proposed  
23      locations of certain 911, E911, or public safety radio  
24      communication system infrastructure, structures, or  
25      facilities; requiring the recording and transcription  
26      of exempt portions of such meetings; providing an  
27      exemption from public records requirements for such  
28      recordings and transcripts; providing an exception;  
29      defining the term "public safety radio"; providing for

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30 future legislative review and repeal of the exemption;  
31 providing a statement of public necessity; providing  
32 an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

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

38 119.071 General exemptions from inspection or copying of  
39 public records.—

40 (3) SECURITY AND FIRESAFETY.—

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

50 b. Geographical maps indicating the actual or proposed  
51 locations of 911, E911, or public safety radio communication  
52 system infrastructure, including towers, antennae, equipment or  
53 facilities used to provide 911, E911, or public safety radio  
54 services, or other 911, E911, or public safety radio  
55 communication structures or facilities owned and operated by an  
56 agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
57 State Constitution.

58 2. This exemption applies to building plans, blueprints,

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59 schematic drawings, and diagrams, including draft, preliminary,  
60 and final formats, which depict the structural elements of 911,  
61 E911, or public safety radio communication system infrastructure  
62 or other 911, E911, or public safety radio communication  
63 structures or facilities owned and operated by an agency, and  
64 geographical maps indicating actual or proposed locations of  
65 911, E911, or public safety radio communication system  
66 infrastructure or other 911, E911, or public safety radio  
67 communication structures or facilities owned and operated by an  
68 agency, before, on, or after the effective date of this act.

69 3. Information made exempt by this paragraph may be  
70 disclosed:

71 a. To another governmental entity if disclosure is  
72 necessary for the receiving entity to perform its duties and  
73 responsibilities;

74 b. To a licensed architect, engineer, or contractor who is  
75 performing work on or related to the 911, E911, or public safety  
76 radio communication system infrastructure, including towers,  
77 antennae, equipment or facilities used to provide 911, E911, or  
78 public safety radio communication services, or other 911, E911,  
79 or public safety radio communication structures or facilities  
80 owned and operated by an agency; or

81 c. Upon a showing of good cause before a court of competent  
82 jurisdiction.

83 4. The entities or persons receiving such information must  
84 maintain the exempt status of the information.

85 5. For purposes of this paragraph, the term "public safety  
86 radio" is defined as the means of communication between and  
87 among 911 public safety answering points, dispatchers, and first

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88 responder agencies using those portions of the radio frequency  
89 spectrum designated by the Federal Communications Commission  
90 under 47 C.F.R. 90 for public safety purposes.

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

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

97 286.0113 General exemptions from public meetings.—

98 (4) (a) Any portion of a meeting that would reveal building  
99 plans, blueprints, schematic drawings, or diagrams, including  
100 draft, preliminary, and final formats, which depict the  
101 structural elements of 911, E911, or public safety radio  
102 communication system infrastructure, including towers, antennae,  
103 equipment or facilities used to provide 911, E911, or public  
104 safety radio communication services, or other 911, E911, or  
105 public safety radio communication structures or facilities made  
106 exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011 and s.  
107 24, Art. I of the State Constitution.

108 (b) Any portion of a meeting that would reveal geographical  
109 maps indicating the actual or proposed locations of 911, E911,  
110 or public safety radio communication system infrastructure,  
111 including towers, antennae, equipment or facilities used to  
112 provide 911, E911, or public safety radio communication  
113 services, or other 911, E911, or public safety radio  
114 communication structures or facilities made exempt by s.  
115 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of  
116 the State Constitution.

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117 (c) No portion of an exempt meeting under paragraphs (a) or  
118 (b) may be off the record. All exempt portions of such meeting  
119 shall be recorded and transcribed. Such recordings and  
120 transcripts are confidential and exempt from disclosure under s.  
121 119.07(1) and s. 24(a), Art. I of the State Constitution unless  
122 a court of competent jurisdiction, after an in-camera review,  
123 determines that the meeting was not restricted to the discussion  
124 of the information made exempt by s. 119.071(3)(e)1.a. or b. In  
125 the event of such a judicial determination, only that portion of  
126 the recording and transcript which reveals nonexempt information  
127 may be disclosed to a third party.

128 (d) For purposes of this subsection, the term "public  
129 safety radio" is defined as the means of communication between  
130 and among 911 public safety answering points, dispatchers, and  
131 first responder agencies using those portions of the radio  
132 frequency spectrum designated by the Federal Communications  
133 Commission under 47 C.F.R. 90 for public safety purposes.

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

138 Section 3. The Legislature finds that it is a public  
139 necessity that building plans, blueprints, schematic drawings,  
140 and diagrams, including draft, preliminary, and final formats,  
141 which depict the structural elements of 911, E911, or public  
142 safety radio communication system infrastructure, including  
143 towers, antennae, equipment or facilities used to provide 911,  
144 E911, or public safety radio communication services, and other  
145 911, E911, or public safety radio communication structures or

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146 facilities owned and operated by an agency, and geographical  
147 maps indicating the actual or proposed locations of such  
148 communication system infrastructure, structures, or facilities  
149 should be made exempt from s. 119.07(1), Florida Statutes, and  
150 s. 24(a), Article I of the State Constitution to ensure the  
151 security of emergency communication infrastructure, structures,  
152 and facilities. In addition, the Legislature finds that it is a  
153 public necessity that any portion of a meeting revealing such  
154 documents and maps that are held by an agency should be made  
155 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article  
156 I of the State Constitution. Building plans, blueprints,  
157 schematic drawings, and diagrams, including draft, preliminary,  
158 and final formats, received and held by counties,  
159 municipalities, and other governmental agencies that depict the  
160 structural elements of 911, E911, or public safety radio  
161 communication system infrastructure, structures, and facilities  
162 are currently subject to release as public records upon request.  
163 Similarly, geographical maps showing the present or proposed  
164 locations of such 911, E911, or public safety radio  
165 communication system infrastructure, structures, and facilities  
166 that are in the possession of counties, municipalities, and  
167 other governmental agencies are also subject to release as  
168 public records upon request. Counties, municipalities, and other  
169 governmental agencies may review the building plans or  
170 geographical maps to ensure compliance with land development  
171 regulations, building codes, agency rules, and standards to  
172 protect the public health and safety. These building plans  
173 include diagrams and schematic drawings of emergency  
174 communication systems, electrical systems, and other physical

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175 plant and security details which depict the structural elements  
176 of such emergency communications facilities and structures. 911,  
177 E911, and public safety radio communication facilities,  
178 including towers and antennae, are a vital link in the chain of  
179 survival. Such critical infrastructure must be protected as any  
180 disruption during an active shooter or other terror event is  
181 very likely to result in greater loss of life and property  
182 damage. To function properly, towers and antennae need to be  
183 visible, increasing the security risk of such facilities.  
184 Because architectural and engineering plans reviewed and held by  
185 counties, municipalities, and other government agencies include  
186 information about towers, equipment, ancillary facilities,  
187 critical systems, and restricted areas, these plans could be  
188 used by criminals or terrorists to examine the physical plant  
189 for vulnerabilities. Information contained in these documents  
190 could aid in the planning of, training for, and execution of  
191 criminal actions, including cybercrime, arson, and terrorism.  
192 Consequently, the Legislature finds that it is a public  
193 necessity to exempt such information from public records  
194 requirements to reduce exposure to security threats and protect  
195 the public.

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