

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 7000

INTRODUCER: Governmental Oversight and Accountability Committee; and Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: OGSR/Persons Provided Public Emergency Shelter

DATE: January 26, 2026

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|-----------|---------------------------------------|
| | <u>Bellamy</u> | <u>Proctor</u> | | MS Submitted as Comm. Bill/Fav |
| 1. | <u>McVaney</u> | <u>McVaney</u> | <u>GO</u> | Fav/CS |
| 2. | <u>Bellamy</u> | <u>Kruse</u> | <u>RC</u> | Pre-meeting |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7000 saves from repeal the current public records exemption that exempts from public records inspections and copying requirements the address and telephone number of a person provided public emergency shelter during a storm or catastrophic event and held by an agency that provided such shelter.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2026, unless reenacted by the Legislature. The bill saves the exemption from repeal by deleting the scheduled repeal date, thereby maintaining the exempt status of the information.

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business

¹ FLA. CONST. art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.³ For instance, legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature. Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive agencies and constitutes the main body of public records laws.

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person. Each agency has a duty to provide access to public records.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

Only the Legislature may create an exemption to public records requirements.⁹ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated

² *Id.*; see *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Chapter 119, F.S., does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32, 36-37 (Fla. 1992) (providing that ch. 119, F.S., does not apply to legislative records); *Times Pub. Co. v. Ake*, 660 So. 2d 255, 255 (Fla. 1995) (providing the same but for judicial records).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid & Assoc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act and confidential.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable public purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST. art. I, s. 24(c).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

General exemptions from the public records requirements are typically contained in the Public Records Act.²⁷ Specific exemptions are often placed in the substantive statutes which relate to a particular agency or program.²⁸

Florida Division of Emergency Management

The Florida Division of Emergency Management (DEM) is established within the Executive Office of the Governor.²⁹ The director of the DEM is appointed by and serves at the pleasure of the Governor.³⁰ The primary role of the DEM is to manage and respond to disasters by coordinating with the Federal Government and political subdivisions of the state.³¹ These disasters include, but are not limited to, hurricanes, floods, and radiological emergencies, such as those arising from nuclear power.³² The main body of law which governs emergency management responsibilities, requirements, funding, and authority is the State Emergency Management Act, ss. 252.31-252.60, F.S.³³

Public Shelters

The State Emergency Management Act specifies that the DEM is responsible for maintaining a comprehensive statewide program of emergency management.³⁴ As part of this responsibility,

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S.

²⁵ FLA. CONST. art. I, s. 24(c). *See generally* s. 119.15, F.S. (providing that an exemption “may be created, revised, or maintained only if it serves an identifiable public purpose, and the exemption may be no broader than is necessary to meet the public purpose it serves”).

²⁶ Section 119.15(7), F.S.

²⁷ *See, e.g.*, s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of exams administered by a governmental agency for the purpose of licensure).

²⁸ *See, e.g.*, s. 213.053(2), F.S. (exempting from public disclosure information received by the DOR, including investigative reports and information).

²⁹ Section 14.2016, F.S.

³⁰ *Id.*

³¹ *Id.*

³² Section 252.35(2), F.S. (providing that the DEM is responsible for emergency management for natural disasters and public health emergencies); s. 252.34, F.S. (providing the definitions for emergency management, natural emergency, and public health emergency); s. 252.60(4), F.S. (providing DEM’s duties in response to radiological emergencies).

³³ *See* s. 252.31 (providing short title).

³⁴ Section 252.35, F.S.

the DEM must prepare a state comprehensive emergency management plan (CEMP) that is integrated into and coordinated with the emergency management plans and programs of the Federal Government.³⁵ The CEMP must include an evacuation component, a shelter component, and a post disaster response and recovery component.³⁶ As part of the shelter component, the CEMP includes the Statewide Emergency Shelter Plan.³⁷ The CEMP must also contain other provisions addressing specific aspects of emergency management outlined in statute.³⁸ The CEMP must be submitted to the President of the Senate, the Speaker of the House, and the Governor on February 1 of every even numbered year.³⁹

County governments have the duty of evacuating and sheltering the public during a declared local or state emergency.⁴⁰ The State Emergency Management Act requires each county in the state to create a local emergency management agency.⁴¹ Local emergency management agencies must develop a county emergency management plan that contains shelter provisions and is coordinated and consistent with the CEMP.⁴² Each local emergency management agency has jurisdiction over and serves the entire county; however, adjoining counties may enter into interjurisdictional emergency management agreements delineated by the Governor through executive order or rule.⁴³

There are two types of emergency shelters open to the public during a declared local or state emergency: general population shelters⁴⁴ and special needs shelters.⁴⁵

During a declared local or state emergency, and at the request of the director of a local emergency management agency, district school boards must provide access to their facilities if the use of the facilities is consistent with the county emergency management plan and program.⁴⁶ These facilities are the primary source of public evacuation shelters.⁴⁷

Additionally, as part of its statewide emergency shelter plan, the DEM administers a program to survey schools, universities, community colleges, state and local government-owned buildings (excluding hospitals, hospice care facilities, assisted living facilities, and nursing homes), and private facilities with written consent of the owner, to identify appropriately designed and located spaces to serve as hurricane evacuation shelters.⁴⁸ During a local or state emergency,

³⁵ Section 252.35(2), F.S.

