

## CHAPTER 2023-58

### Committee Substitute for Senate Bill No. 1616

An act relating to public records; amending s. 943.68, F.S.; providing an exemption from public records requirements for records held by a law enforcement agency relating to certain security or transportation services; providing for retroactive application; providing for legislative review and repeal of the exemption; providing a statement of public necessity; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Subsection (10) is added to section 943.68, Florida Statutes, and subsections (1), (5), and (6) of that section are republished, to read:

943.68 Transportation and protective services.—

(1) The department shall provide and maintain the security of the Governor, the Governor's immediate family, and the Governor's office and mansion and the grounds thereof.

(5) The department is authorized to provide security or transportation to visiting governors and their families upon request by the Governor.

(6) The department shall provide security or transportation services to other persons when requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court, subject to certification by the requesting party that such services are in the best interest of the state. The requesting party may delegate certification authority to the executive director of the department. The requesting party shall limit such services to persons:

(a) Who are visiting the state; for whom such services are requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court; and for whom the primary purpose of the visit is for a significant public purpose; or

(b) For whom the failure to provide security or transportation could result in a clear and present danger to the personal safety of such persons or to the safety of other persons or property within this state or could result in public embarrassment to the state.

(10)(a) Records held by a law enforcement agency relating to security or transportation services provided under subsection (1), subsection (5), or subsection (6) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

Constitution. This exemption applies to records held by a law enforcement agency before, on, or after the effective date of this act.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that records held by a law enforcement agency relating to security or transportation services provided under s. 943.68(1), (5), or (6), Florida Statutes, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Information obtained by a law enforcement agency authorized by law to provide security or transportation services to persons, including the Governor, the Governor's immediate family, visiting governors and their families, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court, or for persons for whom such services are requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the Speaker of the House of Representatives, the President of the Senate, or the Chief Justice of the Supreme Court, the disclosure of which could endanger the protected person, should not be disclosed to the public. The disclosure of such records, including security, operational, and logistical plans; mansion security, facility operations, access, screenings, and clearances; personal information unrelated to official duties of the protected individuals; risk, vulnerability, and threat assessments; travel information relating to the protected person and law enforcement agents and personnel providing the security or transportation services; and identifying information of sworn and nonsworn personnel engaged in a security or transportation services operation or detail could reveal the means and methods of providing the required security or transportation services and could impair the ability of the law enforcement agency to ensure the safety and security of the protected person. The disclosure of such records could also endanger the law enforcement agents and personnel providing the security or transportation services. The Legislature finds that the safety and security of persons authorized protection under s. 943.68(1), (5), or (6), Florida Statutes, as well as the safety and security of law enforcement agents and personnel providing the security or transportation services, outweigh any public benefit that may be derived from the disclosure of such records. Therefore, it is a public necessity that records held by a law enforcement agency relating to security or transportation services provided under s. 943.68(1), (5), or (6), Florida Statutes, be made exempt from public records requirements.

Section 3. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

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

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.