

1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 amending s. 943.082, F.S.; creating an exemption from
 4 public records requirements for the identity of a
 5 reporting party held by a specified entity; amending
 6 s. 943.687, F.S.; providing an exemption from public
 7 meetings requirements for portions of meetings of the
 8 Marjory Stoneman Douglas High School Commission at
 9 which confidential or exempt information is discussed;
 10 amending s. 1006.12, F.S.; providing an exemption from
 11 public records requirements for information that would
 12 identify whether a particular individual has been
 13 appointed as a school marshal; providing for future
 14 legislative review and repeal of the exemptions;
 15 providing statements of public necessity for the
 16 exemptions; providing effective dates.

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

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 20 Section 1. Subsection (6) is added to section 943.082,
 21 Florida Statutes, as created by PCB APC 18-06, 2018 Regular
 22 Session, to read:

23 943.082 School Safety Awareness Program.—

24 (6) The identity of the reporting party held by the
 25 department, a law enforcement agency, or school officials is

26 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 27 of the State Constitution. This subsection is subject to the
 28 Open Government Sunset Review Act in accordance with s. 119.15
 29 and shall stand repealed on October 2, 2023, unless reviewed and
 30 saved from repeal through reenactment by the Legislature.

31 Section 2. Effective upon becoming law, subsection (7) of
 32 s. 943.687, Florida Statutes, as created by PCB APC 18-06, is
 33 renumbered as subsection (8) and a new subsection (7) is added
 34 to that section, to read:

35 (7) Any portion of a meeting of the Marjory Stoneman
 36 Douglas High School Commission at which confidential or exempt
 37 information is discussed is exempt from s. 286.011 and s. 24(b),
 38 Art. I of the State Constitution. This subsection is subject to
 39 the Open Government Sunset Review Act in accordance with s.
 40 119.15 and shall stand repealed on October 2, 2023, unless
 41 reviewed and saved from repeal through reenactment by the
 42 Legislature.

43 Section 3. Subsection (5) is added to section 1006.12,
 44 Florida Statutes, to read:

45 1006.12 School resource officers, ~~and~~ school safety
 46 officers, ~~and~~ school marshals.-

47 (5) Any information that would identify whether a
 48 particular individual has been appointed as a school marshal
 49 pursuant to this section held by a law enforcement agency,
 50 school district, or charter school is exempt from s. 119.07(1)

51 and s. 24(a), Art. I of the State Constitution. This subsection
52 is subject to the Open Government Sunset Review Act in
53 accordance with s. 119.15 and shall stand repealed on October 2,
54 2023, unless reviewed and saved from repeal through reenactment
55 by the Legislature.

56 Section 4. (1) The Legislature finds that it is a public
57 necessity that the identity of a person reporting unsafe,
58 potentially harmful, dangerous, violent, or criminal activities,
59 or the threat of these activities, held by the Florida
60 Department of Law Enforcement, a law enforcement agency, or
61 school officials, be made confidential and exempt from s.
62 119.07(1) and s. 24(a), Art. I of the State Constitution if the
63 reporting person provides his or her identity. The public record
64 exemption for the identity of those individuals reporting
65 potentially harmful or threatening activities as part of the
66 School Safety Awareness Program encourages individuals to act
67 and not be fearful that their identities will be revealed to
68 their fellow students. Without the public record exemption,
69 individuals reporting such activities might be less willing to
70 report their knowledge of these possible activities to the
71 appropriate authorities out of fear. Ensuring their identities
72 are protected will encourage reporting, which could lead to law
73 enforcement or other appropriate agencies intervening before an
74 incident of mass violence occurs.

75 (2) The Legislature also finds that it is a public

76 necessity that any portion of a meeting of the Marjory Stoneman
77 Douglas High School Commission at which confidential or exempt
78 information is discussed be made exempt from s. 286.011, Florida
79 Statutes, and s. 24(b), Art. I of the State Constitution. The
80 purpose of the commission is to investigate failures in the
81 Marjory Stoneman Douglas High School shooting and prior mass
82 violence incidents in Florida and develop recommendations for
83 system improvements. In order to fulfill its directive, the
84 commission must be able to discuss confidential or exempt
85 information that it receives as part of its investigation. The
86 public meeting exemption will allow the commission to review and
87 discuss confidential or exempt information that will be useful
88 in forming meaningful recommendations for system improvements
89 for prevention and response to mass violence incidents. As such,
90 it is a necessity that those portions of meetings wherein
91 confidential or exempt information is discussed be made exempt
92 from public meetings requirements. If such portions of meeting
93 are not closed, then the public record exemptions would be
94 negated. Thus, the Legislature finds that the public meeting
95 exemption is a public necessity in order to ensure the effective
96 and efficient administration of the Marjory Stoneman Douglas
97 High School Commission.

98 (3) The Legislature further finds that it is a public
99 necessity that any information that would identify whether a
100 particular individual has been appointed as a school marshal

101 held by a law enforcement agency, school district, or charter
102 school be made exempt from s. 119.07(1), Florida Statutes, and
103 s. 24(a), Art. I of the State Constitution. School security and
104 student safety are fundamental priorities in this state. In
105 light of the tragic events at Marjory Stoneman Douglas High
106 School, in which 14 students and 3 adults were shot and killed
107 on February 14, 2018, school districts in this state must be
108 allowed to provide a supplemental security presence. To maximize
109 the effectiveness of school marshals as a deterrent and
110 responsive factor to situations threatening the lives of
111 students and school staff, school marshals may perform their
112 school-related duties while carrying a concealed weapon.
113 Disclosure of the identity of a school marshal can affect his or
114 her ability to adequately respond to an active assailant
115 situation. Accordingly, it is necessary to protect the identity
116 of school marshals from public records requirements in order to
117 effectively and efficiently implement the purpose and intent of
118 the marshal program.

119 Section 5. Except as otherwise provided, this act shall
120 take effect on the same date that PCB APC 18-06 or similar
121 legislation takes effect, if such legislation is adopted in the
122 same legislative session or an extension thereof and becomes a
123 law.