

By the Committee on Comprehensive Planning

316-215-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 252.943, F.S., which provides an exemption from
4 public-records requirements for information
5 that is held by the Department of Community
6 Affairs as part of a risk management plan or
7 obtained as part of an investigation,
8 inspection, or audit and that constitutes a
9 trade secret; clarifying provisions specifying
10 the information that is entitled to protection
11 as a trade secret; reenacting the exemption and
12 removing the repeal thereof scheduled under the
13 Open Government Sunset Review Act of 1995;
14 providing an effective date.

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

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18 Section 1. Notwithstanding the repeal scheduled on
19 October 2, 2003, under the Open Government Sunset Review Act
20 of 1995, section 252.943, Florida Statutes, is reenacted and
21 amended to read:

22 252.943 Public records.--

23 (1) ~~When~~ The Department of Community Affairs shall ~~is~~
24 ~~required to~~ protect records, reports, or information or
25 particular parts thereof, other than release or emissions
26 data, contained in a risk management plan from public
27 disclosure pursuant to ss. 112(r) and 114(c) of the federal
28 Clean Air Act and authorities cited therein, based upon a
29 showing satisfactory to the Administrator of the United States
30 Environmental Protection Agency by any owner or operator of a
31 stationary source subject to the Accidental Release Prevention

1 Program that public release of such records, reports, or
2 information would divulge methods or processes entitled to
3 protection as trade secrets as defined in s. 688.002 and as
4 provided for in 40 C.F.R. part 2 ¶¶, subpart B., Such records,
5 reports, or information held by the department are
6 confidential and exempt from the provisions of s. 119.07(1)
7 and s. 24(a), Art. I of the State Constitution until. ~~Such~~
8 ~~information may not be disclosed except under a final~~
9 ~~determination has been made by the Administrator of the~~
10 Environmental Protection Agency that such records, reports, or
11 information are not entitled to trade secret protection, or
12 pursuant to an order of court. ~~This exemption is subject to~~
13 ~~the Open Government Sunset Review Act in accordance with s.~~
14 ~~119.15, and expires on October 2, 2003, unless reviewed and~~
15 ~~reenacted by the Legislature.~~

16 (2) ~~When~~ The department shall ~~is required to~~ protect
17 records, reports, or information or particular parts thereof,
18 other than release or emissions data, obtained from an
19 investigation, inspection, or audit from public disclosure
20 pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act
21 and authorities cited therein, based upon a showing
22 satisfactory to the Administrator of the United States
23 Environmental Protection Agency by any owner or operator of a
24 stationary source subject to the Accidental Release Prevention
25 Program that public release of such records, reports, or
26 information would divulge methods or processes entitled to
27 protection as trade secrets as defined in s. 688.002 and as
28 provided for in 40 C.F.R. part 2 ¶¶, subpart B., Such records,
29 reports, or information held by the department are
30 confidential and exempt from the provisions of s. 119.07(1)
31 and s. 24(a), Art. I of the State Constitution until. ~~Such~~

1 ~~records, reports, or information may not be disclosed except~~
2 ~~under a final determination has been made by the Administrator~~
3 ~~of the Environmental Protection Agency that such records,~~
4 ~~reports, or information are not entitled to trade secret~~
5 ~~protection, or pursuant to an order of court. This exemption~~
6 ~~is subject to the Open Government Sunset Review Act in~~
7 ~~accordance with s. 119.15, and expires on October 2, 2003,~~
8 ~~unless reviewed and reenacted by the Legislature.~~

9 Section 2. This act shall take effect October 1, 2003.

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11 SENATE SUMMARY

12 Reenacts an exemption from the public-records law for
13 information constituting a trade secret which is
14 submitted in compliance with the federal Clean Air Act
15 and held by the Department of Community Affairs. Removes
16 the repeal of the exemption scheduled on October 2, 2003,
17 under the Open Government Sunset Review Act of 1995.