

By Senator Peaden

1-849-02

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, and the name  
8           and address of any person or entity that sells,  
9           leases, purchases, rents, or transfers any  
10          aircraft used for the aerial application of  
11          pesticides, fertilizers, or seed, obtained by  
12          the Department of Agriculture and Consumer  
13          Services pursuant to specified provisions of  
14          Florida Statutes; providing a statement of  
15          public necessity; providing for future review  
16          and repeal; providing a contingent effective  
17          date.

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

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21           Section 1. Paragraph (ee) is added to subsection (3)  
22          of section 119.07, Florida Statutes, as amended by section 1  
23          of chapter 2001-364, Laws of Florida, to read:

24           119.07 Inspection, examination, and duplication of  
25          records; exemptions.--

26           (3)

27           (ee) The name, address, and restricted-use license  
28          number of any person engaged in the aerial application of  
29          pesticides, fertilizers, or seed, and the name and address of  
30          any person or entity that sells, leases, purchases, rents, or  
31          transfers any aircraft used for the aerial application of

1 pesticides, fertilizers, or seed, obtained by the Department  
2 of Agriculture and Consumer Services pursuant to the  
3 provisions of ss. 487.051(1)(d), 570.07(39), 576.181(3), and  
4 578.11(2)(j), are exempt from the requirements of subsection  
5 (1) and s. 24(a), Art. I of the State Constitution. This  
6 paragraph is subject to the Open Government Sunset Review Act  
7 of 1995, in accordance with s. 119.15, and shall stand  
8 repealed on October 2, 2007, unless reviewed and saved from  
9 repeal through reenactment by the Legislature.

10       Section 2. The Legislature finds that the exemption  
11 from public-records requirements provided by this act for the  
12 name, address, and restricted-use license number of any person  
13 engaged in the aerial application of pesticides, fertilizers,  
14 or seed, and the name and address of any person or entity that  
15 sells, leases, purchases, rents, or transfers any aircraft  
16 used for the aerial application of pesticides, fertilizers, or  
17 seed, obtained by the Department of Agriculture and Consumer  
18 Services pursuant to the provisions of sections 487.051(1)(d),  
19 570.07(39), 576.181(3), and 578.11(2)(j), Florida Statutes, is  
20 a public necessity because this information can be used by a  
21 terrorist to expedite the identification of pilots and  
22 aircraft used in the aerial application of pesticides,  
23 fertilizers, and seed and to expedite the identification of  
24 those persons or entities that sell, lease, purchase, rent, or  
25 transfer such aircraft and thereby aid the terrorist in the  
26 planning and commission of an act of terrorism. Aircraft used  
27 in the aerial application of pesticides, fertilizers, and seed  
28 are specialized aviation equipment, the operation of which  
29 requires extensive training and is a regulated activity. Such  
30 aircraft have the capability of delivering biological or  
31 chemical agents with precision over specific sites.

1 Information that identifies pilots engaged in or aircraft  
2 utilized in the aerial application of pesticides, fertilizers,  
3 and seed or those persons or entities that sell, lease,  
4 purchase, rent, or transfer such aircraft could be used to  
5 obtain an aircraft with such aerial application capability or  
6 training in the operation of such an aircraft for the purpose  
7 of carrying out an act of terrorism. Such information,  
8 especially in a compiled format, would be of significant value  
9 to a person who desires to use it in furtherance of the  
10 commission of a terrorist act. It has been shown that the  
11 terrorists involved in the September 11, 2001, attack on the  
12 World Trade Center and the Pentagon were interested in the  
13 capabilities of aircraft used in the aerial application of  
14 pesticides, fertilizers, and seed. Further, the September 11,  
15 2001, attack on the World Trade Center and the Pentagon, as  
16 well as the intentional spread of anthrax in this country and  
17 state, which resulted in the death of one Floridian and  
18 infection of several others, provides evidence that the  
19 capabilities exist to use this information in the commission  
20 of a terrorist act. Consequently, the Legislature finds that  
21 information identifying pilots engaged in and aircraft used in  
22 the aerial application of pesticides, fertilizers, and seed  
23 and those persons or entities that sell, lease, purchase,  
24 rent, or transfer such aircraft must be exempt.

25           Section 3. This act shall take effect upon becoming a  
26 law.

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SENATE SUMMARY

Provides an exemption from public-records requirements for the name, address, and restricted-use license number of any person engaged in the aerial application of pesticides, fertilizers, or seed, and the name and address of any person or entity that sells, leases, purchases, rents, or transfers any aircraft used for the aerial application of pesticides, fertilizers, or seed, obtained by the Department of Agriculture and Consumer Services. Provides a statement of public necessity. Provides for future review and repeal of the exemption.