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1
2 An act relating to public records and public meetings;
3 amending s. 943.082, F.S.; providing exemptions from
4 public records requirements for the identity of a
5 reporting party and any information received through
6 the mobile suspicious activity reporting tool which is
7 held by the Department of Law Enforcement, law
8 enforcement agencies, or school officials; amending s.
9 943.687, F.S.; providing an exemption from public
10 meetings requirements for portions of meetings of the
11 Marjory Stoneman Douglas High School Public Safety
12 Commission at which exempt or confidential and exempt
13 information is discussed; amending s. 1006.12, F.S.;
14 providing an exemption from public records
15 requirements for information that would identify
16 whether a particular individual has been appointed as
17 a safe-school officer; providing for future
18 legislative review and repeal of the exemptions;
19 providing statements of public necessity; providing a
20 contingent effective date.

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

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

27 943.082 School Safety Awareness Program.—

28 (6) The identity of the reporting party received through
29 the mobile suspicious activity reporting tool and held by the

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30 department, law enforcement agencies, or school officials is
31 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
32 of the State Constitution. Any other information received
33 through the mobile suspicious activity reporting tool and held
34 by the department, law enforcement agencies, or school officials
35 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
36 Constitution. This subsection is subject to the Open Government
37 Sunset Review Act in accordance with s. 119.15 and shall stand
38 repealed on October 2, 2023, unless reviewed and saved from
39 repeal through reenactment by the Legislature.

40 Section 2. Present subsection (8) of section 943.687,
41 Florida Statutes, as created by SB 7026, 2018 Regular Session,
42 is renumbered as subsection (9), and a new subsection (8) is
43 added to that section, to read:

44 943.687 Marjory Stoneman Douglas High School Public Safety
45 Commission.—

46 (8) Any portion of a meeting of the Marjory Stoneman
47 Douglas High School Public Safety Commission at which exempt or
48 confidential and exempt information is discussed is exempt from
49 s. 286.011 and s. 24(b), Art. I of the State Constitution. This
50 subsection is subject to the Open Government Sunset Review Act
51 in accordance with s. 119.15 and shall stand repealed on October
52 2, 2023, unless reviewed and saved from repeal through
53 reenactment by the Legislature.

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

57 1006.12 Safe-school officers at each public school.—

58 (4) Any information that would identify whether a

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59 particular individual has been appointed as a safe-school
60 officer pursuant to this section held by a law enforcement
61 agency, school district, or charter school is exempt from s.
62 119.07(1) and s. 24(a), Art. I of the State Constitution. This
63 subsection is subject to the Open Government Sunset Review Act
64 in accordance with s. 119.15 and shall stand repealed on October
65 2, 2023, unless reviewed and saved from repeal through
66 reenactment by the Legislature.

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

87 (2) The Legislature also finds that it is a public

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88 necessity that any other information received through the mobile
89 suspicious activity reporting tool through the School Safety
90 Awareness Program and held by the Department of Law Enforcement,
91 law enforcement agencies, or school officials be made exempt
92 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
93 the State Constitution. The public records exemption for any
94 other information received through the mobile suspicious
95 activity reporting tool protects information of a sensitive
96 personal nature that, if disclosed, could be embarrassing.
97 Without the public records exemption, individuals reporting such
98 activities might be less willing to report their knowledge of
99 these possible activities to the appropriate authorities out of
100 fear and concern for their safety. The public records exemption
101 will encourage reporting, which could lead to law enforcement or
102 other appropriate agencies intervening before an incident of
103 mass violence occurs. The public records exemption is also
104 needed to protect the privacy of other individuals who are
105 included in the report. After a report is made, law enforcement
106 may find the report to be unfounded. For these reasons, the
107 Legislature finds that it is a public necessity to protect any
108 other information reported through the mobile suspicious
109 activity reporting tool.

110 (3) The Legislature also finds that it is a public
111 necessity that any portion of a meeting of the Marjory Stoneman
112 Douglas High School Public Safety Commission at which exempt or
113 confidential and exempt information is discussed be made exempt
114 from s. 286.011, Florida Statutes, and s. 24(b), Article I of
115 the State Constitution. The purpose of the commission is to
116 investigate failures in the Marjory Stoneman Douglas High School

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117 shooting and prior mass violence incidents in Florida and
118 develop recommendations for system improvements. In order to
119 fulfill its directive, the commission must be able to discuss
120 exempt or confidential and exempt information that it receives
121 as part of its investigation. The public meetings exemption will
122 allow the commission to review and discuss exempt or
123 confidential and exempt information that will be useful in
124 forming meaningful recommendations for system improvements for
125 prevention and response to mass violence incidents. As such, it
126 is a necessity that those portions of meetings wherein exempt or
127 confidential and exempt information is discussed be made exempt
128 from public meetings requirements. If such portions of meeting
129 are not closed, then the public records exemptions would be
130 negated. Thus, the Legislature finds that the public meeting
131 exemption is a public necessity in order to ensure the effective
132 and efficient administration of the Marjory Stoneman Douglas
133 High School Public Safety Commission.

134 (4) The Legislature further finds that it is a public
135 necessity that any information that would identify whether a
136 particular individual has been appointed as a safe-school
137 officer held by a law enforcement agency, school district, or
138 charter school be made exempt from s. 119.07(1), Florida
139 Statutes, and s. 24(a), Article I of the State Constitution.
140 School security and student safety are fundamental priorities in
141 this state. In light of the tragic events at Marjory Stoneman
142 Douglas High School, in which 14 students and 3 adults were shot
143 and killed on February 14, 2018, school districts in this state
144 must be allowed to provide a supplemental security presence. To
145 maximize the effectiveness of safe-school officers as a

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146 deterrent and responsive factor to situations threatening the
147 lives of students and school staff, safe-school officers may
148 perform their school-related duties while carrying a concealed
149 weapon. Disclosure of the identity of a safe-school officer can
150 affect his or her ability to adequately respond to an active
151 assailant situation. Accordingly, it is necessary to protect the
152 identity of safe-school officers from public records
153 requirements in order to effectively and efficiently implement
154 the purpose and intent of the program.

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