

By the Committee on Governmental Oversight and Accountability;
and Senator Powell

585-03843-21

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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 response assessment report" means a report
27 containing analysis and evaluation of collected data and
28 information pertinent to the response actions taken by first
29 responders and disaster response stakeholders before, during, or

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30 after a disaster or an emergency as those terms are defined in
31 s. 252.34. Such response actions include, but are not limited
32 to, saving lives or relieving suffering, protecting the health
33 and safety of the public, preventing the escalation of an
34 incident, mitigating further damage, maintaining or restoring
35 critical functions, safeguarding the environment, and restoring
36 normal services.

37 (c) "Evaluation tools" means instruments or techniques used
38 to measure and evaluate the quality or efficacy of disaster
39 response actions or interventions.

40 (2) The following ~~Any~~ information held by the division or a
41 local emergency management agency ~~furnished by a person or a~~
42 business to the division for the purpose of being provided
43 assistance with emergency planning is exempt from s. 119.07(1)
44 and s. 24(a), Art. I of the State Constitution:

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

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

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52 Review Act in accordance with s. 119.15 and shall stand repealed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

57 Section 2. The Legislature finds it is a public necessity
58 that emergency response assessment reports, evaluation tools,

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

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