

CHAPTER 2018-1

Senate Bill No. 1940

An act relating to public records and public meetings; amending s. 943.082, F.S.; providing exemptions from public records requirements for the identity of a reporting party and any information received through the mobile suspicious activity reporting tool which is held by the Department of Law Enforcement, law enforcement agencies, or school officials; amending s. 943.687, F.S.; providing an exemption from public meetings requirements for portions of meetings of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed; amending s. 1006.12, F.S.; providing an exemption from public records requirements for information that would identify whether a particular individual has been appointed as a safe-school officer; providing for future legislative review and repeal of the exemptions; providing statements of public necessity; providing a contingent effective date.

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

Section 1. Subsection (6) is added to section 943.082, Florida Statutes, as created by SB 7026, 2018 Regular Session, to read:

943.082 School Safety Awareness Program.—

(6) The identity of the reporting party received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any other information received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Present subsection (8) of section 943.687, Florida Statutes, as created by SB 7026, 2018 Regular Session, is renumbered as subsection (9), and a new subsection (8) is added to that section, to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(8) Any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on

October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Subsection (4) is added to section 1006.12, Florida Statutes, as amended by SB 7026, 2018 Regular Session, to read:

1006.12 Safe-school officers at each public school.—

(4) Any information that would identify whether a particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. (1) The Legislature finds that it is a public necessity that the identity of a person reporting unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, received through the mobile suspicious activity reporting tool and held by the Department of Law Enforcement, a law enforcement agency, or school officials, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, if the reporting person provides his or her identity. The public records exemption for the identity of those individuals reporting potentially harmful or threatening activities as part of the School Safety Awareness Program encourages individuals to act and not be fearful that their identity will be revealed. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear. Ensuring their identity is protected will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs.

(2) The Legislature also finds that it is a public necessity that any other information received through the mobile suspicious activity reporting tool through the School Safety Awareness Program and held by the Department of Law Enforcement, law enforcement agencies, or school officials be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The public records exemption for any other information received through the mobile suspicious activity reporting tool protects information of a sensitive personal nature that, if disclosed, could be embarrassing. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear and concern for their safety. The public records exemption will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs. The public records exemption is also needed to protect the privacy of other individuals who are included in the report. After a report is made, law enforcement may find the report to be unfounded. For these reasons, the Legislature finds that it is a public

necessity to protect any other information reported through the mobile suspicious activity reporting tool.

(3) The Legislature also finds that it is a public necessity that any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. The purpose of the commission is to investigate failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida and develop recommendations for system improvements. In order to fulfill its directive, the commission must be able to discuss exempt or confidential and exempt information that it receives as part of its investigation. The public meetings exemption will allow the commission to review and discuss exempt or confidential and exempt information that will be useful in forming meaningful recommendations for system improvements for prevention and response to mass violence incidents. As such, it is a necessity that those portions of meetings wherein exempt or confidential and exempt information is discussed be made exempt from public meetings requirements. If such portions of meeting are not closed, then the public records exemptions would be negated. Thus, the Legislature finds that the public meeting exemption is a public necessity in order to ensure the effective and efficient administration of the Marjory Stoneman Douglas High School Public Safety Commission.

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

Section 5. This act shall take effect on the same date that SB 7026 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor March 9, 2018.

Filed in Office Secretary of State March 9, 2018.