

By Senator Powell

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1                                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       252.385, F.S.; creating an exemption from public  
4       records requirements for certain information of a  
5       person using a public shelter during an emergency;  
6       providing for future legislative review and repeal of  
7       the exemption; creating s. 252.64, F.S.; creating an  
8       exemption from public records requirements for certain  
9       identifying information related to damage assessments  
10      held by an agency following a disaster; specifying a  
11      limited duration of the exemption; providing for  
12      future legislative review and repeal of the exemption;  
13      transferring and amending s. 252.905, F.S.; creating  
14      an exemption from public records requirements for data  
15      and records contained in emergency management  
16      electronic collaboration systems or databases used by  
17      local emergency management agencies for certain  
18      purposes; providing retroactive application of the  
19      exemption; providing for future legislative review and  
20      repeal of the exemption; providing statements of  
21      public necessity; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25       Section 1. Section 252.385, Florida Statutes, is amended to  
26       read:

27       252.385 Public shelter space; public records exemption.—

28       (1) It is the intent of the Legislature that this state not  
29       have a deficit of safe public hurricane evacuation shelter space

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30 in any region of the state by 1998 and thereafter.

31 (2) (a) The division shall administer a program to survey  
32 existing schools, universities, community colleges, and other  
33 state-owned, municipally owned, and county-owned public  
34 buildings and any private facility that the owner, in writing,  
35 agrees to provide for use as a public hurricane evacuation  
36 shelter to identify those that are appropriately designed and  
37 located to serve as such shelters. The owners of the facilities  
38 must be given the opportunity to participate in the surveys. The  
39 state university boards of trustees, district school boards,  
40 community college boards of trustees, and the Department of  
41 Education are responsible for coordinating and implementing the  
42 survey of public schools, universities, and community colleges  
43 with the division or the local emergency management agency.

44 (b) By January 31 of each even-numbered year, the division  
45 shall prepare and submit a statewide emergency shelter plan to  
46 the Governor and Cabinet for approval, subject to the  
47 requirements for approval in s. 1013.37(2). The plan shall  
48 identify the general location and square footage of special  
49 needs shelters, by regional planning council region, during the  
50 next 5 years. The plan shall also include information on the  
51 availability of shelters that accept pets. The Department of  
52 Health shall assist the division in determining the estimated  
53 need for special needs shelter space and the adequacy of  
54 facilities to meet the needs of persons with special needs based  
55 on information from the registries of persons with special needs  
56 and other information.

57 (3) The division shall annually provide to the President of  
58 the Senate, the Speaker of the House of Representatives, and the

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59 Governor a list of facilities recommended to be retrofitted  
60 using state funds. State funds should be maximized and targeted  
61 to regional planning council regions with hurricane evacuation  
62 shelter deficits. Retrofitting facilities in regions with public  
63 hurricane evacuation shelter deficits shall be given first  
64 priority and should be completed by 2003. All recommended  
65 facilities should be retrofitted by 2008. The owner or lessee of  
66 a public hurricane evacuation shelter that is included on the  
67 list of facilities recommended for retrofitting is not required  
68 to perform any recommended improvements.

69 (4) (a) Public facilities, including schools, postsecondary  
70 education facilities, and other facilities owned or leased by  
71 the state or local governments, but excluding hospitals, hospice  
72 care facilities, assisted living facilities, and nursing homes,  
73 which are suitable for use as public hurricane evacuation  
74 shelters shall be made available at the request of the local  
75 emergency management agencies. The local emergency management  
76 agency shall coordinate with these entities to ensure that  
77 designated facilities are ready to activate prior to a specific  
78 hurricane or disaster. Such agencies shall coordinate with the  
79 appropriate school board, university, community college, state  
80 agency, or local governing board when requesting the use of such  
81 facilities as public hurricane evacuation shelters.

