

Committee Substitute for Senate Bill No. 20-C

An act relating to public records; providing that any information identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories established, maintained, or regulated by the Department of Health in response to an act of terrorism are exempt from public-records requirements; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Any information identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories established, maintained, or regulated by the Department of Health as part of the state's plan to defend against an act of terrorism as defined in section 775.30, Florida Statutes, is exempt from the requirements of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution. The certification by the Governor of the sufficiency of any location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories established, maintained, or regulated by the Department of Health as part of the state's plan to defend against an act of terrorism is a public record. This exemption is remedial in nature and it is the intent of the Legislature that this exemption be applied to information received by the Department of Health before, on, or after the effective date of this section. Information made exempt by this section may be disclosed by the custodial agency to another state or federal agency in order to prevent, detect, guard against, respond to, investigate, or manage the consequences of any attempted or actual act of terrorism, or to prosecute those responsible for such attempts or acts, and the exempt status of such information shall be retained while in the possession of the receiving agency. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemption from public-records requirements provided by this act is a public necessity because information identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories established, maintained, or regulated by the Department of Health as part of the state's plan to defend its residents against future acts of terrorism is information that could be used by terrorists in planning acts of terrorism. If terrorists were able to discover the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories used to defend the state and its residents and visitors against an act of terrorism, they could use this informa-

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

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

Approved by the Governor December 10, 2001.

Filed in Office Secretary of State December 10, 2001.