

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL CIRCUIT OF FLORIDA IN AND
FOR SANTA ROSA COUNTY
GENERAL JURISDICTION DIVISION

CASE NO xxxx 09-1432CA01-OTH

Carmen A. Reynolds,
unrepresented Plaintiff,

vs.

Charlie Crist, Governor, in his official capacity
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Bill McCollum, Attorney General, in his official capacity
The Capitol PL-01
Tallahassee, FL 32399-1050

Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, in her official
capacity
2585 Merchants Row Boulevard
Tallahassee, Florida 32399
Defendants.

FILED
SANTA ROSA COUNTY
CLERK'S OFFICE
2009 AUG 18 P 2:47

MOTION FOR TEMPORARY INJUNCTION
DECLARING SECTION 381.00315 (1) (b) 4 PUBLIC HEALTH ADVISORIES:
PUBLIC HEALTH EMERGENCIES OF THE FLORIDA STATUTES

UNCONSTITUTIONAL

1. Plaintiff Carmen A. Reynolds is a free Floridian with unalienable rights granted by the Creator. He comes before the court unrepresented. He has never knowingly, willingly and/or intentionally waived or assigned any of his unalienable rights. Any presumptions to the contrary are hereby rebutted.

2. SECTION 381.00315 (1) (b) 4 states:
Ordering an individual to be examined, tested, vaccinated, treated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, vaccinated, or treated for reasons of health, religion, or conscience may be subjected to quarantine.
 - a. Examination, testing, vaccination, or treatment may be performed by any qualified person authorized by the State Health Officer.
 - b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to quarantine. If there is no practical method to quarantine the individual, the State Health Officer may use any means necessary to vaccinate or treat the individual.

Any order of the State Health Officer given to effectuate this paragraph shall be immediately enforceable by a law enforcement officer under s. 381.0012.

3. The unalienable rights granted by the Creator are inherent in the fundamental law of the land. They are recognized by the Florida Constitution:
Article I

SECTION 2. Basic rights.--All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

SECTION 9. Due process.--No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

SECTION 12. Searches and seizures.--The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution.

SECTION 13. Habeas corpus.--The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

SECTION 17. Excessive punishments.--Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the Legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

SECTION 23. Right of privacy.--Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

4. The declaration of a "Public Health Emergency" by the State Health Officer is not subject to any legal challenge or independent review.

SECTION 381.00315 (b) "Public health emergency" means any occurrence, or threat thereof, whether natural or manmade, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters. Prior to declaring a public health emergency, the State Health Officer shall, to the extent possible, consult with the Governor and shall notify the Chief of Domestic Security. The declaration of a public health emergency shall continue until the State Health Officer finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and he or she terminates the declaration. However, a declaration of a public health emergency may not continue for longer than 60 days unless the Governor concurs in the renewal of the declaration. The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. "

5. **SECTION 381.00315 (1) (b) 4** violates the inalienable rights of all Floridians by denying life, liberty and property without any due process of law, subject to the whim of an unelected official, the State Health Officer. It is on its face unconstitutional.

REQUEST FOR RELIEF

Wherefore, I, Carmen A. Reynolds, request that the court grant this Motion for a

Preliminary Injunction declaring SECTION 381.00315 (1) (b) 4 to be unconstitutional.

Dated 18th day of August, 2009.

Carmen A. Reynolds

Carmen A. Reynolds,
unrepresented Plaintiff
9621 Sunnybrook Dr.
Navarre, Florida 32566
850-939-0150