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1
2 An act relating to public records and meetings;
3 amending s. 119.071, F.S.; providing an exemption from
4 public records requirements for certain documents
5 which depict the structural elements of certain 911,
6 E911, or public safety radio communication system
7 infrastructure, structures, or facilities; providing
8 an exemption from public records requirements for
9 geographical maps indicating the actual or proposed
10 locations of certain 911, E911, or public safety radio
11 communication system infrastructure, structures, or
12 facilities; providing for retroactive application;
13 authorizing disclosure under certain circumstances;
14 defining the term "public safety radio"; providing for
15 future legislative review and repeal of the
16 exemptions; amending s. 286.0113, F.S.; providing an
17 exemption from public meetings requirements for
18 portions of meetings that would reveal certain
19 documents depicting the structural elements of certain
20 911, E911, or public safety radio communication system
21 infrastructure, structures, or facilities, or
22 geographical maps indicating the locations or proposed
23 locations of certain 911, E911, or public safety radio
24 communication system infrastructure, structures, or
25 facilities; requiring the recording and transcription
26 of exempt portions of such meetings; providing an
27 exemption from public records requirements for such
28 recordings and transcripts; providing an exception;
29 defining the term "public safety radio"; providing for

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30 future legislative review and repeal of the exemption;
31 providing a statement of public necessity; providing
32 an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Paragraph (e) is added to subsection (3) of
37 section 119.071, Florida Statutes, to read:

38 119.071 General exemptions from inspection or copying of
39 public records.—

40 (3) SECURITY AND FIRESAFETY.—

41 (e)1.a. Building plans, blueprints, schematic drawings, and
42 diagrams, including draft, preliminary, and final formats, which
43 depict the structural elements of 911, E911, or public safety
44 radio communication system infrastructure, including towers,
45 antennae, equipment or facilities used to provide 911, E911, or
46 public safety radio communication services, or other 911, E911,
47 or public safety radio communication structures or facilities
48 owned and operated by an agency are exempt from s. 119.07(1) and
49 s. 24(a), Art. I of the State Constitution.

50 b. Geographical maps indicating the actual or proposed
51 locations of 911, E911, or public safety radio communication
52 system infrastructure, including towers, antennae, equipment or
53 facilities used to provide 911, E911, or public safety radio
54 services, or other 911, E911, or public safety radio
55 communication structures or facilities owned and operated by an
56 agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the
57 State Constitution.

58 2. This exemption applies to building plans, blueprints,

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59 schematic drawings, and diagrams, including draft, preliminary,
60 and final formats, which depict the structural elements of 911,
61 E911, or public safety radio communication system infrastructure
62 or other 911, E911, or public safety radio communication
63 structures or facilities owned and operated by an agency, and
64 geographical maps indicating actual or proposed locations of
65 911, E911, or public safety radio communication system
66 infrastructure or other 911, E911, or public safety radio
67 communication structures or facilities owned and operated by an
68 agency, before, on, or after the effective date of this act.

69 3. Information made exempt by this paragraph may be
70 disclosed:

71 a. To another governmental entity if disclosure is
72 necessary for the receiving entity to perform its duties and
73 responsibilities;

74 b. To a licensed architect, engineer, or contractor who is
75 performing work on or related to the 911, E911, or public safety
76 radio communication system infrastructure, including towers,
77 antennae, equipment or facilities used to provide 911, E911, or
78 public safety radio communication services, or other 911, E911,
79 or public safety radio communication structures or facilities
80 owned and operated by an agency; or

81 c. Upon a showing of good cause before a court of competent
82 jurisdiction.

83 4. The entities or persons receiving such information must
84 maintain the exempt status of the information.

85 5. For purposes of this paragraph, the term "public safety
86 radio" is defined as the means of communication between and
87 among 911 public safety answering points, dispatchers, and first

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88 responder agencies using those portions of the radio frequency
89 spectrum designated by the Federal Communications Commission
90 under 47 C.F.R. 90 for public safety purposes.

91 6. 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, 2025, unless reviewed and saved from repeal
94 through reenactment by the Legislature.

95 Section 2. Subsection (4) is added to section 286.0113,
96 Florida Statutes, to read:

97 286.0113 General exemptions from public meetings.—

98 (4) (a) Any portion of a meeting that would reveal building
99 plans, blueprints, schematic drawings, or diagrams, including
100 draft, preliminary, and final formats, which depict the
101 structural elements of 911, E911, or public safety radio
102 communication system infrastructure, including towers, antennae,
103 equipment or facilities used to provide 911, E911, or public
104 safety radio communication services, or other 911, E911, or
105 public safety radio communication structures or facilities made
106 exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011 and s.
107 24, Art. I of the State Constitution.

