

By Representative Gelber

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 119.071, F.S.; providing an
4 exemption from public records requirements for
5 a security system plan or portion thereof;
6 creating s. 286.0113, F.S.; providing an
7 exemption from public meeting requirements for
8 those portions of any meeting which would
9 reveal a security system plan or portion
10 thereof which is confidential and exempt under
11 this act; providing for future review and
12 repeal; providing a statement of public
13 necessity; providing an effective date.

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

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17 Section 1. Section 119.071, Florida Statutes, is
18 created to read:

19 119.071 General exemptions from inspection or copying
20 of public records.--A security system plan or portion thereof
21 for:

22 (1) Any property owned by or leased to the state or
23 any of its political subdivisions; or

24 (2) Any privately owned or leased property,

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26 which plan or portion thereof is in the possession of any
27 agency, as defined in s. 119.011, is confidential and exempt
28 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
29 the State Constitution. As used in this section, the term
30 "security system plan" includes all records, information,
31 photographs, audio and visual presentations, schematic

1 diagrams, surveys, recommendations, or consultations or
2 portions thereof relating directly to or revealing security
3 systems; threat assessments conducted by any agency as defined
4 in s. 119.011 or any private entity; threat response plans;
5 emergency evacuation plans; sheltering arrangements; or
6 manuals for security personnel, emergency equipment, or
7 security training. This section is subject to the Open
8 Government Sunset Review Act of 1995, in accordance with s.
9 119.15, and shall stand repealed on October 2, 2007, unless
10 reviewed and saved from repeal through reenactment by the
11 Legislature.

12 Section 2. Section 286.0113, Florida Statutes, is
13 created to read:

14 286.0113 General exemptions from public
15 meetings.--Those portions of any meeting which would reveal a
16 security system plan or portion thereof made confidential and
17 exempt by s. 119.071(1) are exempt from the provisions of s.
18 286.011 and s. 24(b), Art. I of the State Constitution. This
19 section is subject to the Open Government Sunset Review Act of
20 1995, in accordance with s. 119.15, and shall stand repealed
21 on October 2, 2007, unless reviewed and saved from repeal
22 through reenactment by the Legislature.

23 Section 3. The Legislature finds that the exemption
24 from public records and public meetings requirements provided
25 by this act is a public necessity because security system
26 plans contain components that address safety issues for public
27 and private property on which public business is conducted and
28 address the security of private property on which a large
29 segment of the public relies. The public relies on radio and
30 television towers, telephone and cable lines, power plants and
31 grids, oil and gas pipelines, and many types of privately

1 owned infrastructure to provide necessary services. To
2 coordinate the response of the public sector and the private
3 sector in an emergency, such as an act of terrorism, public
4 agencies must be able to review security system plans for
5 public and private property. If the information in security
6 system plans is available for inspection and copying,
7 terrorists could use this information to hamper or disable
8 emergency response preparedness, thereby increasing injuries
9 and fatalities. Although some skill would be required to use
10 such information to further an act of terrorism, ample
11 evidence exists of the capabilities of terrorists to conduct
12 complicated acts of terrorism. The September 11, 2001, attack
13 on the World Trade Center and the Pentagon, as well as the
14 intentional spread of anthrax in this country and state, which
15 resulted in the death of one Floridian, provide evidence that
16 such capabilities exist. These events also have shown the
17 importance of a coordinated response to acts of terrorism and
18 the need for the review of public and private security system
19 plans. Consequently, the Legislature finds that security
20 system plans and meetings related thereto must be kept exempt
21 and confidential.

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

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LEGISLATIVE SUMMARY

Provides an exemption from public records requirements for a security system plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions, and for such a plan for any privately owned or leased property which is in the possession of a state agency. Provides an exemption from public meeting requirements for those portions of any meeting which would reveal a security system plan or portion thereof which is confidential and exempt under this act. Provides for future review and repeal. Provides a statement of public necessity.