

By the Committee on Rules; and Senator Martin

595-03709-23

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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 held by a law enforcement  
5       agency relating to certain security or transportation  
6       services; providing for retroactive application;  
7       providing for legislative review and repeal of the  
8       exemption; providing a statement of public necessity;  
9       providing a directive to the Division of Law Revision;  
10      providing an effective date.

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

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

17       943.68 Transportation and protective services.—

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

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

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

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30 of the state. The requesting party may delegate certification  
31 authority to the executive director of the department. The  
32 requesting party shall limit such services to persons:

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

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

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

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

54 Section 2. The Legislature finds that it is a public  
55 necessity that records held by a law enforcement agency relating  
56 to security or transportation services provided under s.  
57 943.68(1), (5), or (6), Florida Statutes, be made exempt from s.  
58 119.07(1), Florida Statutes, and s. 24(a), Article I of the

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59 State Constitution. Information obtained by a law enforcement  
60 agency authorized by law to provide security or transportation  
61 services to persons, including the Governor, the Governor's  
62 immediate family, visiting governors and their families, the  
63 Lieutenant Governor, a member of the Cabinet, the Speaker of the  
64 House of Representatives, the President of the Senate, or the  
65 Chief Justice of the Supreme Court, or for persons for whom such  
66 services are requested by the Governor, the Lieutenant Governor,  
67 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, should not be disclosed to the  
71 public. The disclosure of such records, including security,  
72 operational, and logistical plans; mansion security, facility  
73 operations, access, screenings, and clearances; personal  
74 information unrelated to official duties of the protected  
75 individuals; risk, vulnerability, and threat assessments; travel  
76 information relating to the protected person and law enforcement  
77 agents and personnel providing the security or transportation  
78 services; and identifying information of sworn and nonsworn  
79 personnel engaged in a security or transportation services  
80 operation or detail could reveal the means and methods of  
81 providing the required security or transportation services and  
82 could impair the ability of the law enforcement agency to ensure  
83 the safety and security of the protected person. The disclosure  
84 of such records could also endanger the law enforcement agents  
85 and personnel providing the security or transportation services.  
86 The Legislature finds that the safety and security of persons  
87 authorized protection under s. 943.68(1), (5), or (6), Florida

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88 Statutes, as well as the safety and security of law enforcement  
89 agents and personnel providing the security or transportation  
90 services, outweigh any public benefit that may be derived from  
91 the disclosure of such records. Therefore, it is a public  
92 necessity that records held by a law enforcement agency relating  
93 to security or transportation services provided under s.  
94 943.68(1), (5), or (6), Florida Statutes, be made exempt from  
95 public records requirements.

96 Section 3. The Division of Law Revision is directed to  
97 replace the phrase "the effective date of this act" wherever it  
98 occurs in this act with the date this act becomes a law.

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