

By Representative Gelber

1                                   A bill to be entitled  
2           An act relating to public records; providing  
3           that information concerning the amount or type  
4           of pharmaceutical materials or the location of  
5           pharmaceutical depositories maintained or  
6           directed by a state agency in response to an  
7           act of terrorism is exempt from public-records  
8           requirements; providing for future review and  
9           repeal; providing a statement of public  
10          necessity; providing a contingent effective  
11          date.

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

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15           Section 1. Information concerning the type or amount  
16 of pharmaceutical materials or the location of any  
17 pharmaceutical depository maintained or directed by a state  
18 agency as a response to an act of terrorism as defined in s.  
19 775.30 is exempt from the requirements of section 119.07(1),  
20 Florida Statutes, and Section 24(a), Article I of the State  
21 Constitution. The certification of the sufficiency of the type  
22 or amount of such pharmaceutical materials or the security of  
23 the location of the pharmaceutical depository is a public  
24 record. This section is subject to the Open Government Sunset  
25 Review Act of 1995 in accordance with section 119.15, Florida  
26 Statutes, and shall stand repealed October 2, 2006, unless  
27 reviewed and saved from repeal through reenactment by the  
28 Legislature.

29           Section 2. The Legislature finds that the exemption  
30 from public-records requirements provided by this act is a  
31 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 exists. 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 LEGISLATIVE 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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