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1
2 An act relating to public records and meetings;
3 amending s. 119.071, F.S.; expanding an exemption from
4 public records requirements for certain components of
5 911, E911, and public safety radio communication
6 systems to include NG911 systems; extending the date
7 for future legislative review and repeal of the
8 exemption; amending s. 286.0113, F.S.; expanding an
9 exemption from public meetings requirements for
10 certain portions of meetings that would reveal certain
11 components of 911, E911, and public safety radio
12 communication systems to include NG911 systems;
13 extending the date for future legislative review and
14 repeal of the exemption; providing a statement of
15 public necessity; providing an effective date.

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

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19 Section 1. Paragraph (e) of subsection (3) of section
20 119.071, Florida Statutes, is amended to read:

21 119.071 General exemptions from inspection or copying of
22 public records.—

23 (3) SECURITY AND FIRESAFETY.—

24 (e)1.a. Building plans, blueprints, schematic drawings, and
25 diagrams, including draft, preliminary, and final formats, which
26 depict the structural elements of 911, E911, NG911, or public
27 safety radio communication system infrastructure, including
28 towers, antennas ~~antennae~~, equipment or facilities used to
29 provide 911, E911, NG911, or public safety radio communication

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services, or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. Geographical maps indicating the actual or proposed locations of 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, NG911, or public safety radio services, or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, NG911, or public safety radio communication system infrastructure or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency, and geographical maps indicating actual or proposed locations of 911, E911, NG911, or public safety radio communication system infrastructure or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency, before, on, or after the effective date of this act.

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

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

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b. To a licensed architect, engineer, or contractor who is performing work on or related to the 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas ~~antennae~~, equipment or facilities used to provide 911, E911, NG911, or public safety radio communication services, or other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency; or

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

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

5. For purposes of this paragraph, the term "public safety radio" is defined as the means of communication between and among 911 public safety answering points, dispatchers, and first responder agencies using those portions of the radio frequency spectrum designated by the Federal Communications Commission under 47 C.F.R. part 90 for public safety purposes.

6. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030 ~~2025~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (4) of section 286.0113, Florida Statutes, is amended to read:

286.0113 General exemptions from public meetings.—

(4)(a) Any portion of a meeting that would reveal building plans, blueprints, schematic drawings, or diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, NG911, or public safety radio

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88 communication system infrastructure, including towers, antennas
89 ~~antennae~~, equipment or facilities used to provide 911, E911,
90 NG911, or public safety radio communication services, or other
91 911, E911, NG911, or public safety radio communication
92 structures or facilities made exempt by s. 119.071(3)(e)1.a. is
93 exempt from s. 286.011 and s. 24, Art. I of the State
94 Constitution.

95 (b) Any portion of a meeting that would reveal geographical
96 maps indicating the actual or proposed locations of 911, E911,
97 NG911, or public safety radio communication system
98 infrastructure, including towers, antennas ~~antennae~~, equipment
99 or facilities used to provide 911, E911, NG911, or public safety
100 radio communication services, or other 911, E911, NG911, or
101 public safety radio communication structures or facilities made
102 exempt by s. 119.071(3)(e)1.b. is exempt from s. 286.011 and s.
103 24, Art. I of the State Constitution.

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

115 (d) For purposes of this subsection, the term "public
116 safety radio" is defined as the means of communication between

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and among 911 public safety answering points, dispatchers, and first responder agencies using those portions of the radio frequency spectrum designated by the Federal Communications Commission under 47 C.F.R. part 90 for public safety purposes.

(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030 ~~2025~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, NG911, or public safety radio communication system infrastructure, including towers, antennas, equipment, or facilities used to provide 911, E911, NG911, or public safety radio communication services, and other 911, E911, NG911, or public safety radio communication structures or facilities owned and operated by an agency, and geographical maps indicating the actual or proposed locations of such communication system infrastructure, structures, or facilities be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution to ensure the security of emergency communication infrastructure, structures, and facilities. The Legislature finds that it is a public necessity that any portion of a meeting revealing such documents and maps held by an agency be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, received and held by counties,

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146 municipalities, and other governmental agencies which depict the
147 structural elements of 911, E911, NG911, or public safety radio
148 communication system infrastructure, structures, and facilities
149 are currently subject to release as public records upon request.
150 Similarly, geographical maps showing the present or proposed
151 locations of such 911, E911, NG911, or public safety radio
152 communication system infrastructure, structures, and facilities
153 which are in the possession of counties, municipalities, and
154 other governmental agencies are also subject to release as
155 public records upon request. Counties, municipalities, and other
156 governmental agencies may review the building plans or
157 geographical maps to ensure compliance with land development
158 regulations, building codes, agency rules, and standards to
159 protect the public health and safety. These building plans
160 include diagrams and schematic drawings of emergency
161 communication systems, electrical systems, and other physical
162 plant and security details which depict the structural elements
163 of such emergency communications facilities and structures. Such
164 911, E911, NG911, and public safety radio communication
165 facilities, including towers and antennas, are a vital link in
166 the chain of survival. This critical infrastructure must be
167 protected because any disruption during an active shooter or
168 other terror event is very likely to result in greater loss of
169 life and property damage. To function properly, towers and
170 antennas need to be visible, increasing the security risk of
171 such facilities. Because architectural and engineering plans
172 reviewed and held by counties, municipalities, and other
173 government agencies include information about towers, equipment,
174 ancillary facilities, critical systems, and restricted areas,

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these plans could be used by criminals or terrorists to examine
the physical plant for vulnerabilities. Information contained in
these documents could aid in the planning of, training for, and
execution of criminal actions, including cybercrime, arson, and
terrorism. Consequently, the Legislature finds that it is a
public necessity to exempt such information from public records
and public meetings requirements to reduce exposure to security
threats and to protect the public.

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