

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Pre-K - 12 Education

BILL: SB 1472

INTRODUCER: Senator Burgess

SUBJECT: Public Records/School Security Guards

DATE: March 21, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1472, which is linked to the passage of SB 1470 (2025), amends s. 30.15, F.S., to create an exemption from public records requirements for any information held by the Florida Department of Law Enforcement (FDLE), a law enforcement agency, a school district, or a charter school that is reported to the FDLE under SB 1470 and would identify whether an individual has been certified to serve as a school security guard. This public record exemption supports the existing public record exemption for information that is held by a law enforcement agency, school district, or charter school that would identify whether a particular individual has been appointed as a safe-school officer at a public school, charter school, or private school. The list required to be maintained by the FDLE under SB 1470 could identify a school security guard if not exempt from disclosure.

The bill provides that the public record exemption is a public necessity because disclosure of the identity of a school security guard could affect his or her ability to adequately respond to an active assailant situation.

The bill establishes a public records exemption subject to the Open Government Sunset Review Act, with an automatic repeal date of October 2, 2030, unless reenacted by the Legislature. Additionally, the bill extends the sunset date for the exemption protecting school guardian certification information from October 2, 2029, to October 2, 2030.

The bill will become effective on the same date that SB 1470 (2025) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

This bill does not have a fiscal impact to state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business. The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.¹

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.² Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.³ Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is the duty of each agency.⁴

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁵

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public

¹ FLA. CONST. art. I, s. 24(a).

² See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, (2022-2024)

³ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁴ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁵ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁶ A violation of the Public Records Act may result in civil or criminal liability.⁷

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁸ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.⁹

General exemptions from the public records requirements are contained in the Public Records Act.¹⁰ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹¹

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*. Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹² Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹³

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁴ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁵ public records or open meetings exemptions, with specified exceptions.¹⁶ The Act requires the repeal of such exemption on October 2 of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁷

⁶ Section 119.07, F.S.

⁷ Section 119.10, F.S.

⁸ FLA. CONST. art. I, s. 24(c).

⁹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹⁰ *See, e.g., s. 119.071(1), F.S.*

¹¹ *See, e.g., s. 213.053(2), F.S.*

¹² *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹³ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁴ Section 119.15, F.S.

¹⁵ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁶ Section 119.15(2), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁷ Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁸ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt; or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.¹⁹

The Act also requires specified questions to be considered during the review process.

The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?²⁰

In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²¹ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²²

Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program

Sheriffs are required to assist district school boards, charter school governing boards, and private schools in exercising options for safe-school officers. A sheriff is required to provide access to a Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises.

¹⁸ Section 119.15(6)(b), F.S.

¹⁹ Section 119.15(6)(b), F.S.

²⁰ Section 119.15(6)(a), F.S.

²¹ *See generally* s. 119.15, F.S.

²² Section 119.15(7), F.S.

A sheriff who establishes a Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program is required to consult with the Florida Department of Law Enforcement (FDLE) on programmatic guiding principles, practices, and resources, and certify as school guardians, school employees who:

- Hold a license to carry a concealed weapon or concealed firearm.
- Complete a 144-hour training program, consisting of 12 hours of training on incident de-escalation and 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors.
- Pass a psychological evaluation.
- Submit to and pass an initial drug test and subsequent random drug tests.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The sheriff who conducts the guardian training is required to issue a school guardian certificate to individuals who meet these requirements and maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff.²³

Sheriff Reporting Responsibilities

A sheriff who issues a school guardian certificate must report to the FDLE the name, date of birth, and certification date of the school guardian within 30 days.

Additionally, each sheriff must submit quarterly reports to the FDLE detailing:

- Upcoming school guardian training schedules.
- Training dates, locations, and registration contacts.
- Class capacity for training programs.

The FDLE must publish and update these reports at least quarterly on its website.

Sheriffs who fail to comply with these reporting requirements are ineligible to receive reimbursement from the Department of Education (DOE) for school guardian training expenses. However, upon submission of the required reports, sheriffs regain eligibility.²⁴

School District, Charter School, and Private School Reporting Requirements

By February 1 and September 1 of each school year, each school district, charter school, and private school must report to the FDLE:

- The name, date of birth, and appointment date of each school guardian.
- The date of separation for any school guardian no longer serving in that capacity.

Failure to comply prohibits the school from operating a school guardian program in the following school year unless missing information is submitted.²⁵

²³ Section 30.15(1), F.S.

²⁴ Section 30.15(1)(k), F.S.

²⁵ *Id.*

The FDLE Responsibilities and Enforcement

The FDLE must maintain a statewide list of all school guardians. This list must include:

- The guardian's name, certification date, and appointment date.
- The name of the appointing school district, charter school, or private school.
- Any additional information regarding misconduct or firearm discharges, except those occurring during training.
- The date a guardian separated from their appointment, if applicable.

