

By Senator Richter

23-01597-13

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 377.24075, F.S.; creating an exemption from public
4 records requirements for certain information provided
5 in an application for a natural gas storage facility
6 permit to inject and recover gas into and from a
7 natural gas storage reservoir; providing for future
8 review and repeal of the public records exemption
9 under the Open Government Sunset Review Act; providing
10 a statement of public necessity; providing a
11 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 377.24075, Florida Statutes, is created
16 to read:

17 377.24075 Exemption from public records requirements.—

18 (1) Any information that an applicant provides to the
19 Department of Environmental Protection pursuant to s. 377.2407
20 relating to leasing plans, exploration budgets, proprietary well
21 design or completion plans, geological or engineering studies
22 related to storage reservoir performance characteristics, field
23 utilization strategies or operating plans, commercial or
24 marketing studies, or other proprietary confidential business
25 information or trade secret as defined in s. 812.081 which could
26 provide an economic advantage to competitors is confidential and
27 exempt from s. 119.07(1) for a period of 10 years.

28 (2) This section is subject to the Open Government Sunset
29 Review Act in accordance with s. 119.15 and shall stand repealed

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30 on October 2, 2018, unless reviewed and saved from repeal
31 through reenactment by the Legislature.

32 Section 2. (1) The Legislature finds that it is a public
33 necessity that information provided to the Department of
34 Environmental Protection which relates to leasing plans,
35 exploration budgets, proprietary well design or completion
36 plans, geological or engineering studies related to storage
37 reservoir performance characteristics, field utilization
38 strategies or operating plans, commercial or marketing studies,
39 or other proprietary confidential business information or trade
40 secret provided by a person in conjunction with an application
41 to establish an underground natural gas storage facility as
42 defined in s. 377.19, Florida Statutes, be made confidential and
43 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
44 Article I of the State Constitution for a period of 10 years.
45 The disclosure of such proprietary confidential business
46 information or trade secret could injure an applicant in the
47 marketplace by giving competitors detailed insight into
48 technical assessments, design, and experience, thereby putting
49 the applicant at a competitive disadvantage. Without this
50 exemption, applicants could be less willing to expend or commit
51 to expend the substantial resources necessary to determine the
52 feasibility of establishing, permitting, and operating an
53 underground natural gas storage facility, resulting in limited
54 opportunities for developing the additional natural gas storage
55 capacity that Florida critically needs to meet current and
56 future residential, commercial, and industrial energy needs. The
57 resulting lack of resources could hinder the ability of electric
58 utility services to optimize services to their customers and

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59 could adversely affect those customers by depriving them of the
60 opportunities and energy security that comes with domestic
61 reserves of natural gas stored underground.

62 (2) Proprietary confidential business information and trade
63 secret information derives actual or potential independent
64 economic value from not being generally known to, and not being
65 readily ascertainable by, other persons who can derive economic
66 value from its disclosure or use. The Department of
67 Environmental Protection, in the course of reviewing and issuing
68 permitting decisions relating to underground natural gas storage
69 facility permits, may need to obtain proprietary confidential
70 business information. Disclosure of such information could
71 destroy the value of that property, if disclosed within 10 years
72 after submittal, and could not only cause economic harm to the
73 applicant providing the information, but the reduced competition
74 for provision of domestic underground storage of natural gas
75 could also adversely affect energy utility customers. The
76 exemption created by this act will enhance the ability to
77 increase domestic storage of natural gas, thereby creating a
78 significant benefit to energy utility customers. In finding that
79 the public records exemption created by this act is a public
80 necessity, the Legislature also finds that any public benefit
81 derived from disclosure of the information is significantly
82 outweighed by the public and private harm that could result from
83 disclosure within 10 years after submittal of such proprietary
84 confidential business information.

85 Section 3. This act shall take effect October 1, 2013, if
86 SB _____ or similar legislation is adopted in the same
87 legislative session or an extension thereof and becomes a law.