

By Representatives Spratt, Stansel and Kendrick

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.07, F.S.; providing an exemption from
 4 public records requirements for the name,
 5 address, and restricted-use license number of
 6 any person engaged in the aerial application of
 7 pesticides, fertilizers, or seed, the Federal
 8 Aviation Administration aircraft registration
 9 number of any aircraft used for the aerial
 10 application of pesticides, fertilizers, or
 11 seed, and the name and address of any person or
 12 entity that sells, leases, purchases, rents, or
 13 transfers any aircraft used for the aerial
 14 application of pesticides, fertilizers, or
 15 seed, obtained by the Department of Agriculture
 16 and Consumer Services pursuant to specified
 17 provisions of Florida Statutes; providing a
 18 statement of public necessity; providing for
 19 future review and repeal; providing a
 20 contingent effective date.

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 22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Paragraph (ee) is added to subsection (3)
 25 of section 119.07, Florida Statutes, to read:

26 119.07 Inspection, examination, and duplication of
 27 records; exemptions.--

28 (3)

29 (ee) The name, address, and restricted-use license
 30 number of any person engaged in the aerial application of
 31 pesticides, fertilizers, or seed; the Federal Aviation

1 Administration aircraft registration number of any aircraft
2 used for the aerial application of pesticides, fertilizers, or
3 seed; and the name and address of any person or entity that
4 sells, leases, purchases, rents, or transfers any aircraft
5 used for the aerial application of pesticides, fertilizers, or
6 seed, obtained by the Department of Agriculture and Consumer
7 Services pursuant to the provisions of ss. 487.051(1)(d),
8 570.07(39), 576.181(3), and 578.11(2)(j), are exempt from the
9 requirements of subsection (1) and s. 24(a), Art. I of the
10 State Constitution. This paragraph is subject to the Open
11 Government Sunset Review Act of 1995, in accordance with s.
12 119.15, and shall stand repealed on October 2, 2006, unless
13 reviewed and saved from repeal through reenactment by the
14 Legislature.

15 Section 2. The Legislature finds that the exemption
16 from public records requirements provided by this act for the
17 name, address, and restricted-use license number of any person
18 engaged in the aerial application of pesticides, fertilizers,
19 or seed; the Federal Aviation Administration aircraft
20 registration number of any aircraft used for the aerial
21 application of pesticides, fertilizers, or seed; and the name
22 and address of any person or entity that sells, leases,
23 purchases, rents, or transfers any aircraft used for the
24 aerial application of pesticides, fertilizers, or seed,
25 obtained by the Department of Agriculture and Consumer
26 Services pursuant to the provisions of ss. 487.051(1)(d),
27 570.07(39), 576.181(3), and 578.11(2)(j), Florida Statutes, is
28 a public necessity because this information can be used to
29 identify pilots and aircraft used in the aerial application of
30 pesticides, fertilizers, and seed and those persons or
31 entities that sell, lease, purchase, rent, or transfer such

1 aircraft in furtherance of the commission of an act of
2 terrorism. Aircraft used in the aerial application of
3 pesticides, fertilizers, and seed are specialized aviation
4 equipment, the operation of which requires extensive training
5 and is a regulated activity. Such aircraft have the capability
6 of delivering a biological or chemical agent with precision
7 over a specific site. Information that identifies pilots
8 engaged in or aircraft utilized in the aerial application of
9 pesticides, fertilizers, and seed or those persons or entities
10 that sell, lease, purchase, rent, or transfer such aircraft
11 could be used to obtain either an aircraft with such aerial
12 application capability or training in the operation of such an
13 aircraft for the purpose of carrying out an act of terrorism.
14 Because no compilation of this information exists outside the
15 Department of Agriculture and Consumer Services, such a
16 compilation would be of significant value to a person who
17 might desire to use such information in furtherance of the
18 commission of a terrorist act. It has been shown that the
19 terrorists involved in the September 11, 2001, attack on the
20 World Trade Center and the Pentagon were interested in the
21 capabilities of aircraft used in the aerial application of
22 pesticides, fertilizers, and seed. Further, the September 11,
23 2001, attack on the World Trade Center and the Pentagon, as
24 well as the intentional spread of anthrax in this country and
25 state, which resulted in the death of one Floridian and
26 infection of several others, provides evidence that the
27 capabilities exist to utilize this information in the
28 commission of a terrorist act. It is clear that terrorists, if
29 so determined to use aircraft with such aerial application
30 capability, would take the steps necessary to purchase such
31 aircraft, obtain the training necessary to operate such

1 aircraft, and develop the skill needed to use this type of
2 aircraft in the commission of a terrorist act. Consequently,
3 the Legislature finds that information identifying pilots
4 engaged in and aircraft used in the aerial application of
5 pesticides, fertilizers, and seed and those persons or
6 entities that sell, lease, purchase, rent, or transfer such
7 aircraft must be exempt.

8 Section 3. This act shall take effect on the same date
9 that HB 115-B or similar legislation authorizing the
10 Department of Agriculture and Consumer Services to adopt rules
11 establishing requirements governing aircraft used for the
12 aerial application of pesticides, fertilizers, and seed is
13 adopted in the same legislative session or an extension
14 thereof and becomes law.

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17 HOUSE SUMMARY

18 Provides an exemption from public records requirements
19 for the name, address, and restricted-use license number
20 of any person engaged in the aerial application of
21 pesticides, fertilizers, or seed, the Federal Aviation
22 Administration aircraft registration number of any
23 aircraft used for the aerial application of pesticides,
24 fertilizers, or seed, and the name and address of any
25 person or entity that sells, leases, purchases, rents, or
26 transfers any aircraft used for the aerial application of
27 pesticides, fertilizers, or seed, obtained by the
28 Department of Agriculture and Consumer Services. Provides
29 a statement of public necessity. Provides for future
30 review and repeal of the exemption. Provides that the act
31 is contingent upon passage of HB 115-B or similar
legislation authorizing the Department of Agriculture and
Consumer Services to adopt rules establishing
requirements governing aircraft used for the aerial
application of pesticides, fertilizers, and seed.