

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 confidential or exempt information
 10 is discussed; amending s. 1006.12, F.S.; providing an
 11 exemption from public records requirements for
 12 information that would identify whether a particular
 13 individual has been appointed as a school marshal;
 14 providing for future legislative review and repeal of
 15 the exemptions; providing statements of public
 16 necessity for the exemptions; providing a contingent
 17 effective date; providing effective dates.

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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 HB 7101, 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
 30 | and shall stand repealed on October 2, 2023, unless reviewed and
 31 | saved from repeal through reenactment by the Legislature.

32 | Section 2. Effective upon becoming law, subsection (7) of
 33 | s. 943.687, Florida Statutes, as created by HB 7101, is
 34 | renumbered as subsection (8) and a new subsection (7) is added
 35 | to that section, to read:

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 41 | in accordance with s. 119.15 and shall stand repealed on October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

44 | Section 3. Subsection (5) is added to section 1006.12,
 45 | Florida Statutes, to read:

46 | 1006.12 School resource officers, ~~and~~ school safety
 47 | officers, and school marshals.—

48 | (5) Any information that would identify whether a
 49 | particular individual has been appointed as a school marshal
 50 | pursuant to this section held by a law enforcement agency,

51 school district, or charter school is exempt from s. 119.07(1)
52 and s. 24(a), Art. I of the State Constitution. This subsection
53 is subject to the Open Government Sunset Review Act in
54 accordance with s. 119.15 and shall stand repealed on October 2,
55 2023, unless reviewed and saved from repeal through reenactment
56 by the Legislature.

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

76 (2) The Legislature also finds that it is a public
77 necessity that any portion of a meeting of the Marjory Stoneman
78 Douglas High School Public Safety Commission at which
79 confidential or exempt information is discussed be made exempt
80 from s. 286.011, Florida Statutes, and s. 24(b), Art. I of the
81 State Constitution. The purpose of the commission is to
82 investigate failures in the Marjory Stoneman Douglas High School
83 shooting and prior mass violence incidents in Florida and
84 develop recommendations for system improvements. In order to
85 fulfill its directive, the commission must be able to discuss
86 confidential or exempt information that it receives as part of
87 its investigation. The public meeting exemption will allow the
88 commission to review and discuss confidential or exempt
89 information that will be useful in forming meaningful
90 recommendations for system improvements for prevention and
91 response to mass violence incidents. As such, it is a necessity
92 that those portions of meetings wherein confidential or exempt
93 information is discussed be made exempt from public meetings
94 requirements. If such portions of meeting are not closed, then
95 the public record exemptions would be negated. Thus, the
96 Legislature finds that the public meeting exemption is a public
97 necessity in order to ensure the effective and efficient
98 administration of the Marjory Stoneman Douglas High School
99 Public Safety Commission.

100 (3) The Legislature further finds that it is a public

101 necessity that any information that would identify whether a
102 particular individual has been appointed as a school marshal
103 held by a law enforcement agency, school district, or charter
104 school be made exempt from s. 119.07(1), Florida Statutes, and
105 s. 24(a), Art. I of the State Constitution. School security and
106 student safety are fundamental priorities in this state. In
107 light of the tragic events at Marjory Stoneman Douglas High
108 School, in which 14 students and 3 adults were shot and killed
109 on February 14, 2018, school districts in this state must be
110 allowed to provide a supplemental security presence. To maximize
111 the effectiveness of school marshals as a deterrent and
112 responsive factor to situations threatening the lives of
113 students and school staff, school marshals may perform their
114 school-related duties while carrying a concealed weapon.
115 Disclosure of the identity of a school marshal can affect his or
116 her ability to adequately respond to an active assailant
117 situation. Accordingly, it is necessary to protect the identity
118 of school marshals from public records requirements in order to
119 effectively and efficiently implement the purpose and intent of
120 the marshal program.

121 Section 5. Except as otherwise provided, this act shall
122 take effect on the same date that HB 7101 or similar legislation
123 takes effect, if such legislation is adopted in the same
124 legislative session or an extension thereof and becomes a law.