

By the Committees on Governmental Operations,  
Environmental Protection and 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 trade secrets

5           information of a stationary source subject to

6           the Accidental Release Prevention Program,

7           which is required to be protected from

8           disclosure under the federal Clean Air Act;

9           providing for future review and repeal;

10          providing a finding of public necessity;

11          providing a contingent effective date.

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

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15           Section 1. Section 252.943, Florida Statutes, is

16          created to read:

17           252.943 Public records.--

18           (1) When the Department of Community Affairs is

19          required to protect records, reports, or information or a

20          particular part thereof (other than release or emissions data)

21          contained in a Risk Management Plan from public disclosure

22          pursuant to Sections 112(r) and 114(c) of the federal Clean

23          Air Act and authorities cited therein, based upon a showing

24          satisfactory to the Administrator of the United States

25          Environmental Protection Agency by any owner or operator of a

26          stationary source subject to the Accidental Release Prevention

27          Program that public release of such records, reports, or

28          information would divulge methods or processes entitled to

29          protection as trade secrets defined in 40 C.F.R. part II,

30          subpart B, such records, reports, or information is

31          confidential and exempt from the provisions of s. 119.07(1)

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 and s. 24(a), Art. I of the State Constitution. Such  
2 information shall not be disclosed except under a final  
3 determination by the Administrator of the United States  
4 Environmental Protection Agency that such records, reports, or  
5 information is not entitled to trade secret protection, or  
6 pursuant to an order of court. This exemption is subject to  
7 the Open Government Sunset Review Act in accordance with s.  
8 119.15, and expires on October 2, 2003, unless reviewed and  
9 reenacted by the Legislature.

10 (2) When the department is required to protect  
11 records, reports, or information or a particular part thereof  
12 (other than release or emissions data) obtained from an  
13 investigation, inspection, or audit from public disclosure  
14 pursuant to Sections 112(r) and 114(c) of the federal Clean  
15 Air Act and authorities cited therein, based upon a showing  
16 satisfactory to the Administrator of the United States  
17 Environmental Protection Agency by any owner or operator of a  
18 stationary source subject to the Accidental Release Prevention  
19 Program that public release of such records, reports, or  
20 information would divulge methods or processes entitled to  
21 protection as trade secrets defined in 40 C.F.R. part II,  
22 subpart B, such records, reports, or information is  
23 confidential and exempt from the provisions of s. 119.07(1)  
24 and s. 24(a), Art. I of the State Constitution. Such records,  
25 reports, or information shall not be disclosed except under a  
26 final determination by the Administrator of the United States  
27 Environmental Protection Agency that such records, reports, or  
28 information is not entitled to trade secret protection, or  
29 pursuant to an order of court. This exemption is subject to  
30 the Open Government Sunset Review Act in accordance with s.  
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1 119.15, and expires on October 2, 2003, unless reviewed and  
2 reenacted by the Legislature.

3           Section 2. The Legislature finds that it is a public  
4 necessity that trade secret information provided by the owner  
5 or operator of a stationary source subject to the Accidental  
6 Release Prevention Program under the federal Clean Air Act be  
7 held confidential and exempt in order to protect the  
8 legitimate property interests associated with trade secrets  
9 while allowing state officials to review and oversee risk  
10 management plans and conduct necessary investigations,  
11 inspections, or audits. Furthermore, the Legislature finds  
12 that disclosure of trade secret information is likely to cause  
13 substantial harm to the competitive position of the owner or  
14 operator of a stationary source.

15           Section 3. This act shall take effect on the same date  
16 as Committee Substitute for Committee Substitute for House  
17 Bill 3717 or similar legislation takes effect, if such  
18 legislation is adopted in the same legislative session or an  
19 extension thereof.

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