

1 A bill to be entitled
2 An act relating to public records; creating s.
3 395.1056, F.S.; providing an exemption from
4 public records requirements for those portions
5 of a comprehensive emergency management plan
6 which address the response of a public or
7 private hospital to an act of terrorism and
8 which are filed with the Agency for Health Care
9 Administration, a state or local law
10 enforcement agency, a county emergency
11 management agency, the Executive Office of the
12 Governor, the Department of Health, or the
13 Department of Community Affairs; providing an
14 exemption from public records requirements for
15 those portions of a comprehensive emergency
16 management plan which address the response of a
17 public hospital to an act of terrorism and
18 which are in the custody of that public
19 hospital; providing an exemption from public
20 meeting requirements for any portion of a
21 public meeting which would reveal information
22 contained in a comprehensive emergency
23 management plan that addresses the response of
24 a hospital to an act or terrorism; providing
25 that certification by the Governor of a
26 comprehensive emergency management plan that
27 addresses the response of a hospital to an act
28 of terrorism is a public record; providing for
29 future review and repeal; providing a statement
30 of public necessity; providing a contingent
31 effective date.

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

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3 Section 1. Section 395.1056, Florida Statutes, is
4 created to read:

5 395.1056 Plan components addressing hospital's
6 response to terrorism; public records exemption; public
7 meetings exemption.--

8 (1) Those portions of a comprehensive emergency
9 management plan which address the response of a public or
10 private hospital to an act of terrorism, as defined by s.
11 775.30, and which are filed with or in the possession of the
12 agency, a state or local law enforcement agency, a county or
13 municipal emergency management agency, the Executive Office of
14 the Governor, the Department of Health, or the Department of
15 Community Affairs are confidential and exempt from the
16 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
17 Constitution. Portions of a comprehensive emergency management
18 plan which address the response of a public or private
19 hospital to an act of terrorism include those portions
20 addressing security systems or plans; vulnerability analyses;
21 emergency evacuation transportation; sheltering arrangements;
22 post-disaster activities, including provisions for emergency
23 power, communications, food, and water; post-disaster
24 transportation; supplies, including drug caches; staffing;
25 emergency equipment; and individual identification of
26 residents, transfer of records, and methods of responding to
27 family inquiries. This subsection is subject to the Open
28 Government Sunset Review Act of 1995, in accordance with s.
29 119.15, and shall stand repealed on October 2, 2006, unless
30 reviewed and saved from repeal through reenactment by the
31 Legislature.

1 (2) Those portions of a comprehensive emergency
 2 management plan which address the response of a public
 3 hospital to an act of terrorism, as defined by s. 775.30, and
 4 which are held by that public hospital are exempt from the
 5 requirements of s. 119.07(1) and s. 24(a), Art. I of the State
 6 Constitution. Portions of a comprehensive emergency management
 7 plan which address the response of a public hospital to an act
 8 of terrorism include those portions addressing security
 9 systems or plans; vulnerability analyses; emergency evacuation
 10 transportation; sheltering arrangements; post-disaster
 11 activities, including provisions for emergency power,
 12 communications, food, and water; post-disaster transportation;
 13 supplies, including drug caches; staffing; emergency
 14 equipment; and individual identification of residents,
 15 transfer of records, and methods of responding to family
 16 inquiries. This subsection is subject to the Open Government
 17 Sunset Review Act of 1995, in accordance with s. 119.15, and
 18 shall stand repealed on October 2, 2006, unless reviewed and
 19 saved from repeal through reenactment by the Legislature.

20 (3) Any portion of a public meeting which would reveal
 21 information contained in a comprehensive emergency management
 22 plan that addresses the response of a hospital to an act of
 23 terrorism is exempt from the provisions of s. 286.011 and s.
 24 24(b), Art. I of the State Constitution. This subsection is
 25 subject to the Open Government Sunset Review Act of 1995, in
 26 accordance with s. 119.15, and shall stand repealed on October
 27 2, 2006, unless reviewed and saved from repeal through
 28 reenactment by the Legislature.

29 (4) The certification by the Governor, in coordination
 30 with the Department of Health, of the sufficiency of a
 31 comprehensive emergency management plan that addresses the

1 response of a hospital to an act of terrorism is a public
 2 record.

3 Section 2. The Legislature finds that the exemption
 4 from public records and public meeting requirements provided
 5 by this act is a public necessity because those portions of a
 6 comprehensive emergency management plan which address the
 7 response of a public or private hospital to an act of
 8 terrorism are vital plan components that affect the health and
 9 safety of the public. If security systems or plans;
 10 vulnerability analyses; emergency evacuation transportation;
 11 sheltering arrangements; post-disaster activities, including
 12 provisions for emergency power, communications, food, and
 13 water; post-disaster transportation; supplies, including drug
 14 caches; staffing; emergency equipment; and individual
 15 identification of residents, transfer of records, and methods
 16 of responding to family inquiries were made publicly available
 17 for inspection or copying, they could be used to hamper or
 18 disable the response of a hospital to a terrorist attack. If a
 19 hospital's response to an act of terrorism were hampered or
 20 disabled, an increase in the number of Floridians subjected to
 21 fatal injury would occur. While some skill would be required
 22 to use knowledge of plan components to disable a hospital's
 23 response to an act of terrorism, there is ample existing
 24 evidence of the capabilities of terrorists to plot, plan, and
 25 coordinate complicated acts of terror. The hijacking and
 26 crashing of planes, the destruction of the World Trade Center,
 27 and the attack on the Pentagon on September 11, 2001, as well
 28 as the continued and purposeful spread of anthrax in
 29 Washington, D.C., other states, and communities within this
 30 state, which has resulted in the death of at least one
 31 Floridian, provide evidence of such skill. The aftermath of

1 these events has also showed the importance of viable plans by
2 which hospitals can respond to acts of terror. As a result,
3 the Legislature finds that those portions of a comprehensive
4 emergency management plan which address the response of a
5 public or private hospital to an act of terrorism and which
6 are filed with the Agency for Health Care Administration, a
7 state or local law enforcement agency, a local emergency
8 management agency, the Executive Office of the Governor, the
9 Department of Health, or the Department of Community Affairs
10 must be confidential and exempt and that the emergency
11 management plans of a public hospital which are held by that
12 hospital must also be exempt.

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

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