

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Passidomo

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 1004.0962, F.S.; defining terms; providing
4 an exemption from public records requirements for a
5 public postsecondary educational institution's campus
6 emergency response plan when held by specified
7 custodial agencies; providing for retroactive
8 application; authorizing disclosure of exempt
9 information under specified circumstances; providing
10 an exemption from public meetings requirements for any
11 portion of a public meeting at which certain
12 components of a campus emergency response plan are
13 discussed; providing for future legislative review and
14 repeal of the exemptions; providing a statement of
15 public necessity; providing an effective date.

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

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

21 1004.0962 Campus emergency response of a public
22 postsecondary educational institution; public records exemption;
23 public meetings exemption.-

24 (1) As used in this section, the term:

25 (a) "Campus emergency response" means a public
26 postsecondary educational institution's response to an act of
27 terrorism, as defined in s. 775.30, or other public safety
28 crisis or emergency.

29 (b) "Campus emergency response plan" means a plan

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30 addressing a campus emergency response which includes
31 information relating to:

32 1. Records, information, photographs, audio and visual
33 presentations, schematic diagrams, surveys, recommendations, or
34 consultations or portions thereof;

35 2. Threat assessments conducted by any agency or private
36 entity;

37 3. Threat response plans;

38 4. Emergency evacuation plans;

39 5. Sheltering arrangements;

40 6. Manuals for security personnel, emergency equipment, or
41 security training;

42 7. Security systems or plans;

43 8. Vulnerability analyses;

44 9. Postdisaster activities, including provisions for
45 emergency power, communications, food, and water;

46 10. Postdisaster transportation;

47 11. Supplies, including drug caches;

48 12. Staffing;

49 13. Emergency equipment; or

50 14. Individual identification of students, faculty, and
51 staff; the transfer of records; and methods of responding to
52 family inquiries.

53 (c) "Custodial agency" includes:

54 1. A public postsecondary institution;

55 2. A state or local law enforcement agency;

56 3. A county or municipal emergency management agency;

57 4. The Executive Office of the Governor;

58 5. The Department of Education;

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59 6. The Board of Governors of the State University system;
60 and

61 7. The Division of Emergency Management.

62 (2) Any portion of a campus emergency response plan
63 addressing the items described in subparagraphs (1)(b)1.-14.
64 held by a custodial agency is exempt from s. 119.07(1) and s.
65 24(a), Art. I of the State Constitution.

66 (3) The public records exemption provided by this section
67 is remedial in nature, and it is the intent of the Legislature
68 that the exemption apply to portions of campus emergency
69 response plans addressing the items described in subparagraphs
70 (1)(b)1.-14. held by a custodial agency before, on, or after the
71 effective date of this section.

72 (4) Information made exempt by this section may be
73 disclosed:

74 (a) To another governmental entity if disclosure is
75 necessary for the receiving entity to perform its duties and
76 responsibilities; or

77 (b) Upon showing of good cause before a court of competent
78 jurisdiction.

79 (5) Any portion of a public meeting which would reveal
80 information related to a campus emergency response plan is
81 exempt from s. 286.011 and s. 24(b), Art. I of the State
82 Constitution.

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

87 Section 2. The Legislature finds that it is a public

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

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