

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Passidomo

583-02711-17

20171224c1

1 A bill to be entitled  
2 An act relating to public records and public meetings;  
3 creating s. 1004.0962, F.S.; defining terms; providing  
4 an exemption from public records requirements for a  
5 public postsecondary educational institution's campus  
6 emergency response plan when held by specified  
7 custodial agencies; providing for retroactive  
8 application; authorizing disclosure of exempt  
9 information under specified circumstances; providing  
10 an exemption from public meetings requirements for any  
11 portion of a public meeting at which certain  
12 components of a campus emergency response plan are  
13 discussed; providing for future legislative review and  
14 repeal of the exemptions; providing a statement of  
15 public necessity; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 1004.0962, Florida Statutes, is created  
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:

25 (a) "Campus emergency response" means a public  
26 postsecondary educational institution's response to an act of  
27 terrorism, as defined in s. 775.30, or other public safety  
28 crisis or emergency.

29 (b) "Campus emergency response plan" means a plan

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30 addressing a campus emergency response which includes  
31 information relating to:

32 1. Records, information, photographs, audio and visual  
33 presentations, schematic diagrams, surveys, recommendations, or  
34 consultations or portions thereof;

35 2. Threat assessments conducted by any agency or private  
36 entity;

37 3. Threat response plans;

38 4. Emergency evacuation plans;

39 5. Sheltering arrangements;

40 6. Manuals for security personnel, emergency equipment, or  
41 security training;

42 7. Security systems or plans;

43 8. Vulnerability analyses;

44 9. Postdisaster activities, including provisions for  
45 emergency power, communications, food, and water;

46 10. Postdisaster transportation;

47 11. Supplies, including drug caches;

48 12. Staffing;

49 13. Emergency equipment; or

50 14. Individual identification of students, faculty, and  
51 staff; the transfer of records; and methods of responding to  
52 family inquiries.

53 (c) "Custodial agency" includes:

54 1. A public postsecondary institution;

55 2. A state or local law enforcement agency;

56 3. A county or municipal emergency management agency;

57 4. The Executive Office of the Governor;

58 5. The Department of Education;

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59           6. The Board of Governors of the State University system;  
60 and

61           7. The Division of Emergency Management.

62           (2) Any portion of a campus emergency response plan  
63 addressing the items described in subparagraphs (1)(b)1.-14.  
64 held by a custodial agency is exempt from s. 119.07(1) and s.  
65 24(a), Art. I of the State Constitution.

66           (3) The public records exemption provided by this section  
67 is remedial in nature, and it is the intent of the Legislature  
68 that the exemption apply to portions of campus emergency  
69 response plans addressing the items described in subparagraphs  
70 (1)(b)1.-14. held by a custodial agency before, on, or after the  
71 effective date of this section.

72           (4) Information made exempt by this section may be  
73 disclosed:

74           (a) To another governmental entity if disclosure is  
75 necessary for the receiving entity to perform its duties and  
76 responsibilities; or

77           (b) Upon showing of good cause before a court of competent  
78 jurisdiction.

79           (5) Any portion of a public meeting which would reveal  
80 information related to a campus emergency response plan is  
81 exempt from s. 286.011 and s. 24(b), Art. I of the State  
82 Constitution.

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

87           Section 2. The Legislature finds that it is a public

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88 necessity that those portions of a campus emergency response  
89 plan of a public postsecondary educational institution held by a  
90 custodial agency be exempt from s. 119.07(1), Florida Statutes,  
91 and s. 24(a), Article I of the State Constitution. The  
92 Legislature also finds that it is a public necessity that any  
93 portion of a public meeting which would reveal information  
94 related to a campus emergency response plan be made exempt from  
95 s. 286.011, Florida Statutes, and s. 24(b), Article I of the  
96 State Constitution. A campus emergency response affects the  
97 health and safety of the students, faculty, staff, and the  
98 public at large. If campus emergency response plans were made  
99 publicly available for inspection or copying, they could be used  
100 to hamper or disable a campus emergency response. If a campus  
101 emergency response were hampered or disabled, an increase in the  
102 number of Floridians subjected to fatal injury would occur.  
103 There is ample existing evidence of the capabilities of  
104 terrorists and other criminals to plot, plan, and coordinate  
105 complicated acts of terror and violence on university and  
106 college campuses all over the country. The aftermath of these  
107 events has also shown the importance of viable campus emergency  
108 response plans by which public postsecondary educational  
109 institutions can respond to terrorist attacks and other public  
110 safety crises or emergencies.

111 Section 3. This act shall take effect July 1, 2017.