1 A bill to be entitled 2 An act relating to public records; amending s. 3 119.071, F.S.; providing an exemption from public 4 records requirements for video and audio recordings 5 from a security system camera included in a security 6 system plan held by an agency; providing an exemption 7 from public records requirements for video and audio recordings from a security system camera for property 8 9 owned or leased by, or in the possession of, certain 10 entities; providing criteria for disclosure of such confidential and exempt information; providing for 11 12 future legislative review and repeal of the exemptions; repealing s. 281.301, F.S., relating to 13 14 exemptions from public records and public meeting 15 requirements for information relating to certain 16 security systems; providing a statement of public 17 necessity; providing an effective date. 18 19 Be It Enacted by the Legislature of the State of Florida: 20 21 Section 1. Paragraph (a) of subsection (3) of section 22 119.071, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read: 23 24 119.071 General exemptions from inspection or copying of 25 public records.-26 (3) SECURITY.-Page 1 of 6

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27 (a)1. As used in this paragraph, the term "security system plan" includes all: 28 29 Records, information, photographs, audio and visual a. 30 presentations, schematic diagrams, surveys, recommendations, 31 video or audio recordings from a security system camera, or 32 consultations or portions thereof relating directly to the 33 physical security of the facility or revealing security systems; 34 b. Threat assessments conducted by any agency or any 35 private entity; Threat response plans; 36 с. 37 Emergency evacuation plans; d. 38 Sheltering arrangements; or e. Manuals for security personnel, emergency equipment, or 39 f. 40 security training. 41 A security system plan or portion thereof for: 2. 42 Any property owned by or leased to the state or any of a. 43 its political subdivisions; or 44 Any privately owned or leased property b. 45 46 held by an agency is confidential and exempt from s. 119.07(1) 47 and s. 24(a), Art. I of the State Constitution. This exemption 48 is remedial in nature, and it is the intent of the Legislature that this exemption apply to security system plans held by an 49 agency before, on, or after the effective date of this 50 51 paragraph. 52 3. Information made confidential and exempt by this Page 2 of 6

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53	paragraph may be disclosed by the custodian of public records
54	to:
55	a. To the property owner or leaseholder; or
56	b. To another state or federal agency to prevent, detect,
57	guard against, respond to, investigate, or manage the
58	consequences of any attempted or actual act of terrorism <u>or</u>
59	criminal act, or to prosecute those persons who are responsible
60	for such attempts or acts <u>;</u>
61	c. In furtherance of an agency's official duties and
62	responsibilities;
63	d. To another governmental agency in furtherance of its
64	official duties and responsibilities; or
65	e. Upon a showing of good cause before a court of
66	competent jurisdiction.
67	4. The public records exemption provided by this paragraph
68	for video and audio recordings from a security system camera
69	included in a security system plan is subject to the Open
70	Government Sunset Review Act in accordance with s. 119.15 and
71	shall stand repealed on October 2, 2021, unless reviewed and
72	saved from repeal through reenactment by the Legislature.
73	(d)1. Video or audio recordings from a security system
74	camera for any property owned by or leased to the state or any
75	of its political subdivisions, and for any privately owned or
76	leased property which is in the possession of any agency as
77	defined in s. 119.011(2), are confidential and exempt from s.
78	119.07(1) and s. 24(a), Art. I of the State Constitution. It is

Page 3 of 6

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79	the intent of the Legislature that this exemption apply to video
80	and audio recordings held by an agency before, on, or after the
81	effective date of this paragraph.
82	2. Information made confidential and exempt by this
83	paragraph may be disclosed:
84	a. To the property owner or leaseholder;
85	b. To another state or federal agency to prevent, detect,
86	guard against, respond to, investigate, or manage the
87	consequences of any attempted or actual act of terrorism or
88	criminal act, or to prosecute those persons who are responsible
89	for such attempts or acts;
90	c. In furtherance of an agency's official duties and
91	responsibilities;
92	d. To another governmental entity if disclosure is
93	necessary for the receiving entity to perform its duties and
94	responsibilities; or
95	e. Upon a showing of good cause before a court of
96	competent jurisdiction.
97	3. This paragraph is subject to the Open Government Sunset
98	Review Act in accordance with s. 119.15 and shall stand repealed
99	on October 2, 2021, unless reviewed and saved from repeal
100	through reenactment by the Legislature.
101	Section 2. Section 281.301, Florida Statutes, is repealed.
102	Section 3. The Legislature finds that it is a public
103	necessity that the video and audio recordings from a security
104	system camera in a security system plan and video or audio
	Page 4 of 6

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105	recordings from a security system camera for any property owned
106	by or leased to the state or any of its political subdivisions,
107	and for any privately owned or leased property which is in the
108	possession of any agency, be made confidential and exempt from
109	s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
110	State Constitution. The Legislature recognizes that sensitive
111	information is captured on a security system camera. The
112	exemption for video and audio recordings from a security system
113	camera in a security system plan and the exemption for video or
114	audio recordings from a security system camera for any property
115	owned by or leased to the state or any of its political
116	subdivisions, and for any privately owned or leased property
117	which is in the possession of any agency, provides for the
118	protection of an individual's privacy of actions or words which
119	may be sensitive in nature. The exemptions allow for the
120	efficient and effective provision of security and surveillance
121	while maintaining confidentiality of the coverage and technical
122	aspects of the system which, if revealed, would make it easier
123	for individuals to evade detection by the security system. The
124	Legislature accordingly finds that it is a public necessity to
125	prohibit the disclosure of video and audio recordings from a
126	security system camera in a security system plan and video or
127	audio recordings from a security system camera for any property
128	owned by or leased to the state or any of its political
129	subdivisions, and for any privately owned or leased property
130	which is in the possession of any agency.
	Page 5 of 6

Page 5 of 6

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

HB 869

131

 Pa	age 6 of 6

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