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CS/HB 411

2018 Legislature

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 2 An act relating to public records and public meetings;
 3 amending s. 119.071, F.S.; providing an exemption from
 4 public records requirements for firesafety system
 5 plans held by an agency; amending s. 281.301, F.S.;
 6 providing an exemption from public records and public
 7 meetings requirements for information relating to
 8 firesafety systems for certain properties and meetings
 9 relating to such systems and information; amending s.
 10 286.0113, F.S.; providing an exemption from public
 11 meetings requirements for portions of meetings that
 12 would reveal firesafety system plans held by an
 13 agency; providing for retroactive application;
 14 providing for future legislative review and repeal of
 15 the exemptions; providing a statement of public
 16 necessity; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Paragraph (a) of subsection (3) of section
 21 119.071, Florida Statutes, is amended to read:

22 119.071 General exemptions from inspection or copying of
 23 public records.—

24 (3) SECURITY AND FIRESAFETY.—

25 (a)1. As used in this paragraph, the term "security or

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26 | firesafety system plan" includes all:

27 | a. Records, information, photographs, audio and visual

28 | presentations, schematic diagrams, surveys, recommendations, or

29 | consultations or portions thereof relating directly to the

30 | physical security or firesafety of the facility or revealing

31 | security or firesafety systems;

32 | b. Threat assessments conducted by any agency or any

33 | private entity;

34 | c. Threat response plans;

35 | d. Emergency evacuation plans;

36 | e. Sheltering arrangements; or

37 | f. Manuals for security or firesafety personnel, emergency

38 | equipment, or security or firesafety training.

39 | 2. A security or firesafety system plan or portion thereof

40 | for:

41 | a. Any property owned by or leased to the state or any of

42 | its political subdivisions; or

43 | b. Any privately owned or leased property

44 |

45 | held by an agency is confidential and exempt from s. 119.07(1)

46 | and s. 24(a), Art. I of the State Constitution. This exemption

47 | is remedial in nature, and it is the intent of the Legislature

48 | that this exemption apply to security or firesafety system plans

49 | held by an agency before, on, or after the effective date of

50 | this paragraph. This paragraph is subject to the Open Government

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51 Sunset Review Act in accordance with s. 119.15 and shall stand
 52 repealed on October 2, 2023, unless reviewed and saved from
 53 repeal through reenactment by the Legislature.

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

56 a. To the property owner or leaseholder;

57 b. In furtherance of the official duties and
 58 responsibilities of the agency holding the information;

59 c. To another local, state, or federal agency in
 60 furtherance of that agency's official duties and
 61 responsibilities; or

62 d. Upon a showing of good cause before a court of
 63 competent jurisdiction.

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

66 281.301 Security and firesafety systems; records and
 67 meetings exempt from public access or disclosure.—

68 (1) Information relating to the security or firesafety
 69 systems for any property owned by or leased to the state or any
 70 of its political subdivisions, and information relating to the
 71 security or firesafety systems for any privately owned or leased
 72 property which is in the possession of any agency as defined in
 73 s. 119.011(2), including all records, information, photographs,
 74 audio and visual presentations, schematic diagrams, surveys,
 75 recommendations, or consultations or portions thereof relating

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76 directly to or revealing such systems or information is
 77 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 78 of the State Constitution, and any portion of a meeting all
 79 ~~meetings~~ relating directly to or that would reveal such systems
 80 or information is ~~are confidential and~~ exempt from s. 286.011
 81 and s. 24(b), Art. I of the State Constitution, ~~ss. 119.07(1)~~
 82 ~~and 286.011~~ and other laws and rules requiring public access or
 83 disclosure. This subsection is subject to the Open Government
 84 Sunset Review Act in accordance with s. 119.15 and shall stand
 85 repealed on October 2, 2023, unless reviewed and saved from
 86 repeal through reenactment by the Legislature.

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

89 286.0113 General exemptions from public meetings.—

90 (1) That portion of a meeting that would reveal a security
 91 or firesafety system plan or portion thereof made confidential
 92 and exempt by s. 119.071(3)(a) is exempt from s. 286.011 and s.
 93 24(b), Art. I of the State Constitution. This subsection is
 94 subject to the Open Government Sunset Review Act in accordance
 95 with s. 119.15 and shall stand repealed on October 2, 2023,
 96 unless reviewed and saved from repeal through reenactment by the
 97 Legislature.

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

100 (a) Firesafety system plans held by an agency be made

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101 confidential and exempt from s. 119.07(1), Florida Statutes, and
102 s. 24(a), Art. I of the State Constitution.

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

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

114 (2) As firesafety systems become more connected and
115 integrated with security systems, this connectivity and
116 integration exposes such systems to threats intended to disable
117 their operation. Disabling a firesafety system could impact the
118 safety of individuals within the building and the integrity of
119 the building's security system. Maintaining safe and reliable
120 firesafety systems is vital to protecting the public health and
121 safety and ensuring the economic well-being of the state.
122 Disclosure of sensitive information relating to firesafety
123 systems could result in identification of vulnerabilities in
124 such systems and allow a security breach that could damage
125 firesafety systems and disrupt their safe and reliable

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126 | operation, adversely impacting the public health and safety and
127 | economic well-being of the state. Because of the interconnected
128 | nature of firesafety and security systems, such a security
129 | breach may also impact security systems. As a result, the
130 | Legislature finds that the public and private harm in disclosing
131 | the information made confidential and exempt by this act
132 | outweighs any public benefit derived from the disclosure of such
133 | information. The protection of information made confidential and
134 | exempt by this act will ensure that firesafety systems are
135 | better protected against security threats and will bolster
136 | efforts to develop more resilient firesafety systems. Therefore,
137 | the Legislature finds that it is a public necessity to make
138 | firesafety system plans held by an agency and information
139 | relating to firesafety systems for certain properties exempt
140 | from public records and public meetings requirements.

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

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