

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

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 as a 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.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
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 by s.
19 775.30, Florida Statutes, is exempt from the requirements of
20 s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the
21 State Constitution. The certification of the sufficiency of
22 the type or amount of such pharmaceutical materials or the
23 security of the location of such pharmaceutical depository is
24 a public record. This section is subject to the Open
25 Government Sunset Review Act of 1995, in accordance with s.
26 119.15, Florida Statutes, and shall stand repealed on October
27 2, 2006, unless reviewed and saved from repeal through
28 reenactment by the 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 HB _____ or similar legislation defining "terrorism" for
30 purposes of the Florida Criminal Code takes effect, if such
31

1 legislation is adopted in the same legislative session or an
2 extension thereof and becomes law.

3
4 *****

5 HOUSE SUMMARY

6 Provides that information concerning the amount or type
7 of pharmaceutical materials or the location of
8 pharmaceutical depositories maintained or directed by a
9 state agency as a response to an act of terrorism is
10 exempt from public records requirements. Provides for
11 future review and repeal of the exemption and provides a
12 statement of public necessity. Provides that the
13 exemption is contingent upon passage of legislation that
14 defines "terrorism" for purposes of the Florida Criminal
15 Code.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31