

ENROLLED  
HB 7023

2006 Legislature

1                                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act regarding medical facility terrorism  
4           response information; amending s. 381.95, F.S.;  
5           reorganizing provisions, making editorial changes, and  
6           removing superfluous language; removing the scheduled  
7           repeal of the exemption under the Open Government Sunset  
8           Review Act; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1.   Section 381.95, Florida Statutes, is amended to  
13   read:

14           381.95   Medical facility information maintained for  
15   terrorism response purposes; confidentiality.--

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

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29 ~~the state's plan to defend against an act of terrorism is a~~  
 30 ~~public record.~~ This exemption is remedial in nature, and it is  
 31 the intent of the Legislature that this exemption apply ~~be~~  
 32 ~~applied~~ to information held ~~received~~ by the Department of Health  
 33 before, on, or after the effective date of this section.

34 (2) Information made exempt by this section may be  
 35 disclosed by the custodial agency to another state or federal  
 36 agency in order to prevent, detect, guard against, respond to,  
 37 investigate, or manage the consequences of any attempted or  
 38 actual act of terrorism, or to prosecute those responsible for  
 39 such attempts or acts, ~~and the exempt status of such information~~  
 40 ~~shall be retained while in the possession of the receiving~~  
 41 ~~agency. This section is subject to the Open Government Sunset~~  
 42 ~~Review Act of 1995 in accordance with s. 119.15 and shall stand~~  
 43 ~~repealed October 2, 2006, unless reviewed and saved from repeal~~  
 44 ~~through reenactment by the Legislature.~~

45 (3) The certification by the Governor of the sufficiency  
 46 of any location, pharmaceutical cache, contents, capacity,  
 47 equipment, physical features, or capabilities of individual  
 48 medical facilities, storage facilities, or laboratories  
 49 established, maintained, or regulated by the Department of  
 50 Health as part of the state's plan to defend against an act of  
 51 terrorism is a public record.

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