

By the Committees on Governmental Oversight and Productivity;
and Domestic Security

585-2078-06

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 portions of public

10 meetings which would reveal an emergency

11 management plan that is exempt from disclosure;

12 saving the exemptions from repeal under the

13 Open Government Sunset Review Act; deleting

14 provisions providing for the repeal of the

15 exemptions; providing for retroactive

16 application of the exemptions; providing an

17 effective date.

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

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21 Section 1. Section 395.1056, Florida Statutes, is

22 amended to read:

23 395.1056 Plan components addressing a hospital's

24 response to terrorism; public records exemption; public

25 meetings exemption.--

26 (1)(a) Those portions of a comprehensive emergency

27 management plan which address the response of a public or

28 private hospital to an act of terrorism as defined by s.

29 775.30 and which are held by ~~filed with or are in the~~

30 ~~possession of~~ the agency, a state or local law enforcement

31 agency, a county or municipal emergency management agency, the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 Executive Office of the Governor, the Department of Health, or
2 the Department of Community Affairs are confidential and
3 exempt from ~~the provisions of s. 119.07(1) and s. 24(a), Art.~~
4 I of the State Constitution. ~~This exemption is remedial in~~
5 ~~nature, and it is the intent of the Legislature that this~~
6 ~~exemption be applied to plans filed with the agency before,~~
7 ~~on, or after the effective date of this section.~~

8 (b) Information made confidential and exempt by this
9 subsection may be disclosed by a custodial agency to another
10 state or federal agency to prevent, detect, guard against,
11 respond to, investigate, or manage the consequences of any
12 attempted or actual act of terrorism, or to prosecute those
13 persons who are responsible for such attempts or acts, ~~and the~~
14 ~~confidential and exempt status of such information shall be~~
15 ~~retained while in the possession of the receiving agency.~~

16 (c) Portions of a comprehensive emergency management
17 plan which address the response of a public or private
18 hospital to an act of terrorism include those portions
19 addressing:

- 20 1. Security systems or plans;
- 21 2. Vulnerability analyses;
- 22 3. Emergency evacuation transportation;
- 23 4. Sheltering arrangements;
- 24 5. Postdisaster activities, including provisions for
25 emergency power, communications, food, and water;
- 26 6. Postdisaster transportation;
- 27 7. Supplies, including drug caches;
- 28 8. Staffing;
- 29 9. Emergency equipment; and
- 30 10. Individual identification of residents, transfer
31 of records, and methods of responding to family inquiries.

1 ~~This subsection is subject to the Open Government Sunset~~
2 ~~Review Act of 1995 in accordance with s. 119.15 and shall~~
3 ~~stand repealed October 2, 2006, unless reviewed and saved from~~
4 ~~repeal through reenactment by the Legislature.~~

5 (2) Those portions of a comprehensive emergency
6 management plan which address the response of a public
7 hospital to an act of terrorism as defined by s. 775.30 and
8 which are held by ~~in the custody of~~ that public hospital are
9 exempt from ~~the requirements of~~ s. 119.07(1) and s. 24(a),
10 Art. I of the State Constitution. Portions of a comprehensive
11 emergency management plan which address the response of a
12 public hospital to an act of terrorism include those portions
13 addressing:

- 14 (a) Security systems or plans;
15 (b) Vulnerability analyses;
16 (c) Emergency evacuation transportation;
17 (d) Sheltering arrangements;
18 (e) Postdisaster activities, including provisions for
19 emergency power, communications, food, and water;
20 (f) Postdisaster transportation;
21 (g) Supplies, including drug caches;
22 (h) Staffing;
23 (i) Emergency equipment; and
24 (j) Individual identification of residents, transfer
25 of records, and methods of responding to family inquiries.

26 ~~This subsection is subject to the Open Government Sunset~~
27 ~~Review Act of 1995 in accordance with s. 119.15 and shall~~
28 ~~stand repealed October 2, 2006, unless reviewed and saved from~~
29 ~~repeal through reenactment by the Legislature.~~

30 (3) The public-records exemptions provided by this
31 section are remedial in nature, and it is the intent of the

1 Legislature that the exemptions apply to plans held by a
2 custodial agency before, on, or after October 1, 2006.

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

12 ~~(5)(4)~~ The certification by the Governor, in
13 coordination with the Department of Health, of the sufficiency
14 of a comprehensive emergency management plan that addresses
15 the response of a hospital to an act of terrorism is not
16 exempt.

17 Section 2. This act shall take effect October 1, 2006.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 SB 700

22 Reorganizes the exemption.

23 Removes unnecessary language regarding custodial requirements.
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