

By the Committee on Education

581-01011-22

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 1004.0962, F.S., which
4 provides an exemption from public records requirements
5 for any portion of a campus emergency response held by
6 a public postsecondary educational institution, a
7 state or local law enforcement agency, a county or
8 municipal emergency management agency, the Executive
9 Office of the Governor, the Department of Education,
10 the Board of Governors of the State University System,
11 or the Division of Emergency Management, and for any
12 portion of a public meeting which would reveal
13 information related to a campus emergency response;
14 removing the scheduled repeal of the exemption;
15 providing an effective date.

16
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 amended
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 "campus emergency
25 response" means a public postsecondary educational institution's
26 response to or plan for responding to an act of terrorism, as
27 defined by s. 775.30, or other public safety crisis or
28 emergency, and includes information relating to:

29 (a) Records, information, photographs, audio and visual

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30 presentations, schematic diagrams, surveys, recommendations, or
31 consultations or portions thereof.

32 (b) Threat assessments conducted by any agency or private
33 entity.

34 (c) Threat response plans.

35 (d) Emergency evacuation plans.

36 (e) Sheltering arrangements.

37 (f) Manuals for security personnel, emergency equipment, or
38 security training.

39 (g) Security systems or plans.

40 (h) Vulnerability analyses.

41 (i) Postdisaster activities, including provisions for
42 emergency power, communications, food, and water.

43 (j) Postdisaster transportation.

44 (k) Supplies, including drug caches.

45 (l) Staffing.

46 (m) Emergency equipment.

47 (n) Individual identification of students, faculty, and
48 staff; the transfer of records; and methods of responding to
49 family inquiries.

50 (2) (a) Any portion of a campus emergency response held by a
51 public postsecondary educational institution is exempt from s.
52 119.07(1) and s. 24(a), Art. I of the State Constitution.

53 (b) Any portion of a campus emergency response held by a
54 state or local law enforcement agency, a county or municipal
55 emergency management agency, the Executive Office of the
56 Governor, the Department of Education, the Board of Governors of
57 the State University System, or the Division of Emergency
58 Management is exempt from s. 119.07(1) and s. 24(a), Art. I of

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59 the State Constitution.

60 (3) The public records exemptions provided by this section
61 are remedial in nature, and it is the intent of the Legislature
62 that the exemptions apply to campus emergency responses held by
63 a custodial agency before, on, or after the effective date of
64 this section.

65 (4) Information made exempt by this section may be
66 disclosed:

67 (a) To another governmental entity if disclosure is
68 necessary for the receiving entity to perform its duties and
69 responsibilities; or

70 (b) Upon a showing of good cause before a court of
71 competent jurisdiction.

72 (5) That portion of a public meeting which would reveal
73 information related to a campus emergency response is exempt
74 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

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

79 Section 2. This act shall take effect October 1, 2022.