³⁶ *Id.*

³⁷ Division of Emergency Management, *2024 Statewide Evacuation Shelter Plan*, available at https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf (last visited Aug. 19, 2025).

³⁸ Section 252.34(2)(a), F.S.

³⁹ *Id.*

⁴⁰ Section 252.38, F.S.

⁴¹ Section 252.38 (a), F.S.

⁴² *Id.*

⁴³ Section 252.38(3)(b), F.S.

⁴⁴ Section 252.385, F.S.

⁴⁵ Section 252.355, F.S.

⁴⁶ Section 252.38(1)(d), F.S.

⁴⁷ Division of Emergency Management, *2024 Statewide Evacuation Shelter Plan*, available at https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf (last visited Aug. 19, 2025).

⁴⁸ Section 252.385(2)(a), F.S.

spaces suitable as hurricane evacuation shelters shall be made available at the request of local emergency management agencies.⁴⁹

Generally, special needs shelters are available for people who meet the definition of special needs under the Florida Administrative Code⁵⁰ and require care that exceeds basic first aid provided at general population shelters.⁵¹ The DEM, in coordination with local emergency management agencies, is required to maintain a registry of people with special needs in the jurisdiction of such local emergency management agencies.

Public Records Exemption Relating to Emergency Shelters

State law does not require local emergency management agencies to collect information about a person who is provided general population or special needs public shelter during an emergency, however, nothing in law prevents the collection of this information. If available, local emergency management agencies must provide a complete special needs shelter roster to local law enforcement agencies upon request.⁵² All records, data, information, correspondence, and communications relating to the registration of people with special needs are confidential and exempt from public records disclosure requirements under the public records exemption in s. 252.355(5), F.S.

In 2021, s. 252.385(5), F.S., was enacted to exempt from public records inspection and copying requirements the address and telephone number of a person provided public shelter during a storm or catastrophic event:

The address and telephone number of a person provided public emergency shelter during a storm or catastrophic event and held by the agency, as defined in s. 119.011, that provided the emergency shelter is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.⁵³

If a local emergency management agency's county emergency management plan requires shelters to collect information from a person who is provided general population public shelter during a storm or catastrophic event, current law exempts the address and telephone number from public inspection and copying.

The public record exemption in s. 252.385(5), F.S. is set to be repealed on October 2, 2026, unless saved from repeal through reenactment by the Legislature.

⁴⁹ Section 252.385(4)(a), F.S.

⁵⁰ Florida Administrative Code R. 64-3.015 (2016) defines "person with special needs" to mean someone, who during periods of evacuation or emergency, requires sheltering assistance, due to physical impairment, mental impairment, cognitive impairment, or sensory disabilities.

⁵¹ Division of Emergency Management, *Important Shelter Information*, available at <https://www.floridadisaster.org/planprep-are/disability/evacuations-and-shelters/shelter-information/> (last visited Aug. 19, 2025).

⁵² Section 252.355(5), F.S.

⁵³ *Id.*

Open Government Sunset Review of the Public Records Exemption for Public Emergency Shelter Information

During the 2025 interim, Senate and House committee staff surveyed counties and their local emergency management agencies concerning the public record exemption in s. 252.385(5), F.S. These surveys were provided to each of the 67 counties of the State.⁵⁴

Staff received a total of 18 local emergency management agency responses. Of the 16 responses that provided feedback regarding the exemption in s. 252.385(5), F.S., 14 recommended that the Legislature reenact the public record exemptions “as is” without any changes. Additionally, of the 18 responses, 16 local emergency management agencies indicated they collect the names, addresses, or both, of a person who is provided public emergency shelter.⁵⁵

Public Record Exemption Findings

Legislative staff requested that the local emergency management agencies review the use of the public record exemption in s. 252.385(5), F.S. The responses did not report any issue interpreting or applying the exemption, and noted that the exemption was used, in particular, to protect records that could harm the safety of a vulnerable person provided public shelter during a storm or catastrophic event.⁵⁶

III. Effect of Proposed Changes:

The bill removes the scheduled repeal of the public records exemption for the address and telephone number of a person provided public shelter during a storm or catastrophic event and held by the agency that provided such shelter. This maintains the exempt status of such information.

The bill provides the act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

⁵⁴ Email sent from Rachel Walker, Policy Analyst, House Government Operations Subcommittee to local emergency managements agencies (September 26, 2025) (on file with Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

⁵⁵ Most local emergency management agencies collected names and addresses on a voluntary basis. A few require a name or address, as well as an ID to enter a public shelter located at a school.

⁵⁶ Emails sent from local emergency management agencies to Jon Bellamy, Legislative Analyst, Senate Military and Veterans Affairs, Space, and Domestic Security Committee (on file with Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. The bill continues a current public records exemption beyond its current date of repeal. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records copying and inspection requirements to state with specificity the public necessity justifying the exemption. The bill does not create or expand an exemption, and thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records disclosure requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law. The bill provides the specific information that would be made exempt to prevent the release of information that may jeopardize the safety of a vulnerable person provided public shelter during a storm or catastrophic event.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

C. **Government Sector Impact:**

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

The bill substantially amends section 252.385(5) of the Florida Statutes.

IX. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on January 12, 2026:

Changes the effective date of the bill from October 1, 2026, to “upon becoming a law.”

B. **Amendments:**

None.