

By Senators Brown-Waite and Smith

10-636-02

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 addresses the response of a public or
7 private hospital to an act of terrorism;
8 creating an exemption for those portions of a
9 comprehensive emergency-management plan which
10 address the response of a public hospital to an
11 act of terrorism; providing an exemption from
12 public-meeting requirements for any portion of
13 a public meeting which would reveal information
14 contained in a comprehensive
15 emergency-management plan; providing for future
16 review and repeal; providing a statement of
17 public necessity; providing a contingent
18 effective date.

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

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22 Section 1. Section 395.1056, Florida Statutes, is
23 created to read:

24 395.1056 Plan components addressing a hospital's
25 response to terrorism; public-records exemption;
26 public-meetings exemption.--

27 (1) Those portions of a comprehensive
28 emergency-management plan which address the response of a
29 public or private hospital to an act of terrorism as defined
30 by s. 775.30 and which are filed with or are in the possession
31 of the agency, a state or local law-enforcement agency, a

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17 119.15 and shall stand repealed October 2, 2006, unless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

20 (2) Those portions of a comprehensive
21 emergency-management plan which address the response of a
22 public hospital to an act of terrorism as defined by s. 775.30
23 and which are in the custody of that public hospital are
24 exempt from the requirements of s. 119.07(1) and s. 24(a),
25 Art. I of the State Constitution. Portions of a comprehensive
26 emergency-management plan which address the response of a
27 public hospital to an act of terrorism include those portions
28 addressing security systems or plans; vulnerability analyses;
29 emergency-evacuation transportation; sheltering arrangements;
30 post-disaster activities, including provisions for emergency
31 power, communications, food, and water; post-disaster

1 transportation; supplies, including drug caches; staffing;
2 emergency equipment; and individual identification of
3 residents, transfer of records, and methods of responding to
4 family inquiries. This subsection is subject to the Open
5 Government Sunset Review Act of 1995 in accordance with s.
6 119.15 and shall stand repealed October 2, 2006, unless
7 reviewed and saved from repeal through reenactment by the
8 Legislature.

9 (3) Any portion of a public meeting which would reveal
10 information contained in a comprehensive emergency-management
11 plan which addresses the response of a hospital to an act of
12 terrorism is exempt from the provisions of s. 286.011 and s.
13 24(b), Art. I of the State Constitution. This subsection is
14 subject to the Open Government Sunset Review Act of 1995 in
15 accordance with s. 119.15 and shall stand repealed October 2,
16 2006, unless reviewed and saved from repeal through
17 reenactment by the Legislature.

18 (4) The certification by the Governor, in coordination
19 with the Department of Health, of the sufficiency of a
20 comprehensive emergency-management plan that addresses the
21 response of a hospital to an act of terrorism is a public
22 record.

23 Section 2. The Legislature finds that the exemption
24 from public-records and public-meetings requirements provided
25 in section 395.1056, Florida Statutes, is a public necessity
26 because those portions of a comprehensive emergency-management
27 plan which address the response of a public or private
28 hospital to an act of terrorism are vital plan components that
29 affect the health and safety of the public. If security
30 systems or plans, vulnerability analyses, emergency evacuation
31 transportation, sheltering arrangements, post-disaster

1 activities (including provisions for emergency power),
2 communications, food, and water, post-disaster transportation,
3 supplies (including caches), staffing, emergency equipment,
4 individual identification of residents, transfer of records,
5 and methods of responding to family inquiries were made
6 publicly available for inspection or copying, they could be
7 used to hamper or disable the response of a hospital to a
8 terrorist attack. If a hospital's response to an act of
9 terrorism were hampered or disabled, an increase in the number
10 of Floridians subjected to fatal injury would occur. While
11 some skill would be required to use knowledge of plan
12 components to disable a hospital's response to an act of
13 terrorism, there is ample existing evidence of the
14 capabilities of terrorists to plot, plan, and coordinate
15 complicated acts of terror. The hijacking and crashing of
16 planes, the destruction of the World Trade Center, the attack
17 on the Pentagon on September 11, 2001, as well as the
18 continued and purposeful spread of anthrax in Washington,
19 D.C., other states, and communities within this state, which
20 has resulted in the death of at least one Floridian, provide
21 evidence of such skill. The aftermath of these events has also
22 showed the importance of viable plans by which hospitals can
23 respond to acts of terror. As a result, the Legislature finds
24 that those portions of a comprehensive emergency management
25 plan which address the response of a public or private
26 hospital to an act of terrorism and which are filed with the
27 Agency for Health Care Administration, a state or local law
28 enforcement agency, a local emergency-management agency, the
29 Executive Office of the Governor, the Department of Health, or
30 the Department of Community Affairs must be confidential and
31 exempt and that the emergency-management plans of a public

1 hospital which are in the custody of a public hospital also
2 must be exempt.

3 Section 3. This act shall take effect on the same date
4 that SB____ or similar legislation defining "terrorism" for
5 purposes of the Florida Criminal Code takes effect, if such
6 legislation is adopted in the same legislative session or an
7 extension thereof and becomes law.

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SENATE SUMMARY

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Provides exemptions from public-records and
public-meetings requirements with respect to plans
addressing a hospital's response to terrorism.

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