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

## 14-780A-98

A bill to be entitled 1 An act relating to public records; creating s. 2 252.943, F.S.; providing an exemption from 3 4 public records for information provided by a 5 stationary source subject to the Accidental 6 Release Prevention Program under the federal 7 Clean Air Act; providing an expiration date; providing a finding of public necessity; 8 9 providing a contingent effective date. 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 252.943, Florida Statutes, is 13 Section 1. created to read: 14 252.943 Public records.--15 Whenever Section 112(r) of the federal Clean Air 16 17 Act authorizes a stationary source subject to Section 112(r)(7) to exclude trade secret information from its Risk 18 19 Management Plan, the owner or operator shall furnish the 20 information so excluded to the State Hazardous Materials Emergency Response Commission upon request. Such information 21 22 is confidential and exempt from the provisions of s. 119.07(1). The commission shall not disclose such information 23 except under a final determination by the Administrator of the 24 25 U.S. Environmental Protection Agency that such information is 26 not entitled to trade secret protection, or pursuant to an order of court. This exemption is subject to the Open 27 2.8 Government Sunset Review Act in accordance with s. 119.15, and expires on October 2, 2003, unless reviewed and reenacted by 29 30 the Legislature. 31

1 (2) Whenever Section 112(r) of the federal Clean Air Act authorizes an owner or operator of a stationary source 2 3 subject to Section 112(r)(7) to elect to withhold from disclosure specific information, such information is 4 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 of Community Affairs, or its agent, in the process of 10 11 conducting an inspection, audit, or investigation which is authorized under Section 112(r) for exemption from the 12 provisions of s. 119.07(1), is confidential and exempt from s. 13 119.07(1). This exemption is subject to the Open Government 14 Sunset Review Act in accordance with s. 119.15, and expires on 15 October 2, 2003, unless reviewed and reenacted by the 16 17 Legislature. The Department of Community Affairs, the State (4)18 19 Hazardous Materials Emergency Response Commission, and any local emergency planning committee may fulfill requests for 20 21 public records under s. 119.07 for information electronically submitted under this part or the Section 112(r)(7) Accidental 22 Release Prevention Program to the U.S. Environmental 23 24 Protection Agency's centralized database by referral to such database or other reasonably accessible data collection 25 points. Upon request, the department, the commission, or the 26 27 committees shall furnish copies of public records not available through electronic data collection points, and may 28 elect to furnish copies of public records which are available 29 30 through electronic data collection points. The department, the 31 commission, or the committees may charge a fee of up to \$1 per

page, per person, per year for over 10 pages of materials 1 2 copied. 3 Section 2. The Legislature finds that it is a public necessity that information provided by a stationary source 4 5 subject to the Accidental Release Prevention Program under the 6 federal Clean Air Act be held confidential in order to protect 7 legitimate property rights associated with trade secrets while allowing state officials to review and oversee Risk Management 8 Plans. Furthermore, the Legislature finds that disclosure of 9 10 the information is likely to cause substantial harm to the competitive position of a stationary source. 11 Section 3. This act shall take effect on the effective 12 date of SB or similar legislation, relating to clean air, 13 and shall not take effect if that legislation does not become 14 15 a law. 16 17 18 SENATE SUMMARY Provides an exemption from public records disclosure requirements for information provided by a stationary source subject to the Accidental Release Prevention Program under the federal Clean Air Act. Provides a 19 20 finding of public necessity and an expiration date. 21 22 23 24 25 26 27 28 29 30 31