

Committee Substitute for Senate Bill No. 16-C

An act relating to public records and meetings; creating s. 119.071, F.S.; providing an exemption from public-records requirements for a security-system plan or portion thereof; creating s. 286.0113, F.S.; providing an exemption from public-meeting requirements for those portions of any meeting which would reveal a security-system plan or portion thereof which is confidential and exempt under this act; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 119.071, Florida Statutes, is created to read:

119.071 General exemptions from inspection or copying of public records.—A security-system plan or portion thereof for:

- (1) Any property owned by or leased to the state or any of its political subdivisions; or
- (2) Any privately owned or leased property

which plan or portion thereof is in the possession of any agency, as defined in s. 119.011, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this section, the term a “security-system plan” includes all records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems; threat-assessments conducted by any agency as defined in s. 119.011 or any private entity; threat-response plans; emergency-evacuation plans; sheltering arrangements; or manuals for security personnel, emergency equipment, or security training. This exemption is remedial in nature and it is the intent of the Legislature that this exemption be applied to security-system plans received by an agency before, on, or after the effective date of this section. Information made confidential and exempt by this section may be disclosed by the custodial agency to another state or federal agency to prevent, detect, guard against, respond to, investigate, or manage the consequences of any attempted or actual act of terrorism, or to prosecute those persons who are responsible for such attempts or acts, and the confidential and exempt status of such information shall be retained while in the possession of the receiving agency. This section is subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Section 286.0113, Florida Statutes, is created to read:

286.0113 General exemptions from public meetings.—Those portions of any meeting which would reveal a security-system plan or portion thereof

made confidential and exempt by s. 119.071(1) are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that the exemption from public records and public meetings requirements provided by this act is a public necessity because security-system plans contain components that address safety issues for public and private property on which public business is conducted and address the security of private property on which a large segment of the public relies. The public relies on radio and television towers, telephone and cable lines, power plants and grids, oil and gas pipelines, and many types of privately owned infrastructure to provide necessary services. To coordinate the response of the public sector and the private sector in an emergency, such as an act of terrorism, public agencies must be able to review security-system plans for public and private property. If the information in security-system plans is available for inspection and copying, terrorists could use this information to hamper or disable emergency-response preparedness, thereby increasing injuries and fatalities. Although some skill would be required to use such information to further an act of terrorism, ample evidence exists of the capabilities of terrorists to conduct complicated acts of terrorism. The September 11, 2001, attack on the World Trade Center and the Pentagon, as well as the intentional spread of anthrax in this country and state, which resulted in the death of one Floridian, provide evidence that such capabilities exist. These events also have shown the importance of a coordinated response to acts of terrorism and the need for the review of public and private security-system plans. Consequently, the Legislature finds that security-system plans and meetings related thereto must be kept exempt and confidential.

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

Approved by the Governor December 10, 2001.

Filed in Office Secretary of State December 10, 2001.