

By Senators Brown-Waite and Smith

10-686-02

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A bill to be entitled

An act relating to public records; providing that information concerning the amount or type of pharmaceutical materials 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 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. 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 such pharmaceutical materials 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to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.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 concerning the type or

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

28 Section 3. This act shall take effect on the same date
29 that SB ___ or similar legislation defining "terrorism" for
30 purposes of the Florida Criminal Code takes effect, if such
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1 legislation is adopted in the same legislative session or an
2 extension thereof and becomes law.

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5 SENATE SUMMARY

6 Provides an exemption from public-records requirements
7 for certain information concerning pharmaceutical
8 materials for purposes of a response to an act of
9 terrorism.

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