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CS/HB 1079

2017 Legislature

1
2 An act relating to public records and public meetings;
3 creating s. 1004.0962, F.S.; providing an exemption
4 from public records requirements for those portions of
5 a campus emergency response which address the response
6 of a public postsecondary educational institution to
7 an act of terrorism or other public safety crisis or
8 emergency; providing for the disclosure of exempt
9 information under certain circumstances; providing an
10 exemption from public meeting requirements for any
11 portion of a public meeting which would reveal those
12 portions of a campus emergency response which address
13 the response of a public postsecondary educational
14 institution to an act of terrorism or other public
15 safety crisis or emergency; providing for future
16 legislative review and repeal of the exemptions;
17 providing a statement of public necessity; providing
18 an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 1004.0962, Florida Statutes, is created
23 to read:

24 1004.0962 Campus emergency response of a public
25 postsecondary educational institution; public records exemption;

ENROLLED

CS/HB 1079

2017 Legislature

26 | public meetings exemption.—

27 | (1) As used in this section, the term "campus emergency
 28 | response" means a public postsecondary educational institution's
 29 | response to or plan for responding to an act of terrorism, as
 30 | defined by s. 775.30, or other public safety crisis or
 31 | emergency, and includes information relating to:

32 | (a) Records, information, photographs, audio and visual
 33 | presentations, schematic diagrams, surveys, recommendations, or
 34 | consultations or portions thereof.

35 | (b) Threat assessments conducted by any agency or private
 36 | entity.

37 | (c) Threat response plans.

38 | (d) Emergency evacuation plans.

39 | (e) Sheltering arrangements.

40 | (f) Manuals for security personnel, emergency equipment,
 41 | or security training.

42 | (g) Security systems or plans.

43 | (h) Vulnerability analyses.

44 | (i) Postdisaster activities, including provisions for
 45 | emergency power, communications, food, and water.

46 | (j) Postdisaster transportation.

47 | (k) Supplies, including drug caches.

48 | (l) Staffing.

49 | (m) Emergency equipment.

50 | (n) Individual identification of students, faculty, and

ENROLLED

CS/HB 1079

2017 Legislature

51 staff; the transfer of records; and methods of responding to
52 family inquiries.

53 (2) (a) Any portion of a campus emergency response held by
54 a public postsecondary educational institution is exempt from s.
55 119.07(1) and s. 24(a), Art. I of the State Constitution.

56 (b) Any portion of a campus emergency response held by a
57 state or local law enforcement agency, a county or municipal
58 emergency management agency, the Executive Office of the
59 Governor, the Department of Education, the Board of Governors of
60 the State University System, or the Division of Emergency
61 Management is exempt from s. 119.07(1) and s. 24(a), Art. I of
62 the State Constitution.

63 (3) The public records exemptions provided by this section
64 are remedial in nature, and it is the intent of the Legislature
65 that the exemptions apply to campus emergency responses held by
66 a custodial agency before, on, or after the effective date of
67 this section.

68 (4) Information made exempt by this section 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; or

73 (b) Upon a showing of good cause before a court of
74 competent jurisdiction.

75 (5) That portion of a public meeting which would reveal

ENROLLED

CS/HB 1079

2017 Legislature

76 information related to a campus emergency response is exempt
77 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

78 (6) This section is subject to the Open Government Sunset
79 Review Act in accordance with s. 119.15 and shall stand repealed
80 on October 2, 2022, unless reviewed and saved from repeal
81 through reenactment by the Legislature.

82 Section 2. The Legislature finds that those portions of a
83 campus emergency response held by a public postsecondary
84 educational institution which address the response of a public
85 postsecondary educational institution to an act of terrorism and
86 those portions of a campus emergency response of a public
87 postsecondary educational institution which are filed or shared
88 with a state or local law enforcement agency, a county or
89 municipal emergency management agency, the Executive Office of
90 the Governor, the Department of Education, the Board of
91 Governors of the State University System, or the Division of
92 Emergency Management must be made exempt from s. 119.07(1),
93 Florida Statutes, and s. 24(a), Art. I of the State
94 Constitution. It is also the finding of the Legislature that any
95 portion of a public meeting which would reveal information
96 related to a campus emergency response be made exempt from s.
97 286.011, Florida Statutes, and s. 24(b), Art. I of the State
98 Constitution. A campus emergency response affects the health and
99 safety of the students, faculty, staff, and the public at large.
100 If campus emergency responses were made publicly available for

ENROLLED

CS/HB 1079

2017 Legislature

101 inspection or copying, they could be used to hamper or disable
102 the response of a public postsecondary educational institution
103 to an act of terrorism, or other public safety crisis or
104 emergency. If a public postsecondary educational institution's
105 response to these events were hampered or disabled, an increase
106 in the number of Floridians subjected to fatal injury would
107 occur. There is ample existing evidence of the capabilities of
108 terrorists and other criminals to plot, plan, and coordinate
109 complicated acts of terror and violence on university and
110 college campuses all over the country. The aftermath of these
111 events has also showed the importance of viable plans by which
112 public postsecondary educational institutions can respond to
113 terrorist attacks and other public safety crises or emergencies.

114 Section 3. This act shall take effect July 1, 2017.