

By the Committee on Domestic Security

583-554-06

1 A bill to be entitled
2 An act relating to a review under the Open
3 Government Sunset Review Act; amending s.
4 395.1056, F.S., relating to exemptions from
5 public-records requirements provided for
6 portions of comprehensive emergency management
7 plans which address a hospital's response to
8 terrorism and an exemption from public-meetings
9 requirements provided for public meetings which
10 would reveal an emergency management plan that
11 is exempt from disclosure; saving the
12 exemptions from repeal under the Open
13 Government Sunset Review Act; deleting
14 provisions providing for the repeal of the
15 exemptions; providing an effective date.

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

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19 Section 1. Subsections (1), (2), and (3) of section
20 395.1056, Florida Statutes, are amended to read:

21 395.1056 Plan components addressing a hospital's
22 response to terrorism; public records exemption; public
23 meetings exemption.--

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

1 | provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2 | Constitution. This exemption is remedial in nature, and it is
3 | the intent of the Legislature that this exemption be applied
4 | to plans filed with the agency before, on, or after the
5 | effective date of this section. Information made confidential
6 | and exempt by this subsection may be disclosed by a custodial
7 | agency to another state or federal agency to prevent, detect,
8 | guard against, respond to, investigate, or manage the
9 | consequences of any attempted or actual act of terrorism, or
10 | to prosecute those persons who are responsible for such
11 | attempts or acts, and the confidential and exempt status of
12 | such information shall be retained while in the possession of
13 | the receiving agency. Portions of a comprehensive emergency
14 | management plan which address the response of a public or
15 | private hospital to an act of terrorism include those portions
16 | addressing security systems or plans; vulnerability analyses;
17 | emergency evacuation transportation; sheltering arrangements;
18 | postdisaster activities, including provisions for emergency
19 | power, communications, food, and water; postdisaster
20 | transportation; supplies, including drug caches; staffing;
21 | emergency equipment; and individual identification of
22 | residents, transfer of records, and methods of responding to
23 | family inquiries. ~~This subsection is subject to the Open
24 | Government Sunset Review Act of 1995 in accordance with s.
25 | 119.15 and shall stand repealed October 2, 2006, unless
26 | reviewed and saved from repeal through reenactment by the
27 | Legislature.~~

28 | (2) Those portions of a comprehensive emergency
29 | management plan which address the response of a public
30 | hospital to an act of terrorism as defined by s. 775.30 and
31 | which are in the custody of that public hospital are exempt

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

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

26 | Section 2. This act shall take effect October 1, 2006.
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SENATE SUMMARY

Removes the repeal under the Open Government Sunset Review Act of exemptions from public-records requirements provided for emergency management plans that address a hospital's response to terrorism and an exemption from public-meetings requirements provided for portions of a public meeting which would reveal such an emergency management plan.