

**FOR CONSIDERATION** By the Committee on Regulated Industries

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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.; 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.

16  
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, antennae, equipment or facilities used to provide 911,  
29      E911, NG911, or public safety radio communication services, or

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

34 b. Geographical maps indicating the actual or proposed  
35 locations of 911, E911, NG911, or public safety radio  
36 communication system infrastructure, including towers, antennae,  
37 equipment or facilities used to provide 911, E911, NG911, or  
38 public safety radio services, or other 911, E911, NG911, or  
39 public safety radio communication structures or facilities owned  
40 and operated by an agency are exempt from s. 119.07(1) and s.  
41 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

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

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

82           286.0113 General exemptions from public meetings.—

83           (4) (a) Any portion of a meeting that would reveal building  
84 plans, blueprints, schematic drawings, or diagrams, including  
85 draft, preliminary, and final formats, which depict the  
86 structural elements of 911, E911, NG911, or public safety radio  
87 communication system infrastructure, including towers, antennae,

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

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

102 (c) No portion of an exempt meeting under paragraph (a) or  
103 paragraph (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) For purposes of this subsection, the term "public  
114 safety radio" is defined as the means of communication between  
115 and among 911 public safety answering points, dispatchers, and  
116 first responder agencies using those portions of the radio

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117 frequency spectrum designated by the Federal Communications  
118 Commission under 47 C.F.R. part 90 for public safety purposes.

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

123 Section 3. The Legislature finds that it is a public  
124 necessity that building plans, blueprints, schematic drawings,  
125 and diagrams, including draft, preliminary, and final formats,  
126 which depict the structural elements of 911, E911, NG911, or  
127 public safety radio communication system infrastructure,  
128 including towers, antennae, equipment, or facilities used to  
129 provide 911, E911, NG911, or public safety radio communication  
130 services, and other 911, E911, NG911, or public safety radio  
131 communication structures or facilities owned and operated by an  
132 agency, and geographical maps indicating the actual or proposed  
133 locations of such communication system infrastructure,  
134 structures, or facilities be made exempt from s. 119.07(1),  
135 Florida Statutes, and s. 24(a), Article I of the State  
136 Constitution to ensure the security of emergency communication  
137 infrastructure, structures, and facilities. The Legislature  
138 finds that it is a public necessity that any portion of a  
139 meeting revealing such documents and maps held by an agency be  
140 made exempt from s. 286.011, Florida Statutes, and s. 24(b),  
141 Article I of the State Constitution. Building plans, blueprints,  
142 schematic drawings, and diagrams, including draft, preliminary,  
143 and final formats, received and held by counties,  
144 municipalities, and other governmental agencies which depict the  
145 structural elements of 911, E911, NG911, or public safety radio

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

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175 these documents could aid in the planning of, training for, and  
176 execution of criminal actions, including cybercrime, arson, and  
177 terrorism. Consequently, the Legislature finds that it is a  
178 public necessity to exempt such information from public records  
179 and public meetings requirements to reduce exposure to security  
180 threats and to protect the public.

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