

1 A bill to be entitled
2 An act relating to public records; providing
3 that any information identifying or describing
4 the name, location, pharmaceutical cache,
5 contents, capacity, equipment, physical
6 features, or capabilities of individual medical
7 facilities, storage facilities, or laboratories
8 established, maintained, or regulated by the
9 Department of Health in response to an act of
10 terrorism are exempt from public-records
11 requirements; providing for future review and
12 repeal; providing a statement of public
13 necessity; providing a contingent effective
14 date.

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

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18 Section 1. Any information identifying or describing
19 the name, location, pharmaceutical cache, contents, capacity,
20 equipment, physical features, or capabilities of individual
21 medical facilities, storage facilities, or laboratories
22 established, maintained, or regulated by the Department of
23 Health as part of the state's plan to defend against an act of
24 terrorism as defined in section 775.30, Florida Statutes, is
25 exempt from the requirements of section 119.07(1), Florida
26 Statutes, and Section 24(a), Article I of the State
27 Constitution. The certification by the Governor of the
28 sufficiency of any location, pharmaceutical cache, contents,
29 capacity, equipment, physical features, or capabilities of
30 individual medical facilities, storage facilities, or
31 laboratories established, maintained, or regulated by the

1 Department of Health as part of the state's plan to defend
2 against an act of terrorism is a public record. This exemption
3 is remedial in nature and it is the intent of the Legislature
4 that this exemption be applied to information received by the
5 Department of Health before, on, or after the effective date
6 of this section. Information made exempt by this section may
7 be disclosed by the custodial agency to another state or
8 federal agency in order to prevent, detect, guard against,
9 respond to, investigate, or manage the consequences of any
10 attempted or actual act of terrorism, or to prosecute those
11 responsible for such attempts or acts, and the exempt status
12 of such information shall be retained while in the possession
13 of the receiving agency. This section is subject to the Open
14 Government Sunset Review Act of 1995 in accordance with
15 section 119.15, Florida Statutes, and shall stand repealed
16 October 2, 2006, unless reviewed and saved from repeal through
17 reenactment by the Legislature.

18 Section 2. The Legislature finds that the exemption
19 from public-records requirements provided by this act is a
20 public necessity because information identifying or describing
21 the name, location, pharmaceutical cache, contents, capacity,
22 equipment, physical features, or capabilities of individual
23 medical facilities, storage facilities, or laboratories
24 established, maintained, or regulated by the Department of
25 Health as part of the state's plan to defend its residents
26 against future acts of terrorism is information that could be
27 used by terrorists in planning acts of terrorism. If
28 terrorists were able to discover the name, location,
29 pharmaceutical cache, contents, capacity, equipment, physical
30 features, or capabilities of individual medical facilities,
31 storage facilities, or laboratories used to defend the state

1 and its residents and visitors against an act of terrorism,
2 they could use this information to craft a terrorist act to
3 which the state may not be as well prepared to respond. This
4 information could be used to increase the number of people
5 injured or killed in a terrorist act. Although some skill
6 would be required to use such information to further an act of
7 terrorism, ample evidence of the capabilities of terrorists to
8 conduct complicated acts of terrorism exist. The September 11,
9 2001, attack on the World Trade Center and the Pentagon, as
10 well as the intentional spread of anthrax in this country and
11 state, which resulted in the death of one Floridian, provide
12 evidence that such capabilities exist. These events also have
13 shown the importance of maintaining appropriate pharmaceutical
14 materials to respond to acts of terrorism and the need to
15 ensure that the locations of pharmaceutical depositories are
16 protected. Consequently, the Legislature finds that
17 information concerning the type or amount of pharmaceutical
18 materials or the location of any pharmaceutical depository
19 that is maintained or directed by the Department of Health as
20 a response to an act of terrorism must be kept exempt.

21 Section 3. This act shall take effect on the same date
22 that Senate Bill 6-C or similar legislation defining
23 "terrorism" for purposes of the Florida Criminal Code takes
24 effect, if such legislation is adopted in the same legislative
25 session or an extension thereof and becomes law.

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