

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

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

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20 **Section 1. Paragraph (e) of subsection (3) of section**
21 **119.071, Florida Statutes, is amended to read:**

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

24 (3) SECURITY AND FIRESAFETY.—

25 (e)1.a. Building plans, blueprints, schematic drawings,

26 and diagrams, including draft, preliminary, and final formats,
27 which depict the structural elements of 911, E911, NG911, or
28 public safety radio communication system infrastructure,
29 including towers, antennas ~~antennae~~, equipment or facilities
30 used to provide 911, E911, NG911, or public safety radio
31 communication services, or other 911, E911, NG911, or public
32 safety radio communication structures or facilities owned and
33 operated by an agency are exempt from s. 119.07(1) and s. 24(a),
34 Art. I of the State Constitution.

35 b. Geographical maps indicating the actual or proposed
36 locations of 911, E911, NG911, or public safety radio
37 communication system infrastructure, including towers, antennas
38 ~~antennae~~, equipment or facilities used to provide 911, E911,
39 NG911, or public safety radio services, or other 911, E911,
40 NG911, or public safety radio communication structures or
41 facilities owned and operated by an agency are exempt from s.
42 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

51 communication system infrastructure or other 911, E911, NG911,
52 or public safety radio communication structures or facilities
53 owned and operated by an agency, before, on, or after the
54 effective date of this act.

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

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

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

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

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

72 5. For purposes of this paragraph, the term "public safety
73 radio" is defined as the means of communication between and
74 among 911 public safety answering points, dispatchers, and first
75 responder agencies using those portions of the radio frequency

76 spectrum designated by the Federal Communications Commission
 77 under 47 C.F.R. part 90 for public safety purposes.

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

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

84 286.0113 General exemptions from public meetings.—

85 (4) (a) Any portion of a meeting that would reveal building
 86 plans, blueprints, schematic drawings, or diagrams, including
 87 draft, preliminary, and final formats, which depict the
 88 structural elements of 911, E911, NG911, or public safety radio
 89 communication system infrastructure, including towers, antennas
 90 ~~antennae~~, equipment or facilities used to provide 911, E911,
 91 NG911, or public safety radio communication services, or other
 92 911, E911, NG911, or public safety radio communication
 93 structures or facilities made exempt by s. 119.071(3)(e)1.a. is
 94 exempt from s. 286.011 and s. 24, Art. I of the State
 95 Constitution.

96 (b) Any portion of a meeting that would reveal
 97 geographical maps indicating the actual or proposed locations of
 98 911, E911, NG911, or public safety radio communication system
 99 infrastructure, including towers, antennas ~~antennae~~, equipment
 100 or facilities used to provide 911, E911, NG911, or public safety

101 radio communication services, or other 911, E911, NG911, or
102 public safety radio communication structures or facilities made
103 exempt by s. 119.071(3)(e)1.b. is exempt from s. 286.011 and s.
104 24, Art. I of the State Constitution.

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

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

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

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

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

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

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