

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 252.905, F.S.; providing definitions; revising an
 4 exemption from public records requirements for certain
 5 information relating to emergency planning and
 6 management; providing for future legislative review
 7 and repeal of the exemption; 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. Section 252.905, Florida Statutes, is amended
 13 to read:

14 252.905 Emergency planning and management information;
 15 public records exemption.—

16 (1) As used in this section, the term:

17 (a) "After-action report" means a record that provides
 18 observations of a disaster, incident, emergency, or exercise and
 19 identifies specific corrective action recommendations for post-
 20 event improvements.

21 (b) "Emergency management electronic collaboration system"
 22 means a web-based collaborative application designed to support
 23 a shared database used by the division or a local emergency
 24 management agency to store and update transactional data related
 25 to an emergency or disaster that is used by multiple responding

26 users.

27 (c) "Emergency response assessment" means any record that
 28 collects, analyzes, or evaluates data and information pertinent
 29 to emergency response actions taken by first responders and
 30 disaster response stakeholders before, during, or after an
 31 emergency or disaster as those terms are defined in s. 252.34.
 32 Emergency response actions include, but are not limited to,
 33 actions taken to save lives or relieve suffering, to protect the
 34 health and safety of the public, to prevent the escalation of
 35 the event, to mitigate further damage, to maintain or restore
 36 critical functions, to safeguard the environment, and to restore
 37 normal services.

38 (d) "Evaluation tools" means instruments or techniques
 39 used to measure and evaluate the quality or efficacy of
 40 emergency response actions.

41 (2) The following are exempt from s. 119.07(1) and s.
 42 24(a), Art. I of the State Constitution:

43 (a) Information furnished by a person or a business to the
 44 division or a local emergency management agency for the purpose
 45 of being provided assistance with emergency planning or
 46 management.

47 (b) Emergency response assessments, evaluation tools, or
 48 after-action reports that are prepared by the division or a
 49 local emergency management agency.

50 (c) Information held by the division or a local emergency

51 management agency, including, but not limited to, all data
52 contained in an emergency management electronic collaboration
53 system.

54 (3) This section is subject to the Open Government Sunset
55 Review Act in accordance with s. 119.15 and shall stand repealed
56 on October 2, 2026, unless reviewed and saved from repeal
57 through reenactment by the Legislature ~~Any information furnished~~
58 ~~by a person or a business to the division for the purpose of~~
59 ~~being provided assistance with emergency planning is exempt from~~
60 ~~s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~
61 ~~This exemption applies to information held by the division~~
62 ~~before, on, or after the effective date of this exemption.~~

63 Section 2. The Legislature finds that it is a public
64 necessity that emergency response assessments, evaluation tools,
65 and after-action reports relied on by local emergency management
66 agencies and the Division of Emergency Management within the
67 Executive Office of the Governor to evaluate the effectiveness
68 of an emergency response in order to improve future emergency
69 response techniques and procedures be made exempt from s.
70 119.07(1), Florida Statutes, and s. 24(a), Article I of the
71 State Constitution. Such assessments, tools, and reports cover a
72 cross-section of agencies and entities and may include protected
73 information, including, but not limited to, threat,
74 vulnerability, and capability assessment information. In order
75 to encourage full participation in emergency response

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76 assessments, it is critical that participating agencies are
77 assured that comments and critiques will not result in
78 misunderstandings of emergency response techniques or
79 procedures, but will be used for evaluation and improvement of
80 existing emergency response systems.

81 Section 3. This act shall take effect July 1, 2021.