

By Senator Powell

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 252.905, F.S.; defining terms; expanding an exemption
4 from public records requirements for information
5 furnished by a person or business to the Division of
6 Emergency Management or a local emergency management
7 agency to receive assistance with emergency planning
8 to include emergency response assessment reports,
9 evaluation tools, or after-action reports prepared by
10 the division or a local emergency management agency;
11 providing for future legislative review and repeal of
12 the exemption; providing a statement of public
13 necessity; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 252.905, Florida Statutes, is amended to
18 read:

19 252.905 Emergency planning information; public records
20 exemption.—

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

22 (a) "After-action report" means a report containing
23 observations of a disaster, an incident, an emergency, or an
24 exercise and recommendations identifying specific corrective
25 actions for post-event improvements.

26 (b) "Emergency management electronic collaboration system"
27 means a web-based collaborative application designed to support
28 a shared relational database used by the division or a local
29 emergency management agency to store and update transactional

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30 data related to an emergency or a disaster which is input and
31 used by multiple responders.

32 (c) "Emergency response assessment report" means a report
33 containing analysis and evaluation of collected data and
34 information pertinent to the response actions taken by first
35 responders and disaster response stakeholders before, during, or
36 after a disaster or an emergency as those terms are defined in
37 s. 252.34. Such response actions include, but are not limited
38 to, saving lives or relieving suffering, protecting the health
39 and safety of the public, preventing the escalation of an
40 incident, mitigating further damage, maintaining or restoring
41 critical functions, safeguarding the environment, and restoring
42 normal services.

43 (d) "Evaluation tools" means instruments or techniques used
44 to measure and evaluate the quality or efficacy of disaster
45 response actions or interventions.

46 (2) The following ~~Any~~ information held by the division or a
47 local emergency management agency, including all data and
48 records contained in an emergency management electronic
49 collaboration system, ~~furnished by a person or a business to the~~
50 division for the purpose of being provided assistance with
51 emergency planning is exempt from s. 119.07(1) and s. 24(a),
52 Art. I of the State Constitution:

53 (a) Any information furnished by a person or a business to
54 the division or a local emergency management agency for the
55 purpose of receiving assistance with emergency planning.

56 (b) Emergency response assessment reports, evaluation
57 tools, or after-action reports prepared by the division or a
58 local emergency management agency.

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59 (3) This section is subject to the Open Government Sunset
60 Review Act in accordance with s. 119.15 and shall stand repealed
61 on October 2, 2026, unless reviewed and saved from repeal
62 through reenactment by the Legislature. ~~This exemption applies~~
63 ~~to information held by the division before, on, or after the~~
64 ~~effective date of this exemption.~~

65 Section 2. The Legislature finds it is a public necessity
66 that emergency response assessment reports, evaluation tools,
67 and after-action reports relied upon by emergency management
68 agencies to evaluate the effectiveness of a response and used to
69 improve that response be made exempt from s. 119.07(1), Florida
70 Statutes, and s. 24(a), Article I of the State Constitution.
71 Such assessments, tools, and reports cover a cross-section of
72 agencies and entities and may include protected information,
73 such as threat, vulnerability, and capability assessment
74 information. This protected information must be exempt from
75 public records requirements not only because of its sensitive
76 nature, but to assure participating agencies that their candid
77 assessments of response techniques or procedures will not be
78 misunderstood or misinterpreted, but instead be the basis for
79 meaningful evaluation and improvement of existing response
80 systems. This need outweighs the value of publicly disclosing
81 these emergency response assessment reports, evaluations tools,
82 and after-action reports.

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