

ENROLLED
 HB 7025

2006 Legislature

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding comprehensive emergency
 4 management plan components; amending s. 395.1056, F.S.,
 5 which provides an exemption from public records
 6 requirements for those portions of a comprehensive
 7 emergency management plan that address the response of a
 8 public or private hospital to an act of terrorism and
 9 which provides an exemption from public meetings
 10 requirements for that portion of a public meeting which
 11 would reveal information contained in a comprehensive
 12 emergency management plan that addresses the response of a
 13 hospital to an act of terrorism; reorganizing provisions,
 14 making editorial changes, and removing superfluous
 15 language; removing the scheduled repeal of the exemptions
 16 under the Open Government Sunset Review Act; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 395.1056, Florida Statutes, is amended
 22 to read:

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

26 (1) (a) Those portions of a comprehensive emergency
 27 management plan that ~~which~~ address the response of a public or
 28 private hospital to an act of terrorism as defined by s. 775.30

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

ENROLLED
 HB 7025

2006 Legislature

29 ~~and which are held by filed with or are in the possession of the~~
 30 agency, a state or local law enforcement agency, a county or
 31 municipal emergency management agency, the Executive Office of
 32 the Governor, the Department of Health, or the Department of
 33 Community Affairs are confidential and exempt from the
 34 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
 35 ~~Constitution. This exemption is remedial in nature, and it is~~
 36 ~~the intent of the Legislature that this exemption be applied to~~
 37 ~~plans filed with the agency before, on, or after the effective~~
 38 ~~date of this section.~~

39 (b) Information made confidential and exempt by this
 40 subsection may be disclosed by a custodial agency to another
 41 state or federal agency to prevent, detect, guard against,
 42 respond to, investigate, or manage the consequences of any
 43 attempted or actual act of terrorism, or to prosecute those
 44 persons who are responsible for such attempts or acts, ~~and the~~
 45 ~~confidential and exempt status of such information shall be~~
 46 ~~retained while in the possession of the receiving agency.~~

47 (c) Portions of a comprehensive emergency management plan
 48 that ~~which~~ address the response of a public or private hospital
 49 to an act of terrorism include those portions addressing:

- 50 1. Security systems or plans;
- 51 2. Vulnerability analyses;
- 52 3. Emergency evacuation transportation;
- 53 4. Sheltering arrangements;
- 54 5. Postdisaster activities, including provisions for
 55 emergency power, communications, food, and water;
- 56 6. Postdisaster transportation;

ENROLLED
HB 7025

2006 Legislature

57 7. Supplies, including drug caches;
 58 8. Staffing;
 59 9. Emergency equipment; and
 60 10. Individual identification of residents, transfer of
 61 records, and methods of responding to family inquiries. ~~This~~
 62 ~~subsection is subject to the Open Government Sunset Review Act~~
 63 ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~
 64 ~~October 2, 2006, unless reviewed and saved from repeal through~~
 65 ~~reenactment by the Legislature.~~

66 (2) Those portions of a comprehensive emergency management
 67 plan ~~that which~~ address the response of a public hospital to an
 68 act of terrorism as defined by s. 775.30 ~~and which are held by~~
 69 ~~in the custody of~~ that public hospital are exempt from ~~the~~
 70 ~~requirements of~~ s. 119.07(1) and s. 24(a), Art. I of the State
 71 Constitution. Portions of a comprehensive emergency management
 72 plan ~~that which~~ address the response of a public hospital to an
 73 act of terrorism include those portions addressing:

- 74 (a) Security systems or plans;
- 75 (b) Vulnerability analyses;
- 76 (c) Emergency evacuation transportation;
- 77 (d) Sheltering arrangements;
- 78 (e) Postdisaster activities, including provisions for
 79 emergency power, communications, food, and water;
- 80 (f) Postdisaster transportation;
- 81 (g) Supplies, including drug caches;
- 82 (h) Staffing;
- 83 (i) Emergency equipment; and

ENROLLED
 HB 7025

2006 Legislature

84 (j) Individual identification of residents, transfer of
 85 records, and methods of responding to family inquiries. ~~This~~
 86 ~~subsection is subject to the Open Government Sunset Review Act~~
 87 ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~
 88 ~~October 2, 2006, unless reviewed and saved from repeal through~~
 89 ~~reenactment by the Legislature.~~

90 (3) The public records exemptions provided by this section
 91 are remedial in nature, and it is the intent of the Legislature
 92 that the exemptions apply to plans held by a custodial agency
 93 before, on, or after the effective date of this section.

94 (4) That ~~Any~~ portion of a public meeting which would
 95 reveal information contained in a comprehensive emergency
 96 management plan that ~~which~~ addresses the response of a hospital
 97 to an act of terrorism is exempt from ~~the provisions of s.~~
 98 ~~286.011 and s. 24(b), Art. I of the State Constitution. This~~
 99 ~~subsection is subject to the Open Government Sunset Review Act~~
 100 ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~
 101 ~~October 2, 2006, unless reviewed and saved from repeal through~~
 102 ~~reenactment by the Legislature.~~

103 (5)~~(4)~~ The certification by the Governor, in coordination
 104 with the Department of Health, of the sufficiency of a
 105 comprehensive emergency management plan that addresses the
 106 response of a hospital to an act of terrorism is not exempt.

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