

CHAPTER 2018-146

Committee Substitute for House Bill No. 411

An act relating to public records and public meetings; amending s. 119.071, F.S.; providing an exemption from public records requirements for firesafety system plans held by an agency; amending s. 281.301, F.S.; providing an exemption from public records and public meetings requirements for information relating to firesafety systems for certain properties and meetings relating to such systems and information; amending s. 286.0113, F.S.; providing an exemption from public meetings requirements for portions of meetings that would reveal firesafety system plans held by an agency; providing for retroactive application; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

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

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

(3) SECURITY AND FIRESAFETY.—

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

a. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security or firesafety of the facility or revealing security or firesafety systems;

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

c. Threat response plans;

d. Emergency evacuation plans;

e. Sheltering arrangements; or

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

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

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

b. Any privately owned or leased property

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 This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

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

- a. To the property owner or leaseholder;
- b. In furtherance of the official duties and responsibilities of the agency holding the information;
- c. To another local, state, or federal agency in furtherance of that agency's official duties and responsibilities; or
- d. Upon a showing of good cause before a court of competent jurisdiction.

Section 2. Subsection (1) of section 281.301, Florida Statutes, is amended to read:

281.301 Security and firesafety systems; records and meetings exempt from public access or disclosure.—

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

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

286.0113 General exemptions from public meetings.—

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

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

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

(b) Information relating to firesafety systems for any property owned by or leased to the state or any of its political subdivisions or which is in the possession of an agency be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution, and any portion of a meeting relating directly to or that would reveal such systems or information be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Art. I of the State Constitution.

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

(2) As firesafety systems become more connected and integrated with security systems, this connectivity and integration exposes such systems to threats intended to disable their operation. Disabling a firesafety system could impact the safety of individuals within the building and the integrity of the building's security system. Maintaining safe and reliable firesafety systems is vital to protecting the public health and safety and ensuring the economic well-being of the state. Disclosure of sensitive information relating to firesafety systems could result in identification of vulnerabilities in such systems and allow a security breach that could damage firesafety systems and disrupt their safe and reliable operation, adversely impacting the public health and safety and economic well-being of the state. Because of the interconnected nature of firesafety and security systems, such a security breach may also impact security systems. As a result, the Legislature finds that the public and private harm in disclosing the information made confidential and exempt by this act outweighs any public benefit derived from the disclosure of such information. The protection of information made confidential and exempt by this act will ensure that firesafety systems are better protected against security threats and will bolster efforts to develop more resilient firesafety systems. Therefore, the Legislature finds that it is a public necessity to make firesafety system plans held by an agency and information relating to firesafety systems for certain properties exempt from public records and public meetings requirements.

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

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

Approved by the Governor April 6, 2018.

Filed in Office Secretary of State April 6, 2018.