

1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending s. 119.071, F.S.; providing an exemption from
4 public records requirements for certain documents
5 which depict the structural elements of certain 911,
6 E911, or public safety radio communication system
7 infrastructure, structures, or facilities; providing
8 an exemption from public records requirements for
9 geographical maps indicating the actual or proposed
10 locations of certain 911, E911, or public safety radio
11 communication system infrastructure, structures, or
12 facilities; providing for retroactive application;
13 authorizing disclosure under certain circumstances;
14 defining the term "public safety radio"; providing for
15 future legislative review and repeal of the
16 exemptions; amending s. 286.0113, F.S.; providing an
17 exemption from public meetings requirements for
18 portions of meetings that would reveal certain
19 documents depicting the structural elements of 911,
20 E911, or public safety radio communication system
21 infrastructure, structures, or facilities, or
22 geographical maps indicating the locations or proposed
23 locations of 911, E911, or public safety radio
24 communication system infrastructure, structures, or
25 facilities; requiring the recording and transcription

26 of exempt portions of such meetings; providing an
 27 exemption from public records requirements for such
 28 recordings and transcripts; providing an exception;
 29 defining the term "public safety radio"; providing for
 30 future legislative review and repeal of the exemption;
 31 providing a statement of public necessity; providing
 32 an effective date.

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

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

38 119.071 General exemptions from inspection or copying of
 39 public records.—

40 (e)1.a. Building plans, blueprints, schematic drawings,
 41 and diagrams, including draft, preliminary, and final formats,
 42 which depict the structural elements of 911, E911, or public
 43 safety radio communication system infrastructure, including
 44 towers, antennae, equipment or facilities used to provide 911,
 45 E911, or public safety radio communication services, or other
 46 911, E911, or public safety radio communication structures or
 47 facilities owned and operated by an agency are exempt from s.
 48 119.07(1) and s. 24(a), Art. I of the State Constitution.

49 b. Geographical maps indicating the actual or proposed
 50 locations of 911, E911, or public safety radio communication

51 system infrastructure, including towers, antennae, equipment or
52 facilities used to provide 911, E911, or public safety radio
53 services, or other 911, E911, or public safety radio
54 communication structures or facilities owned and operated by an
55 agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the
56 State Constitution.

57 2. This exemption applies to building plans, blueprints,
58 schematic drawings, and diagrams, including draft, preliminary,
59 and final formats, which depict the structural elements of 911,
60 E911, or public safety radio communication system infrastructure
61 or other 911, E911, or public safety radio communication
62 structures or facilities owned and operated by an agency, and
63 geographical maps indicating actual or proposed locations of
64 911, E911, or public safety radio communication system
65 infrastructure or other 911, E911, or public safety radio
66 communication structures or facilities owned and operated by an
67 agency, before, on, or after the effective date of this act.

68 3. Information made exempt by this paragraph may be
69 disclosed:

70 a. To another governmental entity if disclosure is
71 necessary for the receiving entity to perform its duties and
72 responsibilities;

73 b. To a licensed architect, engineer, or contractor who is
74 performing work on or related to the 911, E911, or public safety
75 radio communication system infrastructure, including towers,

76 antennae, equipment or facilities used to provide 911, E911, or
 77 public safety radio communication services, or other 911, E911,
 78 or public safety radio communication structures or facilities
 79 owned and operated by an agency; or

80 c. Upon a showing of good cause before a court of
 81 competent jurisdiction.

82 4. The entities or persons receiving such information must
 83 maintain the exempt status of the information.

84 5. For purposes of this paragraph, "public safety radio"
 85 is defined as the means of communication between and among 911
 86 public safety answering points, dispatchers, and first responder
 87 agencies using those portions of the radio frequency spectrum
 88 designated by the Federal Communications Commission under 47
 89 C.F.R. 90 for public safety purposes.

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

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

96 286.0113 General exemptions from public meetings.—

97 (4) (a) Any portion of a meeting that would reveal building
 98 plans, blueprints, schematic drawings, or diagrams, including
 99 draft, preliminary, and final formats, which depict the
 100 structural elements of 911, E911, or public safety radio

101 communication system infrastructure, including towers, antennae,
102 equipment or facilities used to provide 911, E911, or public
103 safety radio communication services, or other 911, E911, or
104 public safety radio communication structures or facilities made
105 exempt by s. 119.071(3)(e)1.a. is exempt from s. 286.011 and s.
106 24, Art. I of the State Constitution.

