

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Economic Infrastructure
 2 Subcommittee

3 Representative Conerly offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraph (e) of subsection (3) of section**
 8 **119.071, Florida Statutes, is amended to read:**

9 119.071 General exemptions from inspection or copying of
 10 public records.—

11 (3) SECURITY AND FIRESAFETY.—

12 (e)1.a. Building plans, blueprints, schematic drawings,
 13 and diagrams, including draft, preliminary, and final formats,
 14 which depict the structural elements of 911, E911, NG911, or
 15 public safety radio communication system infrastructure,
 16 including towers, antennas ~~antennae~~, equipment or facilities

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

22 b. Geographical maps indicating the actual or proposed
23 locations of 911, E911, NG911, or public safety radio
24 communication system infrastructure, including towers, antennas
25 ~~antennae~~, equipment or facilities used to provide 911, E911,
26 NG911, or public safety radio services, or other 911, E911,
27 NG911, or public safety radio communication structures or
28 facilities owned and operated by an agency are exempt from s.
29 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

65 6. This paragraph is subject to the Open Government Sunset
66 Review Act in accordance with s. 119.15 and shall stand repealed

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67 on October 2, ~~2030~~ 2025, unless reviewed and saved from repeal
68 through reenactment by the Legislature.

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

71 286.0113 General exemptions from public meetings.—

72 (4) (a) Any portion of a meeting that would reveal building
73 plans, blueprints, schematic drawings, or diagrams, including
74 draft, preliminary, and final formats, which depict the
75 structural elements of 911, E911, NG911, or public safety radio
76 communication system infrastructure, including towers, antennas
77 ~~antennae~~, equipment or facilities used to provide 911, E911,
78 NG911, or public safety radio communication services, or other
79 911, E911, NG911, or public safety radio communication
80 structures or facilities made exempt by s. 119.071(3)(e)1.a. is
81 exempt from s. 286.011 and s. 24, Art. I of the State
82 Constitution.

83 (b) Any portion of a meeting that would reveal
84 geographical maps indicating the actual or proposed locations of
85 911, E911, NG911, or public safety radio communication system
86 infrastructure, including towers, antennas ~~antennae~~, equipment
87 or facilities used to provide 911, E911, NG911, or public safety
88 radio communication services, or other 911, E911, NG911, or
89 public safety radio communication structures or facilities made
90 exempt by s. 119.071(3)(e)1.b. is exempt from s. 286.011 and s.
91 24, Art. I of the State Constitution.

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92 (c) No portion of an exempt meeting under paragraph (a) or
93 paragraph (b) may be off the record. All exempt portions of such
94 meeting shall be recorded and transcribed. Such recordings and
95 transcripts are confidential and exempt from disclosure under s.
96 119.07(1) and s. 24(a), Art. I of the State Constitution unless
97 a court of competent jurisdiction, after an in camera review,
98 determines that the meeting was not restricted to the discussion
99 of the information made exempt by s. 119.071(3)(e)1.a. or b. In
100 the event of such a judicial determination, only that portion of
101 the recording and transcript which reveals nonexempt information
102 may be disclosed to a third party.

103 (d) For purposes of this subsection, the term "public
104 safety radio" is defined as the means of communication between
105 and among 911 public safety answering points, dispatchers, and
106 first responder agencies using those portions of the radio
107 frequency spectrum designated by the Federal Communications
108 Commission under 47 C.F.R. part 90 for public safety purposes.

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

113 **Section 3.** The Legislature finds that it is a public
114 necessity that building plans, blueprints, schematic drawings,
115 and diagrams, including draft, preliminary, and final formats,
116 which depict the structural elements of 911, E911, NG911, or

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117 public safety radio communication system infrastructure,
118 including towers, antennas, equipment, or facilities used to
119 provide 911, E911, NG911, or public safety radio communication
120 services, and other 911, E911, NG911, or public safety radio
121 communication structures or facilities owned and operated by an
122 agency, and geographical maps indicating the actual or proposed
123 locations of such communication system infrastructure,
124 structures, or facilities be made exempt from s. 119.07(1),
125 Florida Statutes, and s. 24(a), Article I of the State
126 Constitution to ensure the security of emergency communication
127 infrastructure, structures, and facilities. The Legislature
128 finds that it is a public necessity that any portion of a
129 meeting revealing such documents and maps held by an agency be
130 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
131 Article I of the State Constitution. Building plans, blueprints,
132 schematic drawings, and diagrams, including draft, preliminary,
133 and final formats, received and held by counties,
134 municipalities, and other governmental agencies which depict the
135 structural elements of 911, E911, NG911, or public safety radio
136 communication system infrastructure, structures, and facilities
137 are currently subject to release as public records upon request.
138 Similarly, geographical maps showing the present or proposed
139 locations of such 911, E911, NG911, or public safety radio
140 communication system infrastructure, structures, and facilities
141 which are in the possession of counties, municipalities, and

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

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167 terrorism. Consequently, the Legislature finds that it is a
168 public necessity to exempt such information from public records
169 and public meetings requirements to reduce exposure to security
170 threats and to protect the public.

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

172
173 -----

174 **T I T L E A M E N D M E N T**

175 Remove everything before the enacting clause and insert:
176 An act relating to a review under the Open Government
177 Sunset Review act; amending s. 119.071, F.S.;
178 expanding an exemption from public records
179 requirements for certain components of 911, E911, and
180 public safety radio communication systems to include
181 NG911 systems; extending the date for future
182 legislative review and repeal of the exemption;
183 amending s. 286.0113, F.S.; expanding an exemption
184 from public meetings requirements for certain portions
185 of meetings that would reveal certain components of
186 911, E911, and public safety radio communication
187 systems to include NG911 systems; extending the date
188 for future legislative review and repeal of the
189 exemption; providing a statement of public necessity;
190 providing an effective date.