



212924

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Passidomo) recommended the following:

Senate Substitute for Amendment (322686) (with title amendment)

Delete everything after the enacting clause and insert:

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

1004.0962 Campus emergency response of a public postsecondary educational institution; public records exemption; public meetings exemption.-



212924

- 11 (1) As used in this section, the term:
- 12 (a) "Campus emergency response" means a public
- 13 postsecondary educational institution's response to an act of
- 14 terrorism, as defined in s. 775.30, or other public safety
- 15 crisis or emergency.
- 16 (b) "Campus emergency response plan" means a plan
- 17 addressing a campus emergency response which includes
- 18 information relating to:
- 19 1. Records, information, photographs, audio and visual
- 20 presentations, schematic diagrams, surveys, recommendations, or
- 21 consultations or portions thereof;
- 22 2. Threat assessments conducted by any agency or private
- 23 entity;
- 24 3. Threat response plans;
- 25 4. Emergency evacuation plans;
- 26 5. Sheltering arrangements;
- 27 6. Manuals for security personnel, emergency equipment, or
- 28 security training;
- 29 7. Security systems or plans;
- 30 8. Vulnerability analyses;
- 31 9. Postdisaster activities, including provisions for
- 32 emergency power, communications, food, and water;
- 33 10. Postdisaster transportation;
- 34 11. Supplies, including drug caches;
- 35 12. Staffing;
- 36 13. Emergency equipment; or
- 37 14. Individual identification of students, faculty, and
- 38 staff; the transfer of records; and methods of responding to
- 39 family inquiries.



212924

40 (c) "Custodial agency" includes:
41 1. A public postsecondary institution;
42 2. A state or local law enforcement agency;
43 3. A county or municipal emergency management agency;
44 4. The Executive Office of the Governor;
45 5. The Department of Education;
46 6. The Board of Governors of the State University system;
47 and
48 7. The Division of Emergency Management.
49 (2) Any portion of a campus emergency response plan
50 addressing the items described in subparagraphs (1)(b)1.-14.
51 held by a custodial agency is exempt from s. 119.07(1) and s.
52 24(a), Art. I of the State Constitution.
53 (3) The public records exemption provided by this section
54 is remedial in nature, and it is the intent of the Legislature
55 that the exemption apply to portions of campus emergency
56 response plans addressing the items described in subparagraphs
57 (1)(b)1.-14. held by a custodial agency before, on, or after the
58 effective date of this section.
59 (4) Information made exempt by this section may be
60 disclosed:
61 (a) To another governmental entity if disclosure is
62 necessary for the receiving entity to perform its duties and
63 responsibilities; or
64 (b) Upon showing of good cause before a court of competent
65 jurisdiction.
66 (5) Any portion of a public meeting which would reveal
67 information related to a campus emergency response plan is
68 exempt from s. 286.011 and s. 24(b), Art. I of the State



212924

69 Constitution.

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

74 Section 2. The Legislature finds that it is a public
75 necessity that those portions of a campus emergency response
76 plan of a public postsecondary educational institution held by a
77 custodial agency be exempt from s. 119.07(1), Florida Statutes,
78 and s. 24(a), Article I of the State Constitution. The
79 Legislature also finds that it is a public necessity that any
80 portion of a public meeting which would reveal information
81 related to a campus emergency response plan be made exempt from
82 s. 286.011, Florida Statutes, and s. 24(b), Article I of the
83 State Constitution. A campus emergency response affects the
84 health and safety of the students, faculty, staff, and the
85 public at large. If campus emergency response plans were made
86 publicly available for inspection or copying, they could be used
87 to hamper or disable a campus emergency response. If a campus
88 emergency response were hampered or disabled, an increase in the
89 number of Floridians subjected to fatal injury would occur.
90 There is ample existing evidence of the capabilities of
91 terrorists and other criminals to plot, plan, and coordinate
92 complicated acts of terror and violence on university and
93 college campuses all over the country. The aftermath of these
94 events has also shown the importance of viable campus emergency
95 response plans by which public postsecondary educational
96 institutions can respond to terrorist attacks and other public
97 safety crises or emergencies.



212924

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

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100 ===== T I T L E A M E N D M E N T =====

101 And the title is amended as follows:

102 Delete everything before the enacting clause

103 and insert:

104 A bill to be entitled

105 An act relating to public records and public meetings;
106 creating s. 1004.0962, F.S.; defining terms; providing
107 an exemption from public records requirements for a
108 public postsecondary educational institution's campus
109 emergency response plan when held by specified
110 custodial agencies; providing for retroactive
111 application; authorizing disclosure of exempt
112 information under specified circumstances; providing
113 an exemption from public meetings requirements for any
114 portion of a public meeting at which certain
115 components of a campus emergency response plan are
116 discussed; providing for future legislative review and
117 repeal of the exemptions; providing a statement of
118 public necessity; providing an effective date.