

585-2006-06

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

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A bill to be entitled
An act relating to a review under the Open Government Sunset Review Act regarding security system plans; amending s. 119.071, F.S., which provides an exemption from public records requirements for security system plans for any property owned by or leased to the state or any of its political subdivisions and any privately owned or leased property; reorganizing provisions, making editorial changes, and removing superfluous language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; amending s. 286.0113, F.S., which provides an exemption from public meetings requirements for a meeting that would reveal a security system plan or portion thereof; making editorial changes; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; 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.--

(a)1. As used in this paragraph, the term "security system plan" includes all:

a. Records, information, photographs, audio and visual

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1 presentations, schematic diagrams, surveys, recommendations,
2 or consultations or portions thereof relating directly to the
3 physical security of the facility or revealing security
4 systems;

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

7 c. Threat response plans;

8 d. Emergency evacuation plans;

9 e. Sheltering arrangements; or

10 f. Manuals for security personnel, emergency
11 equipment, or security training.

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

13 a.1. Any property owned by or leased to the state or
14 any of its political subdivisions; or

15 b.2. Any privately owned or leased property

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17 ~~which plan or portion thereof is held by an any agency is~~
18 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
19 ~~of the State Constitution. As used in this paragraph, the term~~
20 ~~a "security system plan" includes all records, information,~~
21 ~~photographs, audio and visual presentations, schematic~~
22 ~~diagrams, surveys, recommendations, or consultations or~~
23 ~~portions thereof relating directly to the physical security of~~
24 ~~the facility or revealing security systems; threat assessments~~
25 ~~conducted by any agency or any private entity; threat response~~
26 ~~plans; emergency evacuation plans; sheltering arrangements; or~~
27 ~~manuals for security personnel, emergency equipment, or~~
28 ~~security training. This exemption is remedial in nature and it~~
29 ~~is the intent of the Legislature that this exemption apply ~~be~~~~
30 ~~applied to security system plans held by an agency before, on,~~
31 ~~or after the effective date of this paragraph.~~

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1 3. Information made confidential and exempt by this
2 paragraph may be disclosed by the custodian of public records
3 ~~custodial agency to:~~

4 a. The property owner or leaseholder; or

5 b. ~~Such information may be disclosed by the custodial~~
6 ~~agency to~~ Another state or federal agency to prevent, detect,
7 guard against, respond to, investigate, or manage the
8 consequences of any attempted or actual act of terrorism, or
9 to prosecute those persons who are responsible for such
10 attempts or acts, ~~and the confidential and exempt status of~~
11 ~~such information shall be retained while in the possession of~~
12 ~~the receiving agency. This paragraph is subject to the Open~~
13 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
14 ~~shall stand repealed on October 2, 2006, unless reviewed and~~
15 ~~saved from repeal through reenactment by the Legislature.~~

16 Section 2. Section 286.0113, Florida Statutes, is
17 amended to read:

18 286.0113 General exemptions from public
19 meetings.--That portion ~~Those portions~~ of a any meeting that
20 ~~which~~ would reveal a security system plan or portion thereof
21 made confidential and exempt by s. 119.071(3)(a) is ~~are~~ exempt
22 from ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the
23 State Constitution. ~~This section is subject to the Open~~
24 ~~Government Sunset Review Act, in accordance with s. 119.15,~~
25 ~~and shall stand repealed on October 2, 2006, unless reviewed~~
26 ~~and saved from repeal through reenactment by the Legislature.~~

27 Section 3. This act shall take effect October 1, 2006.
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