



263700

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2018	.	
	.	
	.	
	.	

The Committee on Rules (Lee) recommended the following:

1 **Senate Substitute for Amendment (417470) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (4) of section 119.0713, Florida
7 Statