

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative DuBose offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 119.071 General exemptions from inspection or copying of
9 public records.—

10 (3) SECURITY AND FIRESAFETY.—

11 (e)1.a. Building plans, blueprints, schematic drawings,
12 and diagrams, including draft, preliminary, and final formats,
13 which depict the structural elements of 911, E911, or public
14 safety radio communication system infrastructure, including
15 towers, antennae, equipment or facilities used to provide 911,
16 E911, or public safety radio communication services, or other

279347 - h0755-strike.docx

Published On: 2/12/2020 5:59:17 PM

Amendment No. 1

17 911, E911, or public safety radio communication structures or
18 facilities owned and operated by an agency are exempt from s.
19 119.07(1) and s. 24(a), Art. I of the State Constitution.

20 b. Geographical maps indicating the actual or proposed
21 locations of 911, E911, or public safety radio communication
22 system infrastructure, including towers, antennae, equipment or
23 facilities used to provide 911, E911, or public safety radio
24 services, or other 911, E911, or public safety radio
25 communication structures or facilities owned and operated by an
26 agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the
27 State Constitution.

28 2. This exemption applies to building plans, blueprints,
29 schematic drawings, and diagrams, including draft, preliminary,
30 and final formats, which depict the structural elements of 911,
31 E911, or public safety radio communication system infrastructure
32 or other 911, E911, or public safety radio communication
33 structures or facilities owned and operated by an agency, and
34 geographical maps indicating actual or proposed locations of
35 911, E911, or public safety radio communication system
36 infrastructure or other 911, E911, or public safety radio
37 communication structures or facilities owned and operated by an
38 agency, before, on, or after the effective date of this act.

39 3. Information made exempt by this paragraph may be
40 disclosed:

279347 - h0755-strike.docx

Published On: 2/12/2020 5:59:17 PM

Amendment No. 1

41 a. To another governmental entity if disclosure is
42 necessary for the receiving entity to perform its duties and
43 responsibilities;

44 b. To a licensed architect, engineer, or contractor who is
45 performing work on or related to the 911, E911, or public safety
46 radio communication system infrastructure, including towers,
47 antennae, equipment or facilities used to provide 911, E911, or
48 public safety radio communication services, or other 911, E911,
49 or public safety radio communication structures or facilities
50 owned and operated by an agency; or

51 c. Upon a showing of good cause before a court of
52 competent jurisdiction.

53 4. The entities or persons receiving such information must
54 maintain the exempt status of the information.

55 5. For purposes of this paragraph, "public safety radio"
56 refers to the means of communication between and among 911
57 public safety answering points, dispatchers, and first responder
58 agencies using those portions of the radio frequency spectrum
59 designated by the Federal Communications Commission under 47
60 C.F.R. 90 for public safety purposes.

61 6. This paragraph is subject to the Open Government Sunset
62 Review Act in accordance with s. 119.15 and shall stand repealed
63 on October 2, 2025, unless reviewed and saved from repeal
64 through reenactment by the Legislature.

Amendment No. 1

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

67 286.0113 General exemptions from public meetings.—

68 (4) (a) Any portion of a meeting that would reveal building
69 plans, blueprints, schematic drawings, or diagrams, including
70 draft, preliminary, and final formats, which depict the
71 structural elements of 911, E911, or public safety radio
72 communication system infrastructure, including towers, antennae,
73 equipment or facilities used to provide 911, E911, or public
74 safety radio communication services, or other 911, E911, or
75 public safety radio communication structures or facilities made
76 exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011 and s.
77 24, Art. I of the State Constitution.

78 (b) Any portion of a meeting that would reveal
79 geographical maps indicating the actual or proposed locations of
80 911, E911, or public safety radio communication system
81 infrastructure, including towers, antennae, equipment or
82 facilities used to provide 911, E911, or public safety radio
83 communication services, or other 911, E911, or public safety
84 radio communication structures or facilities made exempt by s.
85 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of
86 the State Constitution.

87 (c) No portion of an exempt meeting under paragraphs (a)
88 or (b) may be off the record. All exempt portions of such
89 meeting shall be recorded and transcribed. Such recordings and

279347 - h0755-strike.docx

Published On: 2/12/2020 5:59:17 PM

Amendment No. 1

90 transcripts are confidential and exempt from disclosure under s.
91 119.07(1) and s. 24(a), Art. I of the State Constitution unless
92 a court of competent jurisdiction, after an in-camera review,
93 determines that the meeting was not restricted to the discussion
94 of the information made exempt by s. 119.071(3)(e)1.a. or b. In
95 the event of such a judicial determination, only that portion of
96 the recording and transcript which reveals nonexempt information
97 may be disclosed to a third party.

98 (d) For purposes of this subsection, "public safety radio"
99 refers to the means of communication between and among 911
100 public safety answering points, dispatchers, and first responder
101 agencies using those portions of the radio frequency spectrum
102 designated by the Federal Communications Commission under 47
103 C.F.R. 90 for public safety purposes.

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

108 Section 3. The Legislature finds that it is a public
109 necessity that building plans, blueprints, schematic drawings,
110 and diagrams, including draft, preliminary, and final formats,
111 which depict the structural elements of 911, E911, or public
112 safety radio communication system infrastructure, including
113 towers, antennae, equipment or facilities used to provide 911,
114 E911, or public safety radio communication services, and other

279347 - h0755-strike.docx

Published On: 2/12/2020 5:59:17 PM

Amendment No. 1

115 911, E911, or public safety radio communication structures or
116 facilities owned and operated by an agency, and geographical
117 maps indicating the actual or proposed locations of such
118 communication system infrastructure, structures, or facilities
119 should be made exempt from s. 119.07(1), Florida Statutes, and
120 s. 24(a), Article I of the State Constitution to ensure the
121 security of emergency communication infrastructure, structures,
122 and facilities. In addition, the Legislature finds that it is a
123 public necessity that any portion of a meeting revealing such
124 documents and maps that are held by an agency should be made
125 exempt from s. 286.011, Florida Statutes, and s. 24(b), Art. I
126 of the State Constitution. Building plans, blueprints, schematic
127 drawings, and diagrams, including draft, preliminary, and final
128 formats, received and held by counties, municipalities, and
129 other governmental agencies that depict the structural elements
130 of 911, E911, or public safety radio communication system
131 infrastructure, structures, and facilities are currently subject
132 to release as public records upon request. Similarly,
133 geographical maps showing the present or proposed locations of
134 such 911, E911, or public safety radio communication system
135 infrastructure, structures, and facilities that are in the
136 possession of counties, municipalities, and other governmental
137 agencies are also subject to release as public records upon
138 request. Counties, municipalities and other governmental
139 agencies may review the building plans or geographical maps to

279347 - h0755-strike.docx

Published On: 2/12/2020 5:59:17 PM

Amendment No. 1

140 ensure compliance with land development regulations, building
141 codes, agency rules, and standards to protect the public health
142 and safety. These building plans include diagrams and schematic
143 drawings of emergency communication systems, electrical systems,
144 and other physical plant and security details which depict the
145 structural elements of such emergency communications facilities
146 and structures. 911, E911, and public safety radio communication
147 facilities, including towers and antennae, are a vital link in
148 the chain of survival. Such critical infrastructure must be
149 protected as any disruption during an active shooter or other
150 terror event is very likely to result in greater loss of life
151 and property damage. To function properly, towers and antennae
152 need to be visible, increasing the security risk of such
153 facilities. Because architectural and engineering plans reviewed
154 and held by counties, municipalities and other government
155 agencies include information about tower, equipment, ancillary
156 facilities, critical systems, and restricted areas, these plans
157 could be used by criminals or terrorists to examine the physical
158 plant for vulnerabilities. Information contained in these
159 documents could aid in the planning of, training for, and
160 execution of criminal actions including cyber-crime, arson, and
161 terrorism. Consequently, the Legislature finds that it is a
162 public necessity to exempt such information from public records
163 requirements to reduce exposure to security threats and protect
164 the public.

279347 - h0755-strike.docx

Published On: 2/12/2020 5:59:17 PM

Amendment No. 1

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

166 -----
167 -----

168 **T I T L E A M E N D M E N T**

169 Remove lines 5-20 and insert:

170 which depict the structural elements of certain 911, E911, or
171 public safety radio communication system infrastructure,
172 structures, or facilities; providing an exemption from public
173 records requirements for geographical maps indicating the actual
174 or proposed locations of certain 911, E911, or public safety
175 radio communication system infrastructure, structures, or
176 facilities; providing for retroactive application; authorizing
177 disclosure under certain circumstances; providing for future
178 legislative review and repeal of the exemptions; amending s.
179 286.0113, F.S.; providing an exemption from public meetings
180 requirements for portions of meetings that would reveal certain
181 documents depicting the structural elements of 911, E911, or
182 public safety radio communication system infrastructure,
183 structures, or facilities, or geographical maps indicating the
184 locations or proposed locations of 911, E911, or public safety
185 radio