

By Senator Passidomo

28-00729-17

20171224__

1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 252.64, F.S.; creating an exemption from
4 public records requirements for portions of an
5 emergency management plan which address a public or
6 nonpublic postsecondary educational institution's
7 response to an act of terrorism; authorizing
8 disclosure under specified circumstances; creating an
9 exemption from public records requirements for
10 portions of an emergency management plan which address
11 a public postsecondary educational institution's
12 response to an act of terrorism and which are held by
13 that institution; providing for retroactive
14 application; creating an exemption from public
15 meetings requirements for any portion of a meeting at
16 which a component of an emergency management plan
17 which addresses a postsecondary educational
18 institution's response to an act of terrorism is
19 discussed; specifying that the Governor's
20 certification of the sufficiency of a plan's response
21 to an act of terrorism is not exempt; providing for
22 future legislative review and repeal; providing
23 statements of public necessity; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 252.64, Florida Statutes, is created to
29 read:

28-00729-17

20171224__

30 252.64 Emergency management plan components addressing a
31 postsecondary educational institution's response to terrorism;
32 public records and public meetings exemptions.-

33 (1) (a) Portions of a comprehensive emergency management
34 plan which address the response of a public or nonpublic
35 postsecondary educational institution to an act of terrorism, as
36 defined by s. 775.30, which are held by the division, a state or
37 local law enforcement agency, a county or municipal emergency
38 management agency, the Executive Office of the Governor, or the
39 Department of Education are confidential and exempt from s.
40 119.07(1) and s. 24(a), Art. I of the State Constitution.

41 (b) Information made confidential and exempt by this
42 subsection may be disclosed by a custodial agency to another
43 state or a federal agency to prevent, detect, guard against,
44 respond to, investigate, or manage the consequences of any
45 attempted or actual act of terrorism or to prosecute those
46 persons who are responsible for such attempts or acts.

47 (c) Portions of a comprehensive emergency management plan
48 which address the response of a public or nonpublic
49 postsecondary educational institution to an act of terrorism
50 include those portions addressing:

- 51 1. Security systems or plans;
- 52 2. Vulnerability analyses;
- 53 3. Emergency evacuation transportation;
- 54 4. Sheltering arrangements;
- 55 5. Postdisaster activities, including provisions for
56 emergency power, communications, food, and water;
- 57 6. Postdisaster transportation;
- 58 7. Supplies;

28-00729-17

20171224__

59 8. Staffing;

60 9. Emergency equipment; and

61 10. Individual identification of students, transfer of
62 records, and methods of responding to family inquiries.

63 (2) Portions of a comprehensive emergency management plan
64 which address the response of a public postsecondary educational
65 institution to an act of terrorism, as defined by s. 775.30,
66 held by that institution are exempt from s. 119.07(1) and s.
67 24(a), Art. I of the State Constitution. Portions of a
68 comprehensive emergency management plan which address the
69 response of a public postsecondary educational institution to an
70 act of terrorism include those portions addressing items
71 described in subparagraphs (1)(c)1.-10.

72 (3) The public records exemptions provided in this section
73 are remedial in nature and apply to plans held by a custodial
74 agency before, on, or after the effective date of this section.

75 (4) Any portion of a meeting at which information contained
76 in a comprehensive emergency management plan addressing a
77 postsecondary educational institution's response to an act of
78 terrorism is discussed is exempt from s. 286.011 and s. 24(b),
79 Art. I of the State Constitution.

80 (5) The certification by the Governor, in coordination with
81 the Department of Education, of the sufficiency of a
82 comprehensive emergency management plan that addresses the
83 response of a postsecondary educational institution to an act of
84 terrorism is not exempt.

85 (6) This section is subject to the Open Government Sunset
86 Review Act in accordance with s. 119.15 and shall stand repealed
87 on October 2, 2022, unless reviewed and saved from repeal

28-00729-17

20171224__

88 through reenactment by the Legislature.

89 Section 2. (1) The Legislature finds that it is a public
90 necessity that portions of a comprehensive emergency management
91 plan which address the response of a public or nonpublic
92 postsecondary educational institution to an act of terrorism and
93 which are held by the Division of Emergency Management, a state
94 or local law enforcement agency, a county or municipal emergency
95 management agency, the Executive Office of the Governor, or the
96 Department of Education be confidential and exempt from s.
97 119.07(1), Florida Statutes, and s. 24(a), Article I of the
98 State Constitution. The Legislature also finds that it is a
99 public necessity that such portions of an emergency management
100 plan be exempt from public records requirements when held by a
101 public postsecondary educational institution. Portions of an
102 emergency management plan which address a postsecondary
103 educational institution's response to an act of terror are vital
104 plan components affecting the health and safety of the community
105 that the institution serves. If details regarding security
106 systems or plans, vulnerability analyses, emergency evacuation
107 transportation, sheltering arrangements, postdisaster
108 activities, postdisaster transportation, supplies, staffing,
109 emergency equipment, and methods of individual notification were
110 made publicly available for inspection and copying, they could
111 be used to hamper or disrupt the institution's response to a
112 terror attack and potentially result in an increased number of
113 injuries or fatalities. The availability of such information
114 could aid terrorists in plotting, planning, and coordinating an
115 act of terror impacting a postsecondary educational institution.
116 The harm that would result from the release of such information

28-00729-17

20171224__

117 substantially outweighs any public benefit that would be
118 achieved by disclosure.

119 (2) The Legislature further finds that it is a public
120 necessity that portions of meetings at which information
121 contained in a comprehensive emergency management plan
122 addressing a postsecondary educational institution's response to
123 an act of terrorism is discussed be exempt from s. 286.011,
124 Florida Statutes, and s. 24(b), Article I of the State
125 Constitution. The failure to close portions of meetings at which
126 such information is discussed would defeat the purpose of the
127 public records exemption.

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