

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

583-02834-14

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 252.905, F.S.; creating an exemption from public
4 records requirements for information furnished to the
5 Division of Emergency Management by a person or
6 business for the purpose of obtaining assistance with
7 emergency planning; providing for retroactive
8 application of the exemption; providing for future
9 repeal and legislative review of the exemption;
10 providing a statement of public necessity; providing
11 an effective date.

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

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15 Section 1. Section 252.905, Florida Statutes, is created to
16 read:

17 252.905 Emergency planning information; public records
18 exemption.—

19 (1) Any information furnished by a person or a business to
20 the division for the purpose of being provided assistance with
21 emergency planning is exempt from s. 119.07(1) and s. 24(a),
22 Art. I of the State Constitution. This exemption applies to
23 information held by the division before, on, or after the
24 effective date of this exemption.

25 (2) This section is subject to the Open Government Sunset
26 Review Act in accordance with s. 119.15, and shall stand
27 repealed on October 2, 2019, unless reviewed and saved from
28 repeal through reenactment by the Legislature.

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

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30 necessity that information furnished by a person or a business
31 to the Division of Emergency Management for the purpose of being
32 provided assistance with emergency planning be made exempt from
33 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
34 State Constitution. The Division of Emergency Management manages
35 a statewide public awareness program to educate the public to be
36 self-sufficient for up to 72 hours following a natural or
37 manmade disaster. The public awareness program encourages
38 individuals, families, and businesses to develop disaster plans
39 in preparation of and in response to such natural or manmade
40 disasters. Emergency plans may include sensitive information
41 such as alternate locations for families to meet or business
42 relocation in the event of building damage; business contacts,
43 including utility providers, suppliers, and employees; backup
44 suppliers for key materials and services depended upon by the
45 business; important records and documents that the business
46 needs to operate; and emergency community contacts and disaster
47 resources. Without this exemption, the effective and efficient
48 administration of the Division of Emergency Management's
49 statewide public awareness program is significantly impaired.
50 The potential disclosure of sensitive information has served as
51 a disincentive for creating a disaster plan, particularly among
52 businesses that fear that the disclosure of sensitive
53 information may place their businesses at a competitive
54 disadvantage. Therefore, the Legislature finds that the harm
55 that may result from the release of personal or business
56 information obtained by the Division of Emergency Management for
57 the purpose of providing assistance with emergency planning for
58 the preparation of and response to a natural or manmade disaster

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59 outweighs any public benefit that may be derived from disclosure
60 of the information.

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