

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 The Committee on Security, Select offered the following:

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13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause

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16 and insert in lieu thereof:

17 Section 1. Section 395.1056, Florida Statutes, is  
18 created to read:

19 395.1056 Plan components addressing hospital's  
20 response to terrorism; public records exemption; public  
21 meetings exemption.--

22 (1) Those portions of a comprehensive emergency  
23 management plan which address the response of a public or  
24 private hospital to an act of terrorism, as defined by s.  
25 775.30, and which are filed with or in the possession of the  
26 agency, a state or local law enforcement agency, a county or  
27 municipal emergency management agency, the Executive Office of  
28 the Governor, the Department of Health, or the Department of  
29 Community Affairs are confidential and exempt from the  
30 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
31 Constitution. Portions of a comprehensive emergency management

Amendment No. 01 (for drafter's use only)

1 plan which address the response of a public or private  
2 hospital to an act of terrorism include those portions  
3 addressing security systems or plans; vulnerability analyses;  
4 emergency evacuation transportation; sheltering arrangements;  
5 post-disaster activities, including provisions for emergency  
6 power, communications, food, and water; post-disaster  
7 transportation; supplies, including drug caches; staffing;  
8 emergency equipment; and individual identification of  
9 residents, transfer of records, and methods of responding to  
10 family inquiries. This subsection is subject to the Open  
11 Government Sunset Review Act of 1995, in accordance with s.  
12 119.15, and shall stand repealed on October 2, 2006, unless  
13 reviewed and saved from repeal through reenactment by the  
14 Legislature.

15       (2) Those portions of a comprehensive emergency  
16 management plan which address the response of a public  
17 hospital to an act of terrorism, as defined by s. 775.30, and  
18 which are held by that public hospital are exempt from the  
19 requirements of s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution. Portions of a comprehensive emergency management  
21 plan which address the response of a public hospital to an act  
22 of terrorism include those portions addressing security  
23 systems or plans; vulnerability analyses; emergency evacuation  
24 transportation; sheltering arrangements; post-disaster  
25 activities, including provisions for emergency power,  
26 communications, food, and water; post-disaster transportation;  
27 supplies, including drug caches; staffing; emergency  
28 equipment; and individual identification of residents,  
29 transfer of records, and methods of responding to family  
30 inquiries. This subsection is subject to the Open Government  
31 Sunset Review Act of 1995, in accordance with s. 119.15, and

Amendment No. 01 (for drafter's use only)

1 shall stand repealed on October 2, 2006, unless reviewed and  
2 saved from repeal through reenactment by the Legislature.

3 (3) Any portion of a public meeting which would reveal  
4 information contained in a comprehensive emergency management  
5 plan that addresses the response of a hospital to an act of  
6 terrorism is exempt from the provisions of s. 286.011 and s.  
7 24(b), Art. I of the State Constitution. This subsection is  
8 subject to the Open Government Sunset Review Act of 1995, in  
9 accordance with s. 119.15, and shall stand repealed on October  
10 2, 2006, unless reviewed and saved from repeal through  
11 reenactment by the Legislature.

12 (4) The certification by the Governor, in coordination  
13 with the Department of Health, of the sufficiency of a  
14 comprehensive emergency management plan that addresses the  
15 response of a hospital to an act of terrorism is a public  
16 record.

17 Section 2. The Legislature finds that the exemption  
18 from public records and public meeting requirements provided  
19 by this act is a public necessity because those portions of a  
20 comprehensive emergency management plan which address the  
21 response of a public or private hospital to an act of  
22 terrorism are vital plan components that affect the health and  
23 safety of the public. If security systems or plans;  
24 vulnerability analyses; emergency evacuation transportation;  
25 sheltering arrangements; post-disaster activities, including  
26 provisions for emergency power, communications, food, and  
27 water; post-disaster transportation; supplies, including drug  
28 caches; staffing; emergency equipment; and individual  
29 identification of residents, transfer of records, and methods  
30 of responding to family inquiries were made publicly available  
31 for inspection or copying, they could be used to hamper or

Amendment No. 01 (for drafter's use only)

1 disable the response of a hospital to a terrorist attack. If a  
2 hospital's response to an act of terrorism were hampered or  
3 disabled, an increase in the number of Floridians subjected to  
4 fatal injury would occur. While some skill would be required  
5 to use knowledge of plan components to disable a hospital's  
6 response to an act of terrorism, there is ample existing  
7 evidence of the capabilities of terrorists to plot, plan, and  
8 coordinate complicated acts of terror. The hijacking and  
9 crashing of planes, the destruction of the World Trade Center,  
10 and the attack on the Pentagon on September 11, 2001, as well  
11 as the continued and purposeful spread of anthrax in  
12 Washington, D.C., other states, and communities within this  
13 state, which has resulted in the death of at least one  
14 Floridian, provide evidence of such skill. The aftermath of  
15 these events has also showed the importance of viable plans by  
16 which hospitals can respond to acts of terror. As a result,  
17 the Legislature finds that those portions of a comprehensive  
18 emergency management plan which address the response of a  
19 public or private hospital to an act of terrorism and which  
20 are filed with the Agency for Health Care Administration, a  
21 state or local law enforcement agency, a local emergency  
22 management agency, the Executive Office of the Governor, the  
23 Department of Health, or the Department of Community Affairs  
24 must be confidential and exempt and that the emergency  
25 management plans of a public hospital which are held by that  
26 hospital must also be exempt.

27       Section 3. This act shall take effect on the same date  
28 that HB 103-B or similar legislation defining "terrorism" for  
29 purposes of the Florida Criminal Code takes effect, if such  
30 legislation is adopted in the same legislative session or an  
31 extension thereof and becomes law.

Amendment No. 01 (for drafter's use only)

1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3 remove from the title of the bill:  the entire title

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5 and insert in lieu thereof:

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                  A bill to be entitled

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          An act relating to public records; creating s.

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          395.1056, F.S.; providing an exemption from

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          public records requirements for those portions

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          of a comprehensive emergency management plan

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          which address the response of a public or

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          private hospital to an act of terrorism and

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          which are filed with the Agency for Health Care

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          Administration, a state or local law

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          enforcement agency, a county emergency

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          management agency, the Executive Office of the

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          Governor, the Department of Health, or the

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          Department of Community Affairs; providing an

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          exemption from public records requirements for

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          those portions of a comprehensive emergency

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          management plan which address the response of a

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          public hospital to an act of terrorism and

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          which are in the custody of that public

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          hospital; providing an exemption from public

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          meeting requirements for any portion of a

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          public meeting which would reveal information

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          contained in a comprehensive emergency

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          management plan that addresses the response of

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          a hospital to an act or terrorism; providing

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          that certification by the Governor of a

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          comprehensive emergency management plan that

Amendment No. 01 (for drafter's use only)

1 addresses the response of a hospital to an act  
2 of terrorism is a public record; providing for  
3 future review and repeal; providing a statement  
4 of public necessity; providing a contingent  
5 effective date.  
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