

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [CS/HB 7009](#) [PCB GOS 25-04](#)

**TITLE:** OGSR/Public Safety Communication Systems

**SPONSOR(S):** Government Operations Subcommittee,  
Conerly

**COMPANION BILL:** [SB 7006](#)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Orig. Comm.: Government  
Operations](#)  
17 Y, 0 N



[Economic Infrastructure](#)  
15 Y, 0 N, As CS



[State Affairs](#)

## SUMMARY

### **Effect of the Bill:**

The bill reenacts existing public record and public meeting exemptions that protect from disclosure documents used in the planning, building, and maintenance of 911, E911, and other public safety radio communication system infrastructure and expands those exemptions to include NG911 system infrastructure.

### **Fiscal or Economic Impact:**

None.

### **Extraordinary Vote Required for Passage:**

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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## ANALYSIS

### **EFFECT OF THE BILL:**

Based on review of an existing public record exemption and a related public meeting exemption under the [Open Government Sunset Review Act](#) (OGSR Act), the bill reenacts those exemptions and expands them to protect from disclosure certain records and information related to the planning, building, and maintenance of [911, E911, NG911](#), or public safety radio communication system infrastructure.

Specifically, the bill reenacts and expands the existing [public record exemption](#) to exempt the following records from disclosure:

- 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, 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; and
- Geographical maps indicating the actual or proposed locations of 911, E911, NG911, or public safety radio communication system infrastructure, including towers, 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. (Section [1](#))

This information may be disclosed in three circumstances, provided that any entity who receives the information must maintain its exempt status. First, it may be disclosed to another governmental entity if necessary for the receiving entity to perform its duties and responsibilities. Second, it may be disclosed to a licensed architect, contractor, or engineer who is performing work on or related to the 911, E911, , NG911 or public safety radio

**STORAGE NAME:** h7009a.EIS

**DATE:** 3/26/2025

communication system infrastructure. Third, it may be disclosed upon a showing of good cause before a court of competent jurisdiction.

The bill expands the existing [public meeting exemption](#) to include any portion of a meeting that would reveal these protected records. (Section [2](#))

Pursuant to the OGSR Act, these exemptions will be automatically repealed October 2, 2030, unless reenacted by the Legislature. (Sections [1](#) and [2](#))

The bill includes the constitutionally required public necessity statement, in which the Legislature finds that expanding the current public record and meeting exemptions to include NG911 system infrastructure is a public necessity because information that reveals structural elements or locations of NG911 system infrastructure could be exploited by criminals or terrorists to plan, train for, and execute criminal actions, including cybercrime, arson, and terrorism, that would disrupt vital functionality of emergency communications systems. (Section [3](#))

The bill will become effective upon becoming law. (Section [4](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### **Public Records**

Article I, section 24(a) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person the right to inspect or copy any public record of the legislative, executive, and judicial branches of government.<sup>1</sup> The Legislature, however, may provide by general law for exemption<sup>2</sup> from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.<sup>3</sup>

The Florida Statutes also address the public policy regarding access to government records. Section [119.071\(1\), F.S.](#), guarantees every person the right to inspect and copy any state, county, or municipal record, unless the record is exempt.<sup>4</sup> Furthermore, the [Open Government Sunset Review Act](#) (OGSR)<sup>5</sup> provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.<sup>6</sup> An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protects trade or business secrets.<sup>7</sup>

The OGSR Act sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires the automatic repeal of an exemption on October 2<sup>nd</sup> of the fifth year after the creation or substantial amendment of the exemption, unless the Legislature reenacts the exemption.<sup>8</sup> If, in

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<sup>1</sup> Art. I, s. 24(a), Fla. Const.

<sup>2</sup> A public record exemption means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of s. [119.07\(1\), F.S.](#), or s. 24, art. I of the Florida Constitution. See s. [119.011\(8\), F.S.](#)

<sup>3</sup> Art. I, s. 24(c), Fla. Const.

<sup>4</sup> See s. [119.01, F.S.](#)

<sup>5</sup> S. [119.15, F.S.](#)

<sup>6</sup> S. [119.15\(6\)\(b\), F.S.](#)

<sup>7</sup> *Id.*

<sup>8</sup> S. [119.15\(3\), F.S.](#)

reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>9</sup>

### [911, E911, and NG911](#)

Since 1973, the state of Florida, in conjunction with Florida's counties, has funded technological advancements in statewide emergency number systems for emergency communications between citizens and visitors and emergency services.<sup>10</sup> Basic 911 service was established statewide in 1997.<sup>11</sup> In 2005, wireline enhanced 911 (E911) service was implemented in all of Florida's 67 counties to obtain a 911 caller's telephone number and address.<sup>12</sup>