108 (b) Any portion of a meeting that would reveal geographical
109 maps indicating the actual or proposed locations of 911, E911,
110 or public safety radio communication system infrastructure,
111 including towers, antennae, equipment or facilities used to
112 provide 911, E911, or public safety radio communication
113 services, or other 911, E911, or public safety radio
114 communication structures or facilities made exempt by s.
115 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of
116 the State Constitution.

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117 (c) No portion of an exempt meeting under paragraphs (a) or
118 (b) may be off the record. All exempt portions of such meeting
119 shall be recorded and transcribed. Such recordings and
120 transcripts are confidential and exempt from disclosure under s.
121 119.07(1) and s. 24(a), Art. I of the State Constitution unless
122 a court of competent jurisdiction, after an in-camera review,
123 determines that the meeting was not restricted to the discussion
124 of the information made exempt by s. 119.071(3)(e)1.a. or b. In
125 the event of such a judicial determination, only that portion of
126 the recording and transcript which reveals nonexempt information
127 may be disclosed to a third party.

128 (d) For purposes of this subsection, the term "public
129 safety radio" is defined as the means of communication between
130 and among 911 public safety answering points, dispatchers, and
131 first responder agencies using those portions of the radio
132 frequency spectrum designated by the Federal Communications
133 Commission under 47 C.F.R. 90 for public safety purposes.

134 (e) This subsection is subject to the Open Government
135 Sunset Review Act in accordance with s. 119.15 and shall stand
136 repealed on October 2, 2025, unless reviewed and saved from
137 repeal through reenactment by the Legislature.

138 Section 3. The Legislature finds that it is a public
139 necessity that building plans, blueprints, schematic drawings,
140 and diagrams, including draft, preliminary, and final formats,
141 which depict the structural elements of 911, E911, or public
142 safety radio communication system infrastructure, including
143 towers, antennae, equipment or facilities used to provide 911,
144 E911, or public safety radio communication services, and other
145 911, E911, or public safety radio communication structures or

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146 facilities owned and operated by an agency, and geographical
147 maps indicating the actual or proposed locations of such
148 communication system infrastructure, structures, or facilities
149 should be made exempt from s. 119.07(1), Florida Statutes, and
150 s. 24(a), Article I of the State Constitution to ensure the
151 security of emergency communication infrastructure, structures,
152 and facilities. In addition, the Legislature finds that it is a
153 public necessity that any portion of a meeting revealing such
154 documents and maps that are held by an agency should be made
155 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article
156 I of the State Constitution. Building plans, blueprints,
157 schematic drawings, and diagrams, including draft, preliminary,
158 and final formats, received and held by counties,
159 municipalities, and other governmental agencies that depict the
160 structural elements of 911, E911, or public safety radio
161 communication system infrastructure, structures, and facilities
162 are currently subject to release as public records upon request.
163 Similarly, geographical maps showing the present or proposed
164 locations of such 911, E911, or public safety radio
165 communication system infrastructure, structures, and facilities
166 that are in the possession of counties, municipalities, and
167 other governmental agencies are also subject to release as
168 public records upon request. Counties, municipalities, and other
169 governmental agencies may review the building plans or
170 geographical maps to ensure compliance with land development
171 regulations, building codes, agency rules, and standards to
172 protect the public health and safety. These building plans
173 include diagrams and schematic drawings of emergency
174 communication systems, electrical systems, and other physical

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175 plant and security details which depict the structural elements
176 of such emergency communications facilities and structures. 911,
177 E911, and public safety radio communication facilities,
178 including towers and antennae, are a vital link in the chain of
179 survival. Such critical infrastructure must be protected as any
180 disruption during an active shooter or other terror event is
181 very likely to result in greater loss of life and property
182 damage. To function properly, towers and antennae need to be
183 visible, increasing the security risk of such facilities.
184 Because architectural and engineering plans reviewed and held by
185 counties, municipalities, and other government agencies include
186 information about towers, equipment, ancillary facilities,
187 critical systems, and restricted areas, these plans could be
188 used by criminals or terrorists to examine the physical plant
189 for vulnerabilities. Information contained in these documents
190 could aid in the planning of, training for, and execution of
191 criminal actions, including cybercrime, arson, and terrorism.
192 Consequently, the Legislature finds that it is a public
193 necessity to exempt such information from public records
194 requirements to reduce exposure to security threats and protect
195 the public.

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