

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 7005](#) [PCB GOS 26-03](#)

**TITLE:** OGSR/Persons Provided Public Emergency Shelter

**SPONSOR(S):** Weinberger

**COMPANION BILL:** [SB 7000](#)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Orig. Comm.: Government](#)

[Operations](#)

15 Y, 0 N



[Natural Resources & Disasters](#)

15 Y, 0 N



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill saves from repeal the public record exemption for the address and telephone number of persons provided public emergency shelter during a storm or catastrophic event. The public record exemption will repeal on October 2, 2026, if the bill does not become law.

### Fiscal or Economic Impact:

None.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill removes the scheduled repeal, created pursuant to the [Open Government Sunset Review Act](#), of the public record exemption for the address and telephone number of persons provided [public emergency shelter](#) during a storm or catastrophic event. The public record exemption for such records when held by agencies that provide the emergency shelter will repeal on October 2, 2026, if the bill does not become a law. (Section [1](#))

The effective date of the bill is upon becoming a law. (Section [2](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Open Government Sunset Review Act](#)

The Open Government Sunset Review Act (OGSR Act)<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2<sup>nd</sup> of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.

<sup>1</sup> S. [119.15, F.S.](#)

<sup>2</sup> S. [119.15\(3\), F.S.](#)

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- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.<sup>4</sup>

### Public Emergency Shelter

The Division of Emergency Management (DEM), a unit within the Executive Office of the Governor, serves as the state's emergency management agency, overseeing the state's emergency preparedness, response, recovery, and mitigation programs.<sup>5</sup> DEM manages a program for surveying existing private<sup>6</sup> and public buildings for the purpose of identifying appropriately designed and located facilities to serve as shelters in the event of an emergency.<sup>7</sup> Suitable public facilities, such as schools, post-secondary education facilities, and other facilities owned or leased by the state or local governments, must be made available at the request of local emergency management agencies.<sup>8</sup> Local emergency management agencies<sup>9</sup> are required to coordinate with the public entities that own or operate the public facilities to ensure that they are ready to activate before a hurricane or disaster.<sup>10</sup>

As part of its emergency preparedness duties, DEM maintains and updates the State Comprehensive Emergency Management Plan (CEMP), which must work in tandem with the Federal government's emergency management plans.<sup>11</sup> DEM adopts the CEMP through the rulemaking process and then subsequently submits it to the President of the Senate, the Speaker of the House of Representatives, and the Governor each even-numbered year.<sup>12</sup> The CEMP<sup>13</sup> must include a shelter component that promotes shelter activity coordination between the public, private, and nonprofit sectors.<sup>14</sup> The shelter component must also:

- Contain strategies to ensure the availability of adequate shelter space in each region of the state.
- Establish strategies for refuge-of-last-resort programs.
- Provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel.
- Provide for a post-disaster communications system for public shelters.
- Establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing.
- Set forth policy guidance for sheltering people with special needs.<sup>15</sup>

<sup>3</sup> S. [119.15\(6\)\(b\), F.S.](#)

<sup>4</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>5</sup> [S. 14.2016, F.S.](#)

<sup>6</sup> [S. 252.385\(2\), F.S.](#), provides that DEM may only survey private buildings that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter.

<sup>7</sup> *Id.*

<sup>8</sup> [S. 252.385\(4\)\(a\), F.S.](#)

<sup>9</sup> [S. 252.34\(6\), F.S.](#), provides that the term "local emergency management agency" means an organization created to discharge the emergency management responsibilities and functions of a political subdivision. Each county of Florida has a designated local emergency management agency. See Division of Emergency Management, [County Emergency Management Websites](#) (last visited Nov. 23, 2025).

<sup>10</sup> [S. 252.385\(4\)\(a\), F.S.](#)

<sup>11</sup> [S. 252.35\(2\)\(a\), F.S.](#)

<sup>12</sup> *Id.*

<sup>13</sup> State Emergency Response Team, [Florida Comprehensive Emergency Management Plan](#) (last visited Nov. 23, 2025).

<sup>14</sup> [S. 252.35\(2\)\(a\)2., F.S.](#)

<sup>15</sup> *Id.*

DEM also annually submits a report to the Governor, President of the Senate, and the Speaker of the House of Representatives, on facilities recommended to be retrofitted using state funds.<sup>16</sup> This report must also include a statewide emergency shelter plan<sup>17</sup> that must contain certain information, including:

- A five-year projection of the hurricane shelter needs of the state.
- The general location and square footage of special needs shelters by county.
- Information on the availability of shelters that accept pets.<sup>18</sup>

Public emergency shelters are not required to collect the personal information of persons using the shelter, but are not prohibited from doing so. Emergency shelters might collect personal information on their residents for locating family members to facilitate family reunification following a storm or catastrophic event.

### Public Record Exemption under Review

In 2021, the Legislature created a public record exemption for the address and telephone number of a person provided public emergency shelter during a storm or catastrophic event held by an agency that provided the emergency shelter.<sup>19</sup>

The 2021 public necessity statement<sup>20</sup> provided that the release of the protected information “could be used by persons seeking to take advantage of [the] vulnerability [of individuals seeking shelter] during or following an emergency.”<sup>21</sup> The public necessity statement asserts that “those seeking emergency shelter for their safety and the safety of their families should not be forced to forfeit their privacy for the sake of such safety.”<sup>22</sup>

Pursuant to the OGSR Act, the public record exemption will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.<sup>23</sup>

During the 2025 interim, House and Senate committee staff surveyed counties and their local emergency management agencies concerning the exemption under review.<sup>24</sup> Of the 67 counties, 18 responded. The survey yielded the following results:

- 16 counties collect addresses, telephone numbers, or both.
- 6 counties require certain information of individuals as a condition of entry into their emergency shelters.
- The vast majority of the respondents recommended that the exemption be reenacted as is.

Other information that certain counties may request from persons seeking emergency shelter include names, medical conditions, medications, age, method of transportation, and primary language.

<sup>16</sup> [S. 252.385\(3\)\(a\), F.S.](#)

<sup>17</sup> See Florida Division of Emergency Management, [Statewide Emergency Shelter Plan \(2025\)](#) (last visited Nov. 23, 2025).

<sup>18</sup> [S. 252.385\(3\)\(b\), F.S.](#)

<sup>19</sup> [Ch. 2021-19, L.O.F.](#)

<sup>20</sup> [Article I, s. 24\(c\), FLA. CONST.](#), requires each public record exemption to “state with specificity the public necessity justifying exemption.”

<sup>21</sup> [Ch. 2021-19, L.O.F.](#)

<sup>22</sup> *Id.*

<sup>23</sup> [S. 252.385\(5\), F.S.](#)

<sup>24</sup> Open Government Sunset Review Questionnaire, Personal Information of Persons Provided Emergency Shelter (responses on file with the Government Operations Subcommittee).

**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Orig. Comm.: Government Operations Subcommittee</a>	15 Y, 0 N	11/4/2025	Toliver	Walker
<a href="#">Natural Resources &amp; Disasters Subcommittee</a>	15 Y, 0 N	12/3/2025	Skinner	Weiss
<a href="#">State Affairs Committee</a>				