

By Senator Hays

11-01173A-14

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for information furnished to an
5 agency by a person or business for the purpose of
6 obtaining assistance with emergency planning or
7 emergency notification; providing a statement of
8 public necessity; providing an effective date.

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

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12 Section 1. Paragraph (j) of subsection (5) of section
13 119.071, Florida Statutes, is amended to read:

14 119.071 General exemptions from inspection or copying of
15 public records.—

16 (5) OTHER PERSONAL INFORMATION.—

17 (j)1. Any information furnished by a person or business to
18 an agency for the purpose of being provided assistance with
19 emergency planning or emergency notification by the agency,
20 ~~including the person's name, address, telephone number, e-mail~~
21 ~~address, or other electronic communication address,~~ is exempt
22 from s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution. This exemption applies to information held by an
24 agency before, on, or after the effective date of this
25 exemption.

26 2. This paragraph is subject to the Open Government Sunset
27 Review Act in accordance with s. 119.15, and shall stand
28 repealed on October 2, 2016, unless reviewed and saved from
29 repeal through reenactment by the Legislature.

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30 Section 2. The Legislature finds that it is a public
31 necessity that information furnished by a person or business to
32 an agency for the purpose of obtaining assistance with emergency
33 planning or emergency notification be exempt from s. 119.07(1),
34 Florida Statutes, and s. 24(a), Article I of the State
35 Constitution. The Division of Emergency Management manages a
36 statewide public awareness program to educate the public to be
37 self-sufficient for up to 72 hours following a natural or
38 manmade disaster. The public awareness program encourages
39 individuals, families, and businesses to develop disaster plans
40 in preparation of and in response to such natural or manmade
41 disasters. Emergency plans may include sensitive information
42 such as alternate locations for families to meet or business
43 relocation in the event of building damage; business contacts,
44 including utility providers, suppliers, and employees; backup
45 suppliers for key materials and services depended upon by the
46 business; important records and documents that the business
47 needs to operate; and emergency community contacts and disaster
48 resources. The potential disclosure of sensitive information has
49 served as a disincentive for creating a disaster plan,
50 particularly among businesses that fear that the disclosure of
51 sensitive information may place their businesses at a
52 competitive disadvantage. Therefore, the Legislature finds that
53 the harm that may result from the release of personal or
54 business information obtained by an agency for emergency
55 planning for the preparation of and in response to a natural or
56 manmade disaster outweighs any public benefit that may be
57 derived from disclosure of the information.

58 Section 3. This act shall take effect July 1, 2014.