

## House Bill No. 1027

An act relating to a public records exemption for certain records, reports, or information containing trade secret information held by the Department of Community Affairs; amending s. 252.943, F.S., relating to the exemptions from public records requirements for specified records, reports, or information contained in a risk management plan required pursuant to, and obtained from an investigation, inspection, or audit under, the Florida Accidental Release Prevention and Risk Management Planning Act, to remove the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; making editorial changes; providing clarifying language; providing an effective date.

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

Section 1. Notwithstanding the October 2, 2003, repeal of said subsections scheduled pursuant to the Open Government Sunset Review Act of 1995, subsections (1) and (2) of section 252.943, Florida Statutes, are amended to read:

252.943 Public records.—

(1) ~~The~~ ~~When the~~ Department of Community Affairs shall ~~is required to~~ protect records, reports, or information or particular parts thereof, other than release or emissions data, contained in a risk management plan from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for defined in 40 C.F.R. part 2 II, subpart B, Such records, reports, or information held by the department are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless, Such information may not be disclosed except under a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are 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.

(2) ~~The~~ ~~When the~~ department shall ~~is required to~~ protect records, reports, or information or particular parts thereof, other than release or emissions data, obtained from an investigation, inspection, or audit from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information

would divulge methods or processes entitled to protection as trade secrets as provided for defined in 40 C.F.R. part 2 H, subpart B.<sup>5</sup> Such records, reports, or information held by the department are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless. ~~Such records, reports, or information may not be disclosed except under a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are 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.~~

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

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.