

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1809 (PCB SA 03-29) Public Records Exemption/Security System Plans
SPONSOR(S): State Administration and Mack
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1182

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>State Administration</u>	<u>6 Y, 0 N</u>	<u>Williamson</u>	<u>Everhart</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Current law provides a public records exemption for a security system plan for any property owned by or leased to the state, or any privately owned or leased property. The law also provides for exceptions to the exemption.

This bill expands the list of exceptions to include the property owner or leaseholder who requests the security system plan. This bill also repeals a duplicative public records exemption for such information and a duplicative public meetings exemption wherein such plans are discussed.

This bill does not appear to have a fiscal impact on state or local government.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1809.sa.doc
DATE: April 3, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain: Not applicable.

B. EFFECT OF PROPOSED CHANGES:

Background

Section 119.071, F.S., provides a public records exemption for a security system plan¹ for any property owned by or leased to the state, or any privately owned or leased property, in the possession of an agency. The law also provides an exception to the exemption for another state or federal agency under certain circumstances, for example, to prevent, detect, or guard against any attempted or actual act of terrorism.

Section 281.301, F.S., also provides a duplicative public records exemption for such plans, but does not provide for exceptions to the exemption. The law also provides a duplicative public meetings exemption for meetings wherein such confidential and exempt plans are discussed.²

Effect of Bill

This bill amends s. 119.071, F.S., to allow the property owner or leaseholder who has requested a confidential and exempt security system plan to have access to such plan. This bill also repeals s. 281.301, F.S., which contains a more stringent public records exemption for such plans and a public meetings exemption for discussions of such plans.

C. SECTION DIRECTORY:

Section 1. Amends s. 119.071, F.S., allowing a property owner or leaseholder to have access to a requested security plan.

Section 2. Repeals s. 281.301, F.S., removing a duplicative public records and public meetings exemption.

Section 3. Provides an effective date of upon becoming law.

¹ A "security system plan" includes all records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems; threat assessments conducted by an agency or private entity; threat response plans; emergency evacuation plans; sheltering arrangements; or manuals for security personnel, emergency equipment, or security training. Section 119.071, F.S.

² Section 286.0113, F.S., provides a public meetings exemption for meetings wherein information made confidential and exempt pursuant to s. 119.071, F.S., is discussed.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable. This bill does not affect municipal or county government.
2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.