

By Senator Perry

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 amending s. 119.071, F.S.; providing an exemption from
4 public records requirements for firesafety system
5 plans held by an agency; amending s. 281.301, F.S.;
6 providing an exemption from public records and public
7 meetings requirements for information relating to
8 firesafety systems for certain properties and meetings
9 relating to such systems and information; amending s.
10 286.0113, F.S.; providing an exemption from public
11 meetings requirements for portions of meetings that
12 would reveal firesafety system plans held by an
13 agency; providing for retroactive application;
14 providing for future legislative review and repeal of
15 the exemptions; providing a statement of public
16 necessity; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Paragraph (a) of subsection (3) of section
21 119.071, Florida Statutes, is amended to read:

22 119.071 General exemptions from inspection or copying of
23 public records.—

24 (3) SECURITY AND FIRESAFETY.—

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

27 a. Records, information, photographs, audio and visual
28 presentations, schematic diagrams, surveys, recommendations, or
29 consultations or portions thereof relating directly to the

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30 physical security or firesafety of the facility or revealing
31 security or firesafety systems;

32 b. Threat assessments conducted by any agency or any
33 private entity;

34 c. Threat response plans;

35 d. Emergency evacuation plans;

36 e. Sheltering arrangements; or

37 f. Manuals for security or firesafety personnel, emergency
38 equipment, or security or firesafety training.

39 2. A security or firesafety system plan or portion thereof
40 for:

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

43 b. Any privately owned or leased property

44
45 held by an agency is confidential and exempt from s. 119.07(1)
46 and s. 24(a), Art. I of the State Constitution. This exemption
47 is remedial in nature, and it is the intent of the Legislature
48 that this exemption apply to security or firesafety system plans
49 held by an agency before, on, or after the effective date of
50 this paragraph. This paragraph is subject to the Open Government
51 Sunset Review Act in accordance with s. 119.15 and shall stand
52 repealed on October 2, 2023, unless reviewed and saved from
53 repeal through reenactment by the Legislature.

54 3. Information made confidential and exempt by this
55 paragraph may be disclosed:

56 a. To the property owner or leaseholder;

57 b. In furtherance of the official duties and
58 responsibilities of the agency holding the information;

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59 c. To another local, state, or federal agency in
60 furtherance of that agency's official duties and
61 responsibilities; or

62 d. Upon a showing of good cause before a court of competent
63 jurisdiction.

64 Section 2. Section 281.301, Florida Statutes, is amended to
65 read:

66 281.301 Security and firesafety systems; records and
67 meetings exempt from public access or disclosure.-

68 (1) Information relating to the security or firesafety
69 systems for any property owned by or leased to the state or any
70 of its political subdivisions, and information relating to the
71 security or firesafety systems for any privately owned or leased
72 property which is in the possession of any agency as defined in
73 s. 119.011(2), including all records, information, photographs,
74 audio and visual presentations, schematic diagrams, surveys,
75 recommendations, or consultations or portions thereof relating
76 directly to or revealing such systems or information is
77 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
78 of the State Constitution, and any portion of a meeting ~~all~~
79 ~~meetings~~ relating directly to or that would reveal such systems
80 or information is ~~are~~ confidential and exempt from s. 286.011
81 and s. 24(b), Art. I of the State Constitution, ~~ss. 119.07(1)~~
82 ~~and 286.011~~ and other laws and rules requiring public access or
83 disclosure. This subsection is subject to the Open Government
84 Sunset Review Act in accordance with s. 119.15 and shall stand
85 repealed on October 2, 2023, unless reviewed and saved from
86 repeal through reenactment by the Legislature.

87 (2) Information made confidential and exempt by this

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88 section may be disclosed:

89 (a) To the property owner or leaseholder;

90 (b) In furtherance of the official duties and
91 responsibilities of the agency holding the information;

92 (c) To another local, state, or federal agency in
93 furtherance of that agency's official duties and
94 responsibilities; or

95 (d) Upon a showing of good cause before a court of
96 competent jurisdiction.

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

99 286.0113 General exemptions from public meetings.—

100 (1) That portion of a meeting that would reveal a security
101 or firesafety system plan or portion thereof made confidential
102 and exempt by s. 119.071(3)(a) is exempt from s. 286.011 and s.
103 24(b), Art. I of the State Constitution. This subsection is
104 subject to the Open Government Sunset Review Act in accordance
105 with s. 119.15 and shall stand repealed on October 2, 2023,
106 unless reviewed and saved from repeal through reenactment by the
107 Legislature.

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

110 (a) Firesafety system plans held by an agency be made
111 confidential and exempt from s. 119.07(1), Florida Statutes, and
112 s. 24(a), Article I of the State Constitution.

113 (b) Information relating to firesafety systems for any
114 property owned by or leased to the state or any of its political
115 subdivisions or which is in the possession of an agency be made
116 confidential and exempt from s. 119.07(1), Florida Statutes, and

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117 s. 24(a), Article I of the State Constitution, and any portion
118 of a meeting relating directly to or that would reveal such
119 systems or information be made confidential and exempt from s.
120 286.011, Florida Statutes, and s. 24(b), Article I of the State
121 Constitution.

122 (c) Any portion of a meeting revealing firesafety system
123 plans held by an agency be made confidential and exempt from s.
124 286.011, Florida Statutes, and s. 24(b), Article I of the State
125 Constitution.

126 (2) As firesafety systems become more connected and
127 integrated with security systems, this connectivity and
128 integration exposes such systems to threats intended to disable
129 their operation. Disabling a firesafety system could impact the
130 safety of individuals within the building and the integrity of
131 the building's security system. Maintaining safe and reliable
132 firesafety systems is vital to protecting the public health and
133 safety and ensuring the economic well-being of the state.
134 Disclosure of sensitive information relating to firesafety
135 systems could result in identification of vulnerabilities in
136 such systems and allow a security breach that could damage
137 firesafety systems and disrupt their safe and reliable
138 operation, adversely impacting the public health and safety and
139 economic well-being of the state. Because of the interconnected
140 nature of firesafety and security systems, such a security
141 breach may also impact security systems. As a result, the
142 Legislature finds that the public and private harm in disclosing
143 the information made exempt by this act outweighs any public
144 benefit derived from the disclosure of such information. The
145 protection of information made exempt by this act will ensure

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146 that firesafety systems are better protected against security
147 threats and will bolster efforts to develop more resilient
148 firesafety systems. Therefore, the Legislature finds that it is
149 a public necessity to make firesafety system plans held by an
150 agency and information relating to firesafety systems for
151 certain properties exempt from public records and public
152 meetings requirements.

153 (3) The Legislature further finds that these public
154 meetings and public records exemptions must be given retroactive
155 application because they are remedial in nature.

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