

By the Committee on Governmental Oversight and Productivity;  
and Senators Brown-Waite, Smith and Crist

302-461B-02

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A bill to be entitled

An act relating to public records; providing that information concerning the amount or type of pharmaceuticals or the location of pharmaceutical depositories maintained or directed by a state agency in response to an act of terrorism are exempt from public-records requirements; providing a statement of public necessity; providing an effective date.

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

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 in s. 775.30 is exempt from the requirements of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution. The certification of the sufficiency of the type or amount of pharmaceutical or the security of the location of the pharmaceutical depository is a public record. 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to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemption from public-records requirements provided in section 1 of this act is a public necessity because information concerning the type or amount of pharmaceutical materials or the location of any pharmaceutical depository that is maintained or directed by a state agency is information that could be used by

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

24           Section 3. This act shall take effect upon becoming a  
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 60-B

Creates an exemption from public records requirements for 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 in s. 775.30, F.S.

Provides that the certification of sufficiency of the type, amount or security of the location is not exempt.

Provides a statement of public necessity.