

## House Bill No. 7025

An act relating to a review under the Open Government Sunset Review Act regarding comprehensive emergency management plan components; amending s. 395.1056, F.S., which provides an exemption from public records requirements for those portions of a comprehensive emergency management plan that address the response of a public or private hospital to an act of terrorism and which provides an exemption from public meetings requirements for that portion of a public meeting which would reveal information contained in a comprehensive emergency management plan that addresses the response of a hospital to an act of terrorism; reorganizing provisions, making editorial changes, and removing superfluous language; removing the scheduled repeal of the exemptions under the Open Government Sunset Review Act; providing an effective date.

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

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

395.1056 Plan components addressing a hospital's response to terrorism; public records exemption; public meetings exemption.—

(1)(a) Those portions of a comprehensive emergency management plan that which address the response of a public or private hospital to an act of terrorism as defined by s. 775.30 ~~and which are held by filed with or are in the possession of~~ the agency, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Health, or the Department of Community Affairs are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~This exemption is remedial in nature, and it is the intent of the Legislature that this exemption be applied to plans filed with the agency before, on, or after the effective date of this section.~~

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

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

1. Security systems or plans;
2. Vulnerability analyses;

3. Emergency evacuation transportation;
4. Sheltering arrangements;
5. Postdisaster activities, including provisions for emergency power, communications, food, and water;
6. Postdisaster transportation;
7. Supplies, including drug caches;
8. Staffing;
9. Emergency equipment; and
10. Individual identification of residents, transfer of records, and methods of responding to family inquiries. ~~This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~

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

- (a) Security systems or plans;
- (b) Vulnerability analyses;
- (c) Emergency evacuation transportation;
- (d) Sheltering arrangements;
- (e) Postdisaster activities, including provisions for emergency power, communications, food, and water;
- (f) Postdisaster transportation;
- (g) Supplies, including drug caches;
- (h) Staffing;
- (i) Emergency equipment; and
- (j) Individual identification of residents, transfer of records, and methods of responding to family inquiries. ~~This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~

(3) The public records exemptions provided by this section are remedial in nature, and it is the intent of the Legislature that the exemptions apply

to plans held by a custodial agency before, on, or after the effective date of this section.

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

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

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

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.