107 (b) Any portion of a meeting that would reveal
108 geographical maps indicating the actual or proposed locations of
109 911, E911, or public safety radio communication system
110 infrastructure, including towers, antennae, equipment or
111 facilities used to provide 911, E911, or public safety radio
112 communication services, or other 911, E911, or public safety
113 radio communication structures or facilities made exempt by s.
114 119.071(3)(e)1.b. is exempt from s. 286.011 and s. 24, Art. I of
115 the State Constitution.

116 (c) No portion of an exempt meeting under paragraphs (a)
117 or (b) may be off the record. All exempt portions of such
118 meeting shall be recorded and transcribed. Such recordings and
119 transcripts are confidential and exempt from disclosure under s.
120 119.07(1) and s. 24(a), Art. I of the State Constitution unless
121 a court of competent jurisdiction, after an in-camera review,
122 determines that the meeting was not restricted to the discussion
123 of the information made exempt by s. 119.071(3)(e)1.a. or b. In
124 the event of such a judicial determination, only that portion of
125 the recording and transcript which reveals nonexempt information

126 may be disclosed to a third party.

127 (d) For purposes of this subsection, "public safety radio"
128 is defined as the means of communication between and among 911
129 public safety answering points, dispatchers, and first responder
130 agencies using those portions of the radio frequency spectrum
131 designated by the Federal Communications Commission under 47
132 C.F.R. 90 for public safety purposes.

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

137 Section 3. The Legislature finds that it is a public
138 necessity that building plans, blueprints, schematic drawings,
139 and diagrams, including draft, preliminary, and final formats,
140 which depict the structural elements of 911, E911, or public
141 safety radio communication system infrastructure, including
142 towers, antennae, equipment or facilities used to provide 911,
143 E911, or public safety radio communication services, and other
144 911, E911, or public safety radio communication structures or
145 facilities owned and operated by an agency, and geographical
146 maps indicating the actual or proposed locations of such
147 communication system infrastructure, structures, or facilities
148 should be made exempt from s. 119.07(1), Florida Statutes, and
149 s. 24(a), Article I of the State Constitution to ensure the
150 security of emergency communication infrastructure, structures,

151 and facilities. In addition, the Legislature finds that it is a
152 public necessity that any portion of a meeting revealing such
153 documents and maps that are held by an agency should be made
154 exempt from s. 286.011, Florida Statutes, and s. 24(b), Art. I
155 of the State Constitution. Building plans, blueprints, schematic
156 drawings, and diagrams, including draft, preliminary, and final
157 formats, received and held by counties, municipalities, and
158 other governmental agencies that depict the structural elements
159 of 911, E911, or public safety radio communication system
160 infrastructure, structures, and facilities are currently subject
161 to release as public records upon request. Similarly,
162 geographical maps showing the present or proposed locations of
163 such 911, E911, or public safety radio communication system
164 infrastructure, structures, and facilities that are in the
165 possession of counties, municipalities, and other governmental
166 agencies are also subject to release as public records upon
167 request. Counties, municipalities and other governmental
168 agencies may review the building plans or geographical maps to
169 ensure compliance with land development regulations, building
170 codes, agency rules, and standards to protect the public health
171 and safety. These building plans include diagrams and schematic
172 drawings of emergency communication systems, electrical systems,
173 and other physical plant and security details which depict the
174 structural elements of such emergency communications facilities
175 and structures. 911, E911, and public safety radio communication

176 facilities, including towers and antennae, are a vital link in
177 the chain of survival. Such critical infrastructure must be
178 protected as any disruption during an active shooter or other
179 terror event is very likely to result in greater loss of life
180 and property damage. To function properly, towers and antennae
181 need to be visible, increasing the security risk of such
182 facilities. Because architectural and engineering plans reviewed
183 and held by counties, municipalities and other government
184 agencies include information about tower, equipment, ancillary
185 facilities, critical systems, and restricted areas, these plans
186 could be used by criminals or terrorists to examine the physical
187 plant for vulnerabilities. Information contained in these
188 documents could aid in the planning of, training for, and
189 execution of criminal actions including cyber-crime, arson, and
190 terrorism. Consequently, the Legislature finds that it is a
191 public necessity to exempt such information from public records
192 requirements to reduce exposure to security threats and protect
193 the public.

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