The FDLE must remove from the list any school guardian whose training has expired.

By March 1 and October 1 of each school year, the FDLE must notify the Department of Education of any sheriff, school district, charter school, or private school that has failed to comply with these reporting requirements.

The FDLE is authorized to adopt rules to implement these reporting requirements and may require additional identifying information as necessary to ensure accurate record-keeping of school guardians.²⁶

Any information held by the FDLE, a law enforcement agency, a school district, or a charter school that would identify whether a person has been certified to serve as a school guardian is exempt from disclosure requirements. The exemption will be repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.²⁷

Safe-School Officer Requirement

Florida law requires each district school board and school district superintendent to partner with law enforcement and security agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools. These options include:

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers who are employed by either a law enforcement agency or by the district school board.
- Participating in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.
- Contracting with a security agency to employ as a school security guard an individual who holds a Class “D” and Class “G” license and completes the same training and evaluation requirements as a school guardian.²⁸

²⁶ *Id.*

²⁷ Section 30.15(6), F.S.

²⁸ Section 1006.12, F.S.

Additionally, a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers.²⁹ Any information that would identify whether a particular individual has been assigned a safe-school officer at a private school and that is held by a law enforcement agency is exempt from public records disclosure requirements.³⁰

Currently, 53 counties participate in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.³¹

SB 1470 School Safety (2025)

SB 1470 (2025), to which this bill is linked, aligns school security guard reporting and recordkeeping requirements with those for school guardians and mandates that security agencies report to the FDLE the date a school security guard was last employed in a school.

III. Effect of Proposed Changes:

This bill, which is linked to the passage of SB 1470 (2025), amends s. 30.15, F.S., to create an exemption from public records requirements for any information held by the Florida Department of Law Enforcement (FDLE) or a law enforcement agency, school district, or charter school and reported to the FDLE that would identify whether an individual has been certified to serve as a school security guard. This public record exemption supports the existing public record exemption for information that is held by a law enforcement agency, school district, or charter school that would identify whether a particular individual has been appointed as a safe-school officer at a public school, charter school, or private school. The list required to be maintained by the FDLE under SB 1470, if not protected, could identify a school security guard.

This exemption is consistent with existing protections for other safe-school officers and expands those protections to individuals serving as school security guards.

The bill states that the public record exemption is necessary because disclosing the identity of a school security guard could compromise their ability to respond effectively to an active assailant situation. Specifically, the bill provides that it is a public necessity that any information held by the FDLE, a district school board, a charter school governing board, or a sheriff a list of certified school security guard that may identify whether an individual has been certified to serve as a school security guard be made exempt from s. 119.07(1), F.S., and s. 24(a), Article I of the State Constitution.

The bill affirms that school security and student safety are fundamental state priorities and emphasizes the importance of protecting the safety of current and former school security guards. The bill states that school security guards serve a critical role as safe-school officers and first responders, and their presence on school grounds serves as a deterrent against incidents threatening the lives of students and school personnel.

²⁹ Section 1006.12(18), F.S.

³⁰ Section 1002.42(20), F.S.

³¹ Florida Department of Education, *Chris Hixon, Coach Aaron Feis, & Coach Scott Beigel Guardian Program*, <https://www.fl DOE.org/safe-schools/guardian-program.stml> (last visited Mar. 15, 2025).

The bill further specifies that disclosure of the identity of persons certified as school security guards might undermine such deterrence and may compromise their safety along with the safety of students. The public disclosure of such information would also adversely affect their ability to adequately respond to an active assailant incident, as an assailant might be alerted in advance that a particular individual is certified as a school security guard.

The bill also states that school security guards who have been appointed to that position might leave their appointment for a period of time while maintaining their certification, and, thereafter, be reappointed at a future date. The bill provides that the safety of such persons would be compromised if their status as school security guards became public record by virtue of their continued certification. The bill accordingly provides that it is necessary to protect the identity of persons certified as school security guards from public records requirements to effectively and efficiently implement the purpose and intent of school security guard programs.

The bill establishes a public records exemption subject to the Open Government Sunset Review Act, with an automatic repeal date of October 2, 2030, unless reenacted by the Legislature. Additionally, the bill extends the sunset date for the exemption protecting school guardian certification information from October 2, 2029, to October 2, 2030.

The bill will become effective on the same date that SB 1470 (2025) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for information that would identify an individual who has been certified to serve as a school guardian, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect information that would identify whether an individual has been certified to serve as a school security guard. This bill exempts only information held by the Florida Department of Law Enforcement (FDLE) or a law enforcement agency, school district, or charter school that would identify whether an individual has been certified to serve as a school security guard from the public records disclosure requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have an impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 30.15 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
