

By Senator Hays

11-00855A-16

20161004__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; expanding the items in a security
4 system plan to include certain video or audio
5 recordings; providing an exemption from public records
6 requirements for video and audio recordings from a
7 security system camera for properties owned or leased
8 by, or in the possession of, certain entities;
9 providing criteria for disclosure of such confidential
10 and exempt information; providing for future
11 legislative review and repeal of the exemption under
12 the Open Government Sunset Review Act; repealing s.
13 281.301, F.S., relating to security systems and
14 records and meetings exempt from public access or
15 disclosure; providing legislative findings and a
16 statement of public necessity; providing an effective
17 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
23 added to that subsection, to read:

24 119.071 General exemptions from inspection or copying of
25 public records.—

26 (3) SECURITY.—

27 (a)1. As used in this paragraph, the term "security system
28 plan" includes all:

29 a. Records, information, photographs, audio and visual

11-00855A-16

20161004__

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;

36 c. Threat response plans;

37 d. Emergency evacuation plans;

38 e. Sheltering arrangements; or

39 f. Manuals for security personnel, emergency equipment, or
40 security training.

41 2. A security system plan or portion thereof for:

42 a. Any property owned by or leased to the state or any of
43 its political subdivisions; or

44 b. Any privately owned or leased property

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
49 that this exemption apply to security system plans held by an
50 agency before, on, or after the effective date of this
51 paragraph.

52 3. Information made confidential and exempt by this
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 or

11-00855A-16

20161004__

59 criminal act, or to prosecute those persons who are responsible
60 for such attempts or acts;

61 c. In furtherance of an agency's official duties and
62 responsibilities;

63 d. To another governmental agency in the furtherance of its
64 official duties and responsibilities; or

65 e. Upon a showing of good cause before a court of competent
66 jurisdiction.

67 (d)1. Video or audio recordings from a security system
68 camera for any property owned by or leased to the state or any
69 of its political subdivisions, and for any privately owned or
70 leased property which is in the possession of any agency as
71 defined in s. 119.011(2), are confidential and exempt from s.
72 119.07(1) and s. 24(a), Art. I of the State Constitution. It is
73 the intent of the Legislature that this exemption apply to video
74 and audio recordings held by an agency before, on, or after the
75 effective date of this paragraph.

76 2. Information made confidential and exempt by this
77 paragraph may be disclosed:

78 a. To the property owner or leaseholder;

79 b. To another state or federal agency to prevent, detect,
80 guard against, respond to, investigate, or manage the
81 consequences of any attempted or actual act of terrorism or
82 criminal act, or to prosecute those persons who are responsible
83 for such attempts or acts;

84 c. In furtherance of an agency's official duties and
85 responsibilities;

86 d. To another governmental entity if disclosure is
87 necessary for the receiving entity to perform its duties and

11-00855A-16

20161004__

88 responsibilities; or

89 e. Upon a showing of good cause before a court of competent
90 jurisdiction.

91 3. This paragraph is subject to the Open Government Sunset
92 Review Act in accordance with s. 119.15 and shall stand repealed
93 on October 2, 2021, unless reviewed and saved from repeal
94 through reenactment by the Legislature.

95 Section 2. Section 281.301, Florida Statutes, is repealed.

96 Section 3. (1) The Legislature finds that it is a public
97 necessity that the video and audio recordings from a security
98 system camera be made confidential and exempt from s. 119.07(1),
99 Florida Statutes, and s. 24(a), Art. I of the State
100 Constitution.

101 (2) The Legislature recognizes that sensitive information
102 is captured on a security system camera; however, government
103 entities must be able to review and release the video and audio
104 captured on these cameras in order to ensure public safety and
105 in furtherance of statutory duties.

106 (3) The Legislature finds that video and audio recorded by
107 a security system camera should be disclosed to another state or
108 federal agency to prevent, detect, guard against, respond to,
109 investigate, or manage the consequences of any attempted or
110 actual act of terrorism or criminal act, or to prosecute those
111 persons who are responsible for such attempts or acts.

112 (4) The Legislature also finds that, in certain instances,
113 video and audio recorded by a security system camera may be
114 disclosed to the public. In these instances, the court, upon a
115 showing of good cause, may issue an order authorizing any person
116 to view or copy video and audio from a security system camera

11-00855A-16

20161004__

117 and may prescribe any restrictions or stipulations that the
118 court deems appropriate. In determining good cause, the court
119 shall consider whether such disclosure is necessary for the
120 public evaluation of governmental performance.

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