

By the Committee on Education

304-1658A-00

1 A bill to be entitled
2 An act relating to public records and meetings;
3 providing an exemption from public records and
4 meetings requirements for portions of the
5 blueprints of an educational facility,
6 including a state university facility;
7 providing for future legislative review and
8 repeal; providing for rulemaking authority;
9 providing for persons who have a bona-fide need
10 to know such information; providing a finding
11 of public necessity; providing a contingent
12 effective date.

13

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

15

16 Section 1. (1)(a) The portion of each blueprint of an
17 educational facility as defined in section 235.011(6), Florida
18 Statutes, which is determined to be confidential and exempt by
19 rule and which is submitted to a law enforcement agency, the
20 Department of Education, or the State Board of Education, as
21 required by Committee Substitute for Senate Bills 852, 2, and
22 46, 2000 Regular Session, is confidential and exempt from
23 section 119.07(1), Florida Statutes, and Section 24(a),
24 Article I of the State Constitution. This exemption is subject
25 to the Open Government Sunset Review Act of 1995 in accordance
26 with section 119.15, Florida Statutes, and shall stand
27 repealed on October 2, 2005, unless reviewed and saved from
28 repeal through reenactment by the Legislature.

29

30 (b) The portion of each blueprint of a state
31 university facility which is determined to be confidential and
exempt by rule and which is submitted to a law enforcement

1 agency, the Department of Education, or the State Board of
2 Education as required by Committee Substitute for Senate Bills
3 852, 2, and 46, 2000 Regular Session, is confidential and
4 exempt from section 119.07(1), Florida Statutes, and Section
5 24(a), Article I of the State Constitution. This exemption is
6 subject to the Open Government Sunset Review Act of 1995 in
7 accordance with section 119.15, Florida Statutes, and shall
8 stand repealed on October 2, 2005, unless reviewed and saved
9 from repeal through reenactment by the Legislature.

10 (2) Portions of all meetings or proceedings of any
11 agency as defined in section 119.011(2), Florida Statutes,
12 relating directly to, or which would reveal confidential and
13 exempt information set forth in rule relating solely to, the
14 blueprints of an educational facility or of a state university
15 facility are confidential and exempt from section 286.011,
16 Florida Statutes, and Section 24(b), Article I of the State
17 Constitution. An agency as defined in section 119.011(2),
18 Florida Statutes, may hold public meetings to discuss
19 nonconfidential information or issues relating to these
20 blueprints.

21 (3) The Department of Education shall prescribe by
22 rule the information relating to the blueprints of an
23 educational facility, as defined in section 235.011(6),
24 Florida Statutes, which is confidential and exempt from the
25 provisions of section 119.07(1), Florida Statutes, and Section
26 24(a), Article I of the State Constitution. To be
27 confidential, the information must be necessary to the
28 security and integrity of the educational facility. A law
29 enforcement officer, an emergency medical services provider,
30 an authorized agent or employee of the educational facility, a
31 parent or guardian, and a person who is involved in the

1 planning, design, site improvement, construction, contracting,
2 remodeling, renovation, maintenance, and repair of plants and
3 facilities, including ancillary and auxiliary facilities, has
4 a bona-fide need to know such information. The department
5 shall also prescribe by rule which persons have a bona-fide
6 need to know this information in order to carry out their
7 duties.

8 (4) The Board of Regents shall prescribe by rule the
9 information relating to the blueprints of a state university
10 facility which is confidential and exempt from the provisions
11 of section 119.07(1), Florida Statutes, and Section 24(a),
12 Article I of the State Constitution. To be confidential, the
13 information must be necessary to the security and integrity of
14 the state university facility. A law enforcement officer, an
15 emergency medical services provider, an authorized agent or
16 employee of the university facility, a parent or guardian, and
17 a person who is involved in the planning, design, site
18 improvement, construction, contracting, remodeling,
19 renovation, maintenance, and repair of plants and facilities,
20 including ancillary and auxiliary facilities, has a bona-fide
21 need to know such information. The Board of Regents shall also
22 prescribe by rule which persons have a bona-fide need to know
23 this information in order to carry out their duties.

24 (5) Confidential and exempt information may be
25 released to and used by other governmental entities as needed
26 in connection with the performance of their duties. Any such
27 information that is confidential and exempt as provided for in
28 this section retains its status as confidential and exempt.

29 Section 2. The Legislature finds that the exemption
30 from the public records law provided in section 1 of this act
31 is a public necessity and that the protection of students and

1 others in schools, community colleges, and universities is a
2 critical state concern. Furthermore, the Legislature finds
3 that failure to protect the confidentiality of a blueprint of
4 an educational facility or a state university facility
5 submitted to or collected by law enforcement personnel, the
6 Department of Education, or the State Board of Education under
7 section 11 of Committee Substitute for Senate Bills 852, 2,
8 and 46, 2000 Regular Session, would impede the safety and
9 security of schools, community colleges, universities,
10 students, and others. The Legislature further finds that
11 incidents may occur in which blueprints of educational
12 facilities or state university facilities are requested under
13 circumstances that could threaten the safety or welfare of
14 students, employees, and others whether or not actual harm
15 results. Because release of certain portions of facility
16 blueprints under these circumstances would not benefit the
17 public or aid it in monitoring the effective and efficient
18 operation of government but could result in harm to students,
19 employees, and others, the Legislature finds that it is
20 necessary that portions of blueprints be confidential and
21 exempt.

22 Section 3. This act shall take effect on the effective
23 date of Committee Substitute for Senate Bills 852, 2, and 46,
24 2000 Regular Session, or similar legislation relating to
25 educational and state university facilities, and shall not
26 take effect if that legislation does not become law.

27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1002

The committee substitute narrows the public records and public meetings exemption to apply to that portion of the facility blueprint that is determined by rule to be confidential and exempt. The committee substitute provides an additional statement of public necessity to conform to this change.

The committee substitute lists persons who have a bona fide need to know the confidential and exempt information, including various persons involved in planning and contracting, as well as persons in the design and construction industries. The listing also includes law enforcement officers, emergency medical services providers, authorized agents or employees of schools and universities, and parents or guardians. Both the Department of Education and the Board of Regents are required by rule to prescribe which persons have a bona fide need to know this information in order to carry out their duties.