In 2007, Florida's wireless 911 board transitioned to the E911 Board with the intent of implementing enhanced 911 services.<sup>13</sup> Phase I of the enhanced services provided call back numbers and the location of cell sites utilized for making the call into 911; Phase II provided location information for the actual cellular caller. These enhancements were completed March 31, 2008.<sup>14</sup> Currently, Florida's counties are working on technical, funding, and deployment issues in an effort to provide statewide text-to-911 services. As of February 2025, 64 of Florida's 67 counties offer text-to-911 service.<sup>15</sup>

Next Generation 911 (NG911) is the next iteration of emergency number services, allowing for the transmission and reception of voice, text, and data inputs, including photos and videos.<sup>16</sup> NG911 services are live in 35 Florida counties and under implementation in 22 other Florida counties.<sup>17</sup>

### **Existing Public Record and Meeting Exemptions**

In 2020, the Legislature created a [public record exemption](#) for specific records that identify the design, scope, and location of 911, E911, or public safety radio communication system infrastructure owned and operated by an agency.<sup>18</sup> Specifically, the public record exemption provides that the following records are exempt<sup>19</sup> from disclosure:

- Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency; and
- Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency.

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<sup>9</sup> [Art. I, s. 24\(c\), FLA. CONST.](#) Conversely, if the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.

<sup>10</sup> Department of Management Services, [Florida Emergency Communications Board](#) (last visited Mar. 14, 2025).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Department of Management Services, [Florida Text-to-911 Status \(by county\)](#) (last visited Mar. 14, 2025).

<sup>16</sup> Department of Management Services, [Next Generation 911](#), (last visited Mar. 26, 2025).

<sup>17</sup> Department of Management Services, [Florida Next Generation 911 Status \(by county\)](#) (last visited Mar. 26, 2025).

<sup>18</sup> [S. 119.071\(3\)\(e\), F.S.](#)

<sup>19</sup> There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So.3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04- 09 (2004).

The information may be disclosed in three circumstances, provided that any entity who receives the information must maintain its exempt status. First, it may be disclosed to another governmental entity if necessary for the receiving entity to perform its duties and responsibilities. Second, it may be disclosed to a licensed architect, contractor, or engineer who is performing work on or related to the 911, E911, or public safety radio communication system infrastructure. Third, it may be disclosed upon a showing of good cause before a court of competent jurisdiction.

The Legislature also created a [public meeting exemption](#) for any portion of a meeting that would reveal the protected records.<sup>20</sup> All portions of a public meeting that are exempted must be recorded and transcribed. The recordings and transcripts are confidential and exempt from disclosure as public records except to the extent that any portion of the recording or transcript is determined by a court of competent jurisdiction, upon review, to reveal nonexempt data.

The 2020 public necessity statement<sup>21</sup> provided that:

911, E911, and public safety radio communication facilities, including towers and antennae, are a vital link in the chain of survival. Such critical infrastructure must be protected as any disruption during an active shooter or other terror event is very likely to result in greater loss of life and property damage. To function properly, towers and antennae need to be visible, increasing the security risk of such facilities. Because architectural and engineering plans reviewed and held by counties, municipalities, and other government agencies include information about towers, equipment, ancillary facilities, critical systems, and restricted areas, 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 requirements to reduce exposure to security threats and protect the public.<sup>22</sup>

Pursuant to the OGSR Act, these exemptions will repeal on October 2, 2025, unless reenacted by the Legislature.

During the 2024 interim, House and Senate staff jointly sent a survey requesting information concerning the existing public record and public meeting exemptions to Florida’s counties, law enforcement agencies, and 911 dispatchers. A total of 54 responses were received with the vast majority indicating that the exemptions be reenacted as is.

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<sup>20</sup> [S. 286.0113\(4\), F.S.](#)

<sup>21</sup> [Art. I, s. 24\(c\), FLA. CONST.](#), requires each public record exemption to “state with specificity the public necessity justifying the exemption.”

<sup>22</sup> [Ch. 2020-13, L.O.F.](#)

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Orig. Comm.: Government Operations Subcommittee</a>	17 Y, 0 N	3/18/2025	Toliver	Lines
<a href="#">Economic Infrastructure Subcommittee</a>	15 Y, 0 N, As CS	3/25/2025	Keating	Keating
THE CHANGES ADOPTED BY THE COMMITTEE:	Expanded existing public record and public meeting exemptions that protect from disclosure documents used in the planning, building, and maintenance of 911, E911, and other public safety radio communication system infrastructure to include NG911 system infrastructure.			
<a href="#">State Affairs Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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