

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 4, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact House Bill
7007 or similar legislation that
would prevent repeal of the
public records exemptions
regarding security and firesafety
system plans

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
4-4-23

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HOUSE BILL 7007 OR SIMILAR LEGISLATION THAT WOULD PREVENT REPEAL OF THE PUBLIC RECORDS EXEMPTIONS REGARDING SECURITY AND FIRESAFETY SYSTEM PLANS

WHEREAS, section 119.071(3)(a), Florida Statutes, currently provides a public records exemption for security or firesafety system plans of any property owned by or leased to the state or any of its political subdivisions or for any privately owned or leased property held by an agency, as well as information related to such systems; and

WHEREAS, section 119.071(3) defines security and firesafety system plans to include, among other things, threat assessments, threat response plans, emergency evacuation plans, sheltering arrangements, and manuals for security or firesafety personnel, emergency equipment, or security or firesafety training; and

WHEREAS, in recognition of the sensitive nature of this information, section 119.071(3) designates security and firesafety system plans as both confidential and exempt from inspection and copying by the public, with certain limited exceptions; and

WHEREAS, similarly, section 286.0113(1), Florida Statutes, currently creates an exemption to Florida's Sunshine Law for portions of a public meeting that would reveal a security or firesafety system plan or portion thereof; and

WHEREAS, the Open Government Sunset Review Act, codified at section 119.15, Florida Statutes, requires that new exemptions to public records requirements be repealed on October 2nd of the fifth year after the exemption is enacted unless the Legislature acts to preserve the exemption; and

WHEREAS, in light of the Open Government Sunset Review Act, the statutory exemptions for security and firesafety system plans as set forth in sections 119.071(3)(a) and 286.0113, Florida Statutes, are set to be repealed automatically on October 2, 2023; and

WHEREAS, the Florida legislature, in amending sections 119.071 and 286.0113 in 2018, found that the public and private harm in disclosing security information outweighs the public benefit of disclosing it; and

WHEREAS, this remains true to this day; and

WHEREAS, allowing the public access to security and firesafety system plans of political subdivisions like the County poses serious safety and security concerns; and

WHEREAS, House Bill (“HB”) 7007 by the House Ethics, Elections & Open Government Subcommittee has been filed for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, HB 7007 would preserve the security and firesafety system plans exemptions by removing the October 2, 2023 repeal date and extending the exemptions indefinitely; and

WHEREAS, this Board supports legislation which would prevent repeal of the public records exemptions regarding security and firesafety system plans,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact House Bill 7007 or similar legislation that would prevent repeal of the public records exemptions regarding security and firesafety system plans.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Chair of the House Ethics, Elections, and Open Government Subcommittee, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of April, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

LUIS G. MONTALDO, CLERK AD INTERIM

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. VNS

Veronica Sanchez