

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Security, Select offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Information concerning the type or amount of pharmaceutical materials or the location of any pharmaceutical depository maintained or directed by a state agency as a response to an act of terrorism, as defined by s. 775.30, Florida Statutes, is exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. The certification of the sufficiency of the type or amount of such pharmaceutical materials or the security of the location of such pharmaceutical depository is a public record. This section is subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemption

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1 from public records requirements provided by this act is a  
2 public necessity because information concerning the type or  
3 amount of pharmaceutical materials or the location of any  
4 pharmaceutical depository that is maintained or directed by a  
5 state agency as a response to an act of terrorism is  
6 information that could be used by terrorists in planning acts  
7 of terrorism. If terrorists were able to determine what types  
8 of pharmaceutical materials are stored or maintained for  
9 response to terrorism, or the amount of pharmaceutical  
10 materials stored, they could use this information to craft a  
11 terrorist act to which the state may not be as well prepared  
12 to respond. This information could be used to increase the  
13 number of people injured or killed in a terrorist act.  
14 Although some skill would be required to use such information  
15 to further an act of terrorism, ample evidence of the  
16 capabilities of terrorists to conduct complicated acts of  
17 terrorism exists. The September 11, 2001, attack on the World  
18 Trade Center and the Pentagon, as well as the intentional  
19 spread of anthrax in this country and state, which resulted in  
20 the death of one Floridian, provide evidence that such  
21 capabilities exist. These events also have shown the  
22 importance of maintaining appropriate pharmaceutical materials  
23 to respond to acts of terrorism and the need to ensure that  
24 the locations of pharmaceutical depositories are protected.  
25 Consequently, the Legislature finds that information  
26 concerning the type or amount of pharmaceutical materials or  
27 the location of any pharmaceutical depository that is  
28 maintained or directed by a state agency as a response to an  
29 act of terrorism must be kept exempt.

30 Section 3. This act shall take effect on the same date  
31 that HB 103-B or similar legislation defining "terrorism" for

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1 purposes of the Florida Criminal Code takes effect, if such  
2 legislation is adopted in the same legislative session or an  
3 extension thereof and becomes law.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 remove from the title of the bill: the entire title

9

10 and insert in lieu thereof:

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A bill to be entitled

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An act relating to public records; providing  
13 that information concerning the amount or type  
14 of pharmaceutical materials or the location of  
15 pharmaceutical depositories maintained or  
16 directed by a state agency as a response to an  
17 act of terrorism is exempt from public records  
18 requirements; providing for future review and  
19 repeal; providing a statement of public  
20 necessity; providing a contingent effective  
21 date.

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