

By Senator Martin

33-01002B-23

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1 A bill to be entitled
2 An act relating to public records; amending s. 943.68,
3 F.S.; providing an exemption from public records
4 requirements for records relating to transportation
5 and protective services of specified persons provided
6 by law enforcement agencies; providing for retroactive
7 application; providing for future legislative review
8 and repeal of the exemption; providing a statement of
9 public necessity; providing an effective date.

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

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13 Section 1. Subsection (10) is added to section 943.68,
14 Florida Statutes, and subsections (1), (5), and (6) of that
15 section are republished, to read:

16 943.68 Transportation and protective services.—

17 (1) The department shall provide and maintain the security
18 of the Governor, the Governor's immediate family, and the
19 Governor's office and mansion and the grounds thereof.

20 (5) The department is authorized to provide security or
21 transportation to visiting governors and their families upon
22 request by the Governor.

23 (6) The department shall provide security or transportation
24 services to other persons when requested by the Governor, the
25 Lieutenant Governor, a member of the Cabinet, the Speaker of the
26 House of Representatives, the President of the Senate, or the
27 Chief Justice of the Supreme Court, subject to certification by
28 the requesting party that such services are in the best interest
29 of the state. The requesting party may delegate certification

33-01002B-23

20231616__

30 authority to the executive director of the department. The
31 requesting party shall limit such services to persons:

32 (a) Who are visiting the state; for whom such services are
33 requested by the Governor, the Lieutenant Governor, a member of
34 the Cabinet, the Speaker of the House of Representatives, the
35 President of the Senate, or the Chief Justice of the Supreme
36 Court; and for whom the primary purpose of the visit is for a
37 significant public purpose; or

38 (b) For whom the failure to provide security or
39 transportation could result in a clear and present danger to the
40 personal safety of such persons or to the safety of other
41 persons or property within this state or could result in public
42 embarrassment to the state.

43 (10) (a) Records held by a law enforcement agency related to
44 transportation and protective services provided under
45 subsections (1), (5), and (6) are exempt from s. 119.07(1) and
46 s. 24(a), Art. I of the State Constitution. This exemption
47 applies to records held by a law enforcement agency before, on,
48 or after the effective date of the exemption.

49 (b) This subsection is subject to the Open Government
50 Sunset Review Act in accordance with s. 119.15 and shall stand
51 repealed on October 2, 2028, unless reviewed and saved from
52 repeal through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public
54 necessity that records pertaining to transportation and
55 protective services provided by the Department of Law
56 Enforcement and other law enforcement agencies as required
57 pursuant to s. 943.68, Florida Statutes, be made exempt from s.
58 119.07(1), Florida Statutes, and s. 24(a), Article I of the

33-01002B-23

20231616__

59 State Constitution. Records obtained by a law enforcement agency
60 authorized by law to provide transportation and protective
61 services to individuals, including to the Governor, the
62 Governor's immediate family, visiting governors and their
63 families, the Lieutenant Governor, a member of the Cabinet, the
64 Speaker of the House of Representatives, the President of the
65 Senate, or the Chief Justice of the Supreme Court; or for those
66 whom such services are requested by the Governor, the Lieutenant
67 Governor, a member of the Cabinet, the Speaker of the House of
68 Representatives, the President of the Senate, or the Chief
69 Justice of the Supreme Court; the disclosure of which could
70 endanger the protected person and his or her family members,
71 should be protected from public records requirements and not be
72 disclosed to the public. The disclosure of records such as
73 security, operational, or logistical plans; risk, vulnerability,
74 or threat assessments; travel records related to the protected
75 person and assigned agents of the protective detail; and
76 identifying information of sworn and non-sworn personnel engaged
77 in a transportation or protective services operation or detail
78 could reveal the means and methods of providing the required
79 transportation and protective services and could impair the
80 ability of the law enforcement agency to ensure the safety and
81 security of the protected individuals. The disclosure of such
82 records could also endanger the law enforcement agents
83 responsible for providing the protection. The Legislature finds
84 that the safety and security of individuals authorized to have
85 protection pursuant to s. 943.68(1), (5), and (6), Florida
86 Statutes, as well as the safety and security of agents providing
87 the transportation and protective services, outweigh any public

33-01002B-23

20231616__

88 benefit that may be derived from the disclosure of these
89 records. Therefore, it is a public necessity that records held
90 by a law enforcement agency related to transportation and
91 protective services provided under s. 943.68(1), (5), and (6),
92 Florida Statutes, be made exempt from public disclosure.

93 Section 3. This act shall take effect upon becoming a law.