82 (b) The Department of Management Services shall incorporate  
83 provisions for the use of suitable leased public facilities as  
84 public hurricane evacuation shelters into lease agreements for  
85 state agencies. Suitable leased public facilities include leased  
86 public facilities that are solely occupied by state agencies and  
87 have at least 2,000 square feet of net floor area in a single

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88 room or in a combination of rooms having a minimum of 400 square  
89 feet in each room. The net square footage of floor area shall be  
90 determined by subtracting from the gross square footage the  
91 square footage of spaces such as mechanical and electrical  
92 rooms, storage rooms, open corridors, restrooms, kitchens,  
93 science or computer laboratories, shop or mechanical areas,  
94 administrative offices, records vaults, and crawl spaces.

95 (c) The Department of Management Services shall, in  
96 consultation with local and state emergency management agencies,  
97 assess Department of Management Services facilities to identify  
98 the extent to which each facility has public hurricane  
99 evacuation shelter space. The Department of Management Services  
100 shall submit proposed facility retrofit projects that  
101 incorporate hurricane protection enhancements to the division  
102 for assessment and inclusion in the annual report prepared in  
103 accordance with subsection (3).

104 (d) The Department of Management Services shall include in  
105 the annual state facilities inventory report required under ss.  
106 216.015-216.016 a separate list of state-owned facilities,  
107 including, but not limited to, meeting halls, auditoriums,  
108 conference centers, and training centers that have unoccupied  
109 space suitable for use as an emergency shelter during a storm or  
110 other catastrophic event. Facilities must be listed by the  
111 county and municipality where the facility is located and must  
112 be made available in accordance with paragraph (a). As used in  
113 this paragraph, the term "suitable for use as an emergency  
114 shelter" means meeting the standards set by the American Red  
115 Cross for a hurricane evacuation shelter, and the term  
116 "unoccupied" means vacant due to suspended operation or nonuse.

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117 The list must be updated by May 31 of each year.

118 (5) The name, address, and telephone number of a person  
119 using a public shelter during an emergency which are held by an  
120 agency, as defined in s. 119.011, are exempt from s. 119.07(1)  
121 and s. 24(a), Art. I of the State Constitution. This subsection  
122 is subject to the Open Government Sunset Review Act in  
123 accordance with s. 119.15 and shall stand repealed on October 2,  
124 2024, unless reviewed and saved from repeal through reenactment  
125 of the Legislature.

126 Section 2. Section 252.64, Florida Statutes, is created to  
127 read:

128 252.64 Public records exemption; damage assessments.—The  
129 name, address, and telephone number of a homeowner or tenant  
130 which are held by an agency, as defined in s. 119.011, for the  
131 purpose of providing or receiving damage assessment data  
132 following a disaster are exempt from s. 119.07(1) and s. 24(a),  
133 Art. I of the State Constitution. Such information is no longer  
134 exempt 1 year after the date of the disaster. This section is  
135 subject to the Open Government Sunset Review Act in accordance  
136 with s. 119.15 and shall stand repealed on October 2, 2024,  
137 unless reviewed and saved from repeal through reenactment of the  
138 Legislature.

139 Section 3. Section 252.905, Florida Statutes, is renumbered  
140 as s. 252.65, Florida Statutes, and amended to read:

141 252.65 ~~252.905~~ Emergency planning information; public  
142 records exemption.—

143 (1) The following information is exempt from s. 119.07(1)  
144 and s. 24(a), Art. I of the State Constitution:

145 (a) Any information furnished by a person or a business to

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146 the division for the purpose of being provided assistance with  
147 emergency planning.

148 (b) Data and records contained in emergency management  
149 electronic collaboration systems or databases that are used by a  
150 local emergency management agency to share information among  
151 agencies in response to, or in preparation for, an emergency  
152 situation is exempt from s. 119.07(1) and s. 24(a), Art. I of  
153 the State Constitution.

154 (2) This exemption applies to information held by the  
155 division and data and records contained in an emergency  
156 management electronic collaboration system or database before,  
157 on, or after the effective date of this exemption.

158 (3)~~(2)~~ This section is subject to the Open Government  
159 Sunset Review Act in accordance with s. 119.15, and shall stand  
160 repealed on October 2, 2024 ~~2019~~, unless reviewed and saved from  
161 repeal through reenactment by the Legislature.

162 Section 4. (1) The Legislature finds that it is a public  
163 necessity that the name, address, and telephone number of a  
164 person using a public shelter during an emergency which are held  
165 by an agency be made exempt from s. 119.07(1), Florida Statutes,  
166 and s. 24(a), Article I of the State Constitution. Shelters are  
167 made available to the public to provide a safe place of  
168 accommodation before, during, and immediately following an  
169 emergency. During an emergency, the people affected are in a  
170 vulnerable state because they have voluntarily displaced  
171 themselves from their residences and possessions to seek refuge.  
172 The information submitted by such a shelter user could be used  
173 by persons seeking to take advantage of their vulnerability  
174 during or following the emergency. In addition, people seeking

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175 shelter for their safety and the safety of their families should  
176 not be forced to forfeit their privacy for the sake of such  
177 safety. Therefore, the Legislature finds that it is a public  
178 necessity to protect such information from public disclosure.

179 (2) The Legislature further finds that it is a public  
180 necessity that the name, address, and telephone number of a  
181 person which are held by an agency for the purpose of providing  
182 or receiving damage assessment data be made exempt from s.  
183 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
184 State Constitution for 1 year following the date of a disaster.  
185 In response to a disaster, an agency, in trying to ascertain the  
186 damage to certain areas, may ask residents to submit damage  
187 assessment data detailing the damage to their properties. The  
188 agency may also create damage assessment data or amend the  
189 submitted data to enhance the accuracy of all damage assessments  
190 within a given area. The data may include a person's name,  
191 address, and telephone number, which may be used to locate the  
192 damaged property, identify the owner or tenant, and contact  
193 them, if needed. Following a disaster, the people affected are  
194 vulnerable, frequently displaced, and living without their  
195 possessions, and their homes may be severely damaged, often to  
196 the point of being uninhabitable. The information could, if  
197 released, be used by thieves, predatory lenders, deceptive  
198 contractors, or individuals otherwise seeking to take advantage  
199 of the vulnerability of an affected homeowner or tenant  
200 following a disaster. Therefore, it is necessary that this  
201 information be protected for a limited time to ensure that  
202 people affected by a disaster are not harassed, intimidated, or  
203 potentially defrauded.

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204       (3) The Legislature further finds that it is a public  
205 necessity that data and records contained in emergency  
206 management electronic collaboration systems or databases that  
207 are used by a local emergency management agency to share  
208 information among agencies in response to, or preparation for,  
209 an emergency situation be exempt from s. 119.07(1), Florida  
210 Statutes, and s. 24(a), Art. I of the State Constitution.  
211 Numerous local emergency management agencies use electronic  
212 collaboration systems or databases in order to maximize  
213 information-sharing abilities between agencies to facilitate a  
214 prompt response to emergencies and disasters. In addition, these  
215 systems and databases are used to plan for, track, and manage  
216 numerous functions including, but not limited to, the  
217 registration of persons with special needs, tabulation of  
218 responder contact information, tabulation and analysis of damage  
219 assessment data, and the assignment, and the fulfillment  
220 thereof, of missions to agencies. As a result, these systems and  
221 databases contain large amounts of data, some of which are  
222 already covered by other public records exemptions. As exempt  
223 information is embedded throughout the systems and databases,  
224 such information could potentially be inadvertently released in  
225 response to broad public records requests. The release of  
226 information in such databases and systems could be used by  
227 unscrupulous businesses or individuals to take advantage of a  
228 vulnerable individual impacted by an emergency or a disaster.  
229 Furthermore, the release of certain information embedded within  
230 large datasets, such as certain agency personnel information,  
231 could result in the harassment of employees and the  
232 dissemination of the location of critical facilities or



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233 unoccupied domiciles. Therefore, the Legislature finds that it  
234 is necessary to protect such information from public disclosure.

235 Section 5. This act shall take effect upon becoming a law.