

By the Council for Smarter Government and Committee on Security, Select and Representatives Machek, Gelber, Ball, Green, Cusack, Cantens, Hart, Pickens and Brummer

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
 5 restricted-use license number of any person
 6 engaged in the aerial application of
 7 pesticides, fertilizers, or seed held by the
 8 Department of Agriculture and Consumer Services
 9 and for any flight plan filed with the
 10 department by a person engaged in the aerial
 11 application of pesticides, fertilizers, or
 12 seed; providing a time limitation on the
 13 exemption for such flight plans; providing a
 14 statement of public necessity; providing for
 15 future review and repeal; providing an
 16 effective date.

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

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 20 Section 1. Paragraph (ee) is added to subsection (3)
 21 of section 119.07, Florida Statutes, to read:

22 119.07 Inspection, examination, and duplication of
 23 records; exemptions.--

24 (3)

25 (ee) The restricted-use license number of any person
 26 engaged in the aerial application of pesticides, fertilizers,
 27 or seed held by the Department of Agriculture and Consumer
 28 Services is exempt from the requirements of subsection (1) and
 29 s. 24(a), Art. I of the State Constitution. Additionally, any
 30 flight plan filed with the department by any person engaged in
 31 the aerial application of pesticides, fertilizers, or seed is

1 also exempt from the requirements of subsection (1) and s.
2 24(a), Art. I of the State Constitution until 24 hours after
3 the flight is completed. This paragraph is subject to the
4 Open Government Sunset Review Act of 1995, in accordance with
5 s. 119.15, and shall stand repealed on October 2, 2007, unless
6 reviewed and saved from repeal through reenactment by the
7 Legislature.

8 Section 2. The Legislature finds that the exemption
9 from public records requirements provided by this act is a
10 public necessity because this information can be used for
11 illegal and severely damaging purposes. Aircraft used in the
12 aerial application of pesticides, fertilizers, and seed have
13 the capability of delivering a biological or chemical agent
14 with precision over a specific site. Release of flight plan
15 information could be used to obtain an aircraft with such
16 aerial application capability for the purpose of carrying out
17 an act of terrorism. In addition, a person knowing a pilot's
18 restricted-use license number could obtain various chemicals
19 which, if used for an improper purpose, could be extremely
20 harmful. The terrorists involved in the September 11, 2001,
21 attack on the World Trade Center and the Pentagon were
22 interested in the capabilities of aircraft used in the aerial
23 application of pesticides, fertilizers, and seed. Further, the
24 September 11, 2001, attack on the World Trade Center and the
25 Pentagon, as well as the intentional spread of anthrax in this
26 country and state, which resulted in the death of one
27 Floridian and infection of several others, provides evidence
28 that the capabilities exist to utilize exempt information in
29 the commission of a terrorist act.

30 Section 3. This act shall take effect upon becoming a
31 law.