

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 or
6 E911 communication system infrastructure, structures,
7 or facilities; providing an exemption from public
8 records requirements for geographical maps indicating
9 the actual or proposed locations of certain 911 or
10 E911 communication system infrastructure, structures,
11 or 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 that 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 locations 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 exemption; providing a statement of public
 28 necessity; providing an effective date.

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

31
 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,
 38 and diagrams, including draft, preliminary, and final formats,
 39 which depict the structural elements of 911 or E911
 40 communication system infrastructure, including towers, antennae,
 41 equipment or facilities used to provide 911 or E911
 42 communication services, or other 911 or E911 communication
 43 structures or facilities owned and operated by an agency are
 44 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 45 Constitution.

46 b. Geographical maps indicating the actual or proposed
 47 locations of 911 or E911 communication system infrastructure,
 48 including towers, antennae, equipment or facilities used to
 49 provide 911 or E911 services, or other 911 or E911 communication
 50 structures or facilities owned and operated by an agency are

51 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
52 Constitution.

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

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

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

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

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

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

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

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

84 286.0113 General exemptions from public meetings.—

85 (4)(a) Any portion of a meeting that would reveal building
86 plans, blueprints, schematic drawings, or diagrams, including
87 draft, preliminary, and final formats, which depict the
88 structural elements of 911 or E911 communication system
89 infrastructure, including towers, antennae, equipment or
90 facilities used to provide 911 or E911 communication services,
91 or other 911 and E911 communication structures or facilities
92 made exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011
93 and s. 24, Art. I of the State Constitution.

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

101 Constitution.

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

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

117 Section 3. The Legislature finds that it is a public
118 necessity that building plans, blueprints, schematic drawings,
119 and diagrams, including draft, preliminary, and final formats,
120 which depict the structural elements of 911 or E911
121 communication system infrastructure, including towers, antennae,
122 equipment or facilities used to provide 911 or E911
123 communication services, and other 911 or E911 communication
124 structures or facilities owned and operated by an agency, and
125 geographic maps indicating the actual or proposed locations of

126 such communication system infrastructure, structures, or
127 facilities should be made exempt from s. 119.07(1), Florida
128 Statutes, and s. 24(a), Article I of the State Constitution to
129 ensure the security of emergency communication infrastructure,
130 structures, and facilities. In addition, the Legislature finds
131 that it is a public necessity that any portion of a meeting
132 revealing such documents and maps that are held by an agency
133 should be made exempt from s. 286.011, Florida Statutes, and s.
134 24(b), Art. I of the State Constitution. Building plans,
135 blueprints, schematic drawings, and diagrams, including draft,
136 preliminary, and final formats, received and held by counties,
137 municipalities, and other governmental agencies that depict the
138 structural elements of 911 or E911 communication system
139 infrastructure, structures, and facilities are currently subject
140 to release as public records upon request. Similarly,
141 geographical maps showing the present or proposed locations of
142 such 911 or E911 communication system infrastructure,
143 structures, and facilities that are in the possession of
144 counties, municipalities, and other governmental agencies are
145 also subject to release as public records upon request.
146 Counties, municipalities and other governmental agencies may
147 review the building plans or geographical maps to ensure
148 compliance with land development regulations, building codes,
149 agency rules, and standards to protect the public health and
150 safety. These building plans include diagrams and schematic

151 drawings of emergency communication systems, electrical systems,
152 and other physical plant and security details which depict the
153 structural elements of such emergency communications facilities
154 and structures. 911 and E911 communication facilities, including
155 towers and antennae, are a vital link in the chain of survival.
156 Such critical infrastructure must be protected as any disruption
157 during an active shooter or other terror event is very likely to
158 result in greater loss of life and property damage. To function
159 properly, towers and antennae need to be visible, increasing the
160 security risk of such facilities. Because architectural and
161 engineering plans reviewed and held by counties, municipalities
162 and other government agencies include information about tower,
163 equipment, ancillary facilities, critical systems, and
164 restricted areas, these plans could be used by criminals or
165 terrorists to examine the physical plant for vulnerabilities.
166 Information contained in these documents could aid in the
167 planning of, training for, and execution of criminal actions
168 including cyber-crime, arson, and terrorism. Consequently, the
169 Legislature finds that it is a public necessity to exempt such
170 information from public records requirements to reduce exposure
171 to security threats and protect the public.

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