

By Senators Dyer, Latvala, Williams, Brown-Waite, Diaz-Balart and Forman

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A bill to be entitled
An act relating to public records; creating s.
252.943, F.S.; providing an exemption from
public records for information provided by a
stationary source subject to the Accidental
Release Prevention Program under the federal
Clean Air Act; providing an expiration date;
providing a finding of public necessity;
providing a contingent effective date.

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

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

252.943 Public records.--

(1) Whenever Section 112(r) of the federal Clean Air
Act authorizes a stationary source subject to Section
112(r)(7) to exclude trade secret information from its Risk
Management Plan, the owner or operator shall furnish the
information so excluded to the State Hazardous Materials
Emergency Response Commission upon request. Such information
is confidential and exempt from the provisions of s.
119.07(1). The commission shall not disclose such information
except under a final determination by the Administrator of the
U.S. Environmental Protection Agency that such information is
not entitled to trade secret protection, or pursuant to an
order of court. This exemption is subject to the Open
Government Sunset Review Act in accordance with s. 119.15, and
expires on October 2, 2003, unless reviewed and reenacted by
the Legislature.

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

9 (3) Any information that is provided to the Department
10 of Community Affairs, or its agent, in the process of
11 conducting an inspection, audit, or investigation which is
12 authorized under Section 112(r) for exemption from the
13 provisions of s. 119.07(1), is confidential and exempt from s.
14 119.07(1). This exemption is subject to the Open Government
15 Sunset Review Act in accordance with s. 119.15, and expires on
16 October 2, 2003, unless reviewed and reenacted by the
17 Legislature.

18 (4) The Department of Community Affairs, the State
19 Hazardous Materials Emergency Response Commission, and any
20 local emergency planning committee may fulfill requests for
21 public records under s. 119.07 for information electronically
22 submitted under this part or the Section 112(r)(7) Accidental
23 Release Prevention Program to the U.S. Environmental
24 Protection Agency's centralized database by referral to such
25 database or other reasonably accessible data collection
26 points. Upon request, the department, the commission, or the
27 committees shall furnish copies of public records not
28 available through electronic data collection points, and may
29 elect to furnish copies of public records which are available
30 through electronic data collection points. The department, the
31 commission, or the committees may charge a fee of up to \$1 per

