

CHAPTER 2014-188

Committee Substitute for Senate Bill No. 1140

An act relating to public records; creating s. 252.905, F.S.; creating an exemption from public records requirements for information furnished to the Division of Emergency Management by a person or business for the purpose of obtaining assistance with emergency planning; providing for retroactive application of the exemption; providing for future repeal and legislative review of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 252.905, Florida Statutes, is created to read:

252.905 Emergency planning information; public records exemption.—

(1) Any information furnished by a person or a business to the division for the purpose of being provided assistance with emergency planning is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to information held by the division before, on, or after the effective date of this exemption.

(2) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that information furnished by a person or a business to the Division of Emergency Management for the purpose of being provided assistance with emergency planning be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Division of Emergency Management manages a statewide public awareness program to educate the public to be self-sufficient for up to 72 hours following a natural or manmade disaster. The public awareness program encourages individuals, families, and businesses to develop disaster plans in preparation of and in response to such natural or manmade disasters. Emergency plans may include sensitive information such as alternate locations for families to meet or business relocation in the event of building damage; business contacts, including utility providers, suppliers, and employees; backup suppliers for key materials and services depended upon by the business; important records and documents that the business needs to operate; and emergency community contacts and disaster resources. Without this exemption, the effective and efficient administration of the Division of Emergency Management's statewide public awareness program is significantly impaired. The potential disclosure of sensitive information has served as a disincentive for creating a disaster plan, particularly among businesses that fear that the disclosure of

sensitive information may place their businesses at a competitive disadvantage. Therefore, the Legislature finds that the harm that may result from the release of personal or business information obtained by the Division of Emergency Management for the purpose of providing assistance with emergency planning for the preparation of and response to a natural or manmade disaster outweighs any public benefit that may be derived from disclosure of the information.

Section 3. This act shall take effect July 1, 2014.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.