

By the Committee on Security, Select and Representatives  
 Machek, Gelber, Ball, Green, Cusack, Cantens and Hart

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.

21  
 22 Be It Enacted by the Legislature of the State of Florida:  
 23

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 \_\_\_\_\_ 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.