

By the Committee on Domestic Security

583-553-06

1 A bill to be entitled
2 An act relating to a review under the Open
3 Government Sunset Review Act; amending s.
4 381.95, F.S., relating to an exemption from
5 public-records requirements provided for
6 information concerning medical facilities and
7 laboratories which is maintained by the
8 Department of Health as part of the state's
9 plan to defend against terrorism; saving the
10 exemption from repeal under the Open Government
11 Sunset Review Act; deleting provisions
12 providing for the repeal of the exemption;
13 providing an effective date.

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

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17 Section 1. Section 381.95, Florida Statutes, is
18 amended to read:

19 381.95 Medical facility information maintained for
20 terrorism response purposes; confidentiality.--Any information
21 identifying or describing the name, location, pharmaceutical
22 cache, contents, capacity, equipment, physical features, or
23 capabilities of individual medical facilities, storage
24 facilities, or laboratories established, maintained, or
25 regulated by the Department of Health as part of the state's
26 plan to defend against an act of terrorism as defined in s.
27 775.30 is exempt from the requirements of s. 119.07(1) and s.
28 24(a), Art. I of the State Constitution. The certification by
29 the Governor of the sufficiency of any location,
30 pharmaceutical cache, contents, capacity, equipment, physical
31 features, or capabilities of individual medical facilities,

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

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

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22 SENATE SUMMARY

23 Removes the repeal under the Open Government Sunset
24 Review Act of an exemption from public-records
25 requirements provided for information concerning medical
26 facilities and laboratories which is maintained by the
27 Department of Health as part of the state's plan to
28 defend against terrorism.
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