

By Senators Galvano and Benacquisto

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 amending s. 943.082, F.S.; creating an exemption from
4 public records requirements for the identity of a
5 reporting party held by a specified entity; amending
6 s. 943.687, F.S.; providing an exemption from public
7 meetings requirements for portions of meetings of the
8 Marjory Stoneman Douglas High School Public Safety
9 Commission at which exempt or confidential and exempt
10 information is discussed; amending s. 1006.12, F.S.;
11 providing an exemption from public records
12 requirements for information that would identify
13 whether a particular individual has been appointed as
14 a safe-school officer; providing for future
15 legislative review and repeal of the exemptions;
16 providing statements of public necessity; providing a
17 contingent effective date.

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

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21 Section 1. Subsection (6) is added to section 943.082,
22 Florida Statutes, as created by SB 7026, 2018 Regular Session,
23 to read:

24 943.082 School Safety Awareness Program.—

25 (6) The identity of the reporting party held by the
26 department, a law enforcement agency, or school officials is
27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution. This subsection is subject to the
29 Open Government Sunset Review Act in accordance with s. 119.15

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30 and shall stand repealed on October 2, 2023, unless reviewed and
31 saved from repeal through reenactment by the Legislature.

32 Section 2. Present subsection (7) of s. 943.687, Florida
33 Statutes, as created by SB 7026, 2018 Regular Session, is
34 renumbered as subsection (8), and a new subsection (7) is added
35 to that section, to read:

36 943.687 Marjory Stoneman Douglas High School Public Safety
37 Commission.—

38 (7) Any portion of a meeting of the Marjory Stoneman
39 Douglas High School Public Safety Commission at which exempt or
40 confidential and exempt information is discussed is exempt from
41 s. 286.011 and s. 24(b), Art. I of the State Constitution. This
42 subsection is subject to the Open Government Sunset Review Act
43 in accordance with s. 119.15 and shall stand repealed on October
44 2, 2023, unless reviewed and saved from repeal through
45 reenactment by the Legislature.

46 Section 3. Subsection (4) is added to section 1006.12,
47 Florida Statutes, as amended by SB 7026, 2018 Regular Session,
48 to read:

49 1006.12 Safe-school officers at each public school.—

50 (4) Any information that would identify whether a
51 particular individual has been appointed as a safe-school
52 officer pursuant to this section held by a law enforcement
53 agency, school district, or charter school is exempt from s.
54 119.07(1) and s. 24(a), Art. I of the State Constitution. This
55 subsection is subject to the Open Government Sunset Review Act
56 in accordance with s. 119.15 and shall stand repealed on October
57 2, 2023, unless reviewed and saved from repeal through
58 reenactment by the Legislature.

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59 Section 4. (1) The Legislature finds that it is a public
60 necessity that the identity of a person reporting unsafe,
61 potentially harmful, dangerous, violent, or criminal activities,
62 or the threat of these activities, held by the Department of Law
63 Enforcement, a law enforcement agency, or school officials, be
64 made confidential and exempt from s. 119.07(1), Florida
65 Statutes, and s. 24(a), Article I of the State Constitution if
66 the reporting person provides his or her identity. The public
67 records exemption for the identity of those individuals
68 reporting potentially harmful or threatening activities as part
69 of the School Safety Awareness Program encourages individuals to
70 act and not be fearful that their identities will be revealed to
71 their fellow students. Without the public records exemption,
72 individuals reporting such activities might be less willing to
73 report their knowledge of these possible activities to the
74 appropriate authorities out of fear. Ensuring their identities
75 are protected will encourage reporting, which could lead to law
76 enforcement or other appropriate agencies intervening before an
77 incident of mass violence occurs.

78 (2) The Legislature also finds that it is a public
79 necessity that any portion of a meeting of the Marjory Stoneman
80 Douglas High School Public Safety Commission at which exempt or
81 confidential and exempt information is discussed be made exempt
82 from s. 286.011, Florida Statutes, and s. 24(b), Article I of
83 the State Constitution. The purpose of the commission is to
84 investigate failures in the Marjory Stoneman Douglas High School
85 shooting and prior mass violence incidents in Florida and
86 develop recommendations for system improvements. In order to
87 fulfill its directive, the commission must be able to discuss

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88 exempt or confidential and exempt information that it receives
89 as part of its investigation. The public meetings exemption will
90 allow the commission to review and discuss exempt or
91 confidential and exempt information that will be useful in
92 forming meaningful recommendations for system improvements for
93 prevention and response to mass violence incidents. As such, it
94 is a necessity that those portions of meetings wherein exempt or
95 confidential and exempt information is discussed be made exempt
96 from public meetings requirements. If such portions of meeting
97 are not closed, then the public records exemptions would be
98 negated. Thus, the Legislature finds that the public meeting
99 exemption is a public necessity in order to ensure the effective
100 and efficient administration of the Marjory Stoneman Douglas
101 High School Public Safety Commission.

102 (3) The Legislature further finds that it is a public
103 necessity that any information that would identify whether a
104 particular individual has been appointed as a safe-school
105 officer held by a law enforcement agency, school district, or
106 charter school be made exempt from s. 119.07(1), Florida
107 Statutes, and s. 24(a), Article I of the State Constitution.
108 School security and student safety are fundamental priorities in
109 this state. In light of the tragic events at Marjory Stoneman
110 Douglas High School, in which 14 students and 3 adults were shot
111 and killed on February 14, 2018, school districts in this state
112 must be allowed to provide a supplemental security presence. To
113 maximize the effectiveness of safe-school officers as a
114 deterrent and responsive factor to situations threatening the
115 lives of students and school staff, safe-school officers may
116 perform their school-related duties while carrying a concealed

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117 weapon. Disclosure of the identity of a safe-school officer can
118 affect his or her ability to adequately respond to an active
119 assailant situation. Accordingly, it is necessary to protect the
120 identity of safe-school officers from public records
121 requirements in order to effectively and efficiently implement
122 the purpose and intent of the program.

123 Section 5. This act shall take effect on the same date that
124 SB 7026 or similar legislation takes effect, if such legislation
125 is adopted in the same legislative session or an extension
126 thereof and becomes a law.