

By the Committee on Governmental Oversight and Productivity;
and Senator Peadar

302-2022-02

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
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
9 Services, and for any flight plan filed with
10 the department by a person engaged in the
11 aerial application of pesticides, fertilizers,
12 or seed, until 24 hours after the flight is
13 completed; providing a statement of public
14 necessity; providing for future review and
15 repeal; providing a contingent effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (ee) is added to subsection (3)
20 of section 119.07, Florida Statutes, as amended by section 1
21 of chapter 2001-364, Laws of Florida, 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5 s. 119.15, and shall stand repealed on October 2, 2007, unless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 the 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 use exempt information in the
29 commission of a terrorist act.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 970

Narrows breadth of exemption in the bill by limiting the exemption to the restricted-use license number of a person engaged in aerial application of pesticides, fertilizers or seed and to flight plans for 24-hours after the flight.