

By Representatives Edwards, Burroughs, Dockery and Mackey

1 A bill to be entitled
2 An act relating to public records; creating s.
3 252.943, F.S.; providing an exemption from
4 public records requirements for information
5 provided by a stationary source subject to the
6 Accidental Release Prevention Program under the
7 federal Clean Air Act; providing for future
8 review and repeal; providing a finding of
9 public necessity; providing a contingent
10 effective date.

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

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14 Section 1. Section 252.943, Florida Statutes, is
15 created to read:

16 252.943 Public records.--

17 (1) Whenever Section 112(r) of the federal Clean Air
18 Act authorizes a stationary source subject to Section
19 112(r)(7) to exclude trade secret information from its risk
20 management plan, the owner or operator shall furnish the
21 information so excluded to the State Hazardous Materials
22 Emergency Response Commission upon request. Such information
23 is confidential and exempt from the provisions of s. 119.07(1)
24 and s. 24(a), Art. I of the State Constitution. The commission
25 shall not disclose such information except under a final
26 determination by the Administrator of the United States
27 Environmental Protection Agency that such information is not
28 entitled to trade secret protection, or pursuant to an order
29 of court. This exemption is subject to the Open Government
30 Sunset Review Act of 1995 in accordance with s. 119.15, and

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1 shall stand repealed on October 2, 2003, unless reviewed and
2 reenacted by the Legislature.

3 (2) Whenever Section 112(r) of the federal Clean Air
4 Act authorizes an owner or operator of a stationary source
5 subject to Section 112(r)(7) to elect to withhold from
6 disclosure specific information, such information is
7 confidential and exempt from the provisions of s. 119.07(1)
8 and s. 24(a), Art. I of the State Constitution. This exemption
9 is subject to the Open Government Sunset Review Act of 1995 in
10 accordance with s. 119.15, and shall stand repealed on October
11 2, 2003, unless reviewed and reenacted by the Legislature.

12 (3) Any information that is provided to the Department
13 of Community Affairs, or its agent, in the process of
14 conducting an inspection, audit, or investigation which is
15 authorized under Section 112(r) for exemption from the
16 provisions of s. 119.07(1), is confidential and exempt from s.
17 119.07(1) and s. 24(a), Art. I of the State Constitution. This
18 exemption is subject to the Open Government Sunset Review Act
19 of 1995 in accordance with s. 119.15, and shall stand repealed
20 on October 2, 2003, unless reviewed and reenacted by the
21 Legislature.

22 (4) The Department of Community Affairs, the State
23 Hazardous Materials Emergency Response Commission, and any
24 local emergency planning committee may fulfill requests for
25 public records under s. 119.07 for information electronically
26 submitted under this part, or the Section 112(r)(7) Accidental
27 Release Prevention Program, to the United States Environmental
28 Protection Agency's centralized database by referral to such
29 database or other reasonably accessible data collection
30 points. Upon request, the department, the commission, or the
31 committees shall furnish copies of public records not

