

CHAPTER 2017-184

Committee Substitute for House Bill No. 1079

An act relating to public records and public meetings; creating s. 1004.0962, F.S.; providing an exemption from public records requirements for those portions of a campus emergency response which address the response of a public postsecondary educational institution to an act of terrorism or other public safety crisis or emergency; providing for the disclosure of exempt information under certain circumstances; providing an exemption from public meeting requirements for any portion of a public meeting which would reveal those portions of a campus emergency response which address the response of a public postsecondary educational institution to an act of terrorism or other public safety crisis or emergency; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 1004.0962, Florida Statutes, is created to read:

1004.0962 Campus emergency response of a public postsecondary educational institution; public records exemption; public meetings exemption.—

(1) As used in this section, the term “campus emergency response” means a public postsecondary educational institution’s response to or plan for responding to an act of terrorism, as defined by s. 775.30, or other public safety crisis or emergency, and includes information relating to:

(a) Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof.

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

(c) Threat response plans.

(d) Emergency evacuation plans.

(e) Sheltering arrangements.

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

(g) Security systems or plans.

(h) Vulnerability analyses.

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

(j) Postdisaster transportation.

(k) Supplies, including drug caches.

(l) Staffing.

(m) Emergency equipment.

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

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

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

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

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

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

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

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

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

Section 2. The Legislature finds that those portions of a campus emergency response held by a public postsecondary educational institution which address the response of a public postsecondary educational institution to an act of terrorism and those portions of a campus emergency response of a public postsecondary educational institution which are filed or shared with a state or local law enforcement agency, a county or municipal emergency

management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management must be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. It is also the finding of the Legislature that any portion of a public meeting which would reveal information related to a campus emergency response be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Art. I of the State Constitution. A campus emergency response affects the health and safety of the students, faculty, staff, and the public at large. If campus emergency responses were made publicly available for inspection or copying, they could be used to hamper or disable the response of a public postsecondary educational institution to an act of terrorism, or other public safety crisis or emergency. If a public postsecondary educational institution's response to these events were hampered or disabled, an increase in the number of Floridians subjected to fatal injury would occur. There is ample existing evidence of the capabilities of terrorists and other criminals to plot, plan, and coordinate complicated acts of terror and violence on university and college campuses all over the country. The aftermath of these events has also showed the importance of viable plans by which public postsecondary educational institutions can respond to terrorist attacks and other public safety crises or emergencies.

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

Approved by the Governor June 26, 2017.

Filed in Office Secretary of State June 26, 2017.