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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/15/2018	.	
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The Committee on Rules (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (3) of section
119.071, Florida Statutes, is amended to read:

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

(3) SECURITY AND FIRESAFETY.—

(a)1. As used in this paragraph, the term “security or
firesafety system plan” includes all:



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- 12 a. Records, information, photographs, audio and visual
13 presentations, schematic diagrams, surveys, recommendations, or
14 consultations or portions thereof relating directly to the
15 physical security or firesafety of the facility or revealing
16 security or firesafety systems;
- 17 b. Threat assessments conducted by any agency or any
18 private entity;
- 19 c. Threat response plans;
- 20 d. Emergency evacuation plans;
- 21 e. Sheltering arrangements; or
- 22 f. Manuals for security or firesafety personnel, emergency
23 equipment, or security or firesafety training.
- 24 2. A security or firesafety system plan or portion thereof
25 for:
- 26 a. Any property owned by or leased to the state or any of
27 its political subdivisions; or
- 28 b. Any privately owned or leased property
29
- 30 held by an agency is confidential and exempt from s. 119.07(1)
31 and s. 24(a), Art. I of the State Constitution. This exemption
32 is remedial in nature, and it is the intent of the Legislature
33 that this exemption apply to security or firesafety system plans
34 held by an agency before, on, or after the effective date of
35 this paragraph. This paragraph is subject to the Open Government
36 Sunset Review Act in accordance with s. 119.15 and shall stand
37 repealed on October 2, 2023, unless reviewed and saved from
38 repeal through reenactment by the Legislature.
- 39 3. Information made confidential and exempt by this
40 paragraph may be disclosed:



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- 41 a. To the property owner or leaseholder;
42 b. In furtherance of the official duties and
43 responsibilities of the agency holding the information;
44 c. To another local, state, or federal agency in
45 furtherance of that agency's official duties and
46 responsibilities; or
47 d. Upon a showing of good cause before a court of competent
48 jurisdiction.

49 Section 2. Subsection (1) of section 281.301, Florida
50 Statutes, is amended to read:

51 281.301 Security and firesafety systems; records and
52 meetings exempt from public access or disclosure.—

53 (1) Information relating to the security or firesafety
54 systems for any property owned by or leased to the state or any
55 of its political subdivisions, and information relating to the
56 security or firesafety systems for any privately owned or leased
57 property which is in the possession of any agency as defined in
58 s. 119.011(2), including all records, information, photographs,
59 audio and visual presentations, schematic diagrams, surveys,
60 recommendations, or consultations or portions thereof relating
61 directly to or revealing such systems or information is
62 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
63 of the State Constitution, and any portion of a meeting ~~all~~
64 ~~meetings~~ relating directly to or that would reveal such systems
65 or information is ~~are confidential and~~ exempt from s. 286.011
66 and s. 24(b), Art. I of the State Constitution, ~~ss. 119.07(1)~~
67 ~~and 286.011~~ and other laws and rules requiring public access or
68 disclosure. This subsection is subject to the Open Government
69 Sunset Review Act in accordance with s. 119.15 and shall stand



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70 repealed on October 2, 2023, unless reviewed and saved from
71 repeal through reenactment by the Legislature.

72 Section 3. Subsection (1) of section 286.0113, Florida
73 Statutes, is amended to read:

74 286.0113 General exemptions from public meetings.—

75 (1) That portion of a meeting that would reveal a security
76 or firesafety system plan or portion thereof made confidential
77 and exempt by s. 119.071(3) (a) is exempt from s. 286.011 and s.
78 24(b), Art. I of the State Constitution. This subsection is
79 subject to the Open Government Sunset Review Act in accordance
80 with s. 119.15 and shall stand repealed on October 2, 2023,
81 unless reviewed and saved from repeal through reenactment by the
82 Legislature.

83 Section 4. (1) The Legislature finds that it is a public
84 necessity that:

85 (a) Firesafety system plans held by an agency be made
86 confidential and exempt from s. 119.07(1), Florida Statutes, and
87 s. 24(a), Art. I of the State Constitution.

88 (b) Information relating to firesafety systems for any
89 property owned by or leased to the state or any of its political
90 subdivisions or which is in the possession of an agency be made
91 confidential and exempt from s. 119.07(1), Florida Statutes, and
92 s. 24(a), Art. I of the State Constitution, and any portion of a
93 meeting relating directly to or that would reveal such systems
94 or information be made exempt from s. 286.011, Florida Statutes,
95 and s. 24(b), Art. I of the State Constitution.

96 (c) Any portion of a meeting revealing firesafety system
97 plans held by an agency be made exempt from s. 286.011, Florida
98 Statutes, and s. 24(b), Art. I of the State Constitution.



99 (2) As firesafety systems become more connected and
100 integrated with security systems, this connectivity and
101 integration exposes such systems to threats intended to disable
102 their operation. Disabling a firesafety system could impact the
103 safety of individuals within the building and the integrity of
104 the building's security system. Maintaining safe and reliable
105 firesafety systems is vital to protecting the public health and
106 safety and ensuring the economic well-being of the state.
107 Disclosure of sensitive information relating to firesafety
108 systems could result in identification of vulnerabilities in
109 such systems and allow a security breach that could damage
110 firesafety systems and disrupt their safe and reliable
111 operation, adversely impacting the public health and safety and
112 economic well-being of the state. Because of the interconnected
113 nature of firesafety and security systems, such a security
114 breach may also impact security systems. As a result, the
115 Legislature finds that the public and private harm in disclosing
116 the information made confidential and exempt by this act
117 outweighs any public benefit derived from the disclosure of such
118 information. The protection of information made confidential and
119 exempt by this act will ensure that firesafety systems are
120 better protected against security threats and will bolster
121 efforts to develop more resilient firesafety systems. Therefore,
122 the Legislature finds that it is a public necessity to make
123 firesafety system plans held by an agency and information
124 relating to firesafety systems for certain properties exempt
125 from public records and public meetings requirements.

126 (3) The Legislature further finds that these public records
127 exemptions must be given retroactive application because they



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128 are remedial in nature.

129 Section 5. This act shall take effect upon becoming a law.

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131 ===== T I T L E A M E N D M E N T =====

132 And the title is amended as follows:

133 Delete everything before the enacting clause

134 and insert:

135 A bill to be entitled

136 An act relating to public records and public meetings;

137 amending s. 119.071, F.S.; providing an exemption from

138 public records requirements for firesafety system

139 plans held by an agency; providing for future

140 legislative review and repeal; amending s. 281.301,

141 F.S.; providing an exemption from public records and

142 public meetings requirements for information relating

143 to firesafety systems for certain properties and

144 meetings relating to such systems and information;

145 providing for future legislative review and repeal;

146 amending s. 286.0113, F.S.; providing an exemption

147 from public meetings requirements for portions of

148 meetings that would reveal firesafety system plans

149 held by an agency; providing for future legislative

150 review and repeal; providing a statement of public

151 necessity; providing for retroactive application;

152 providing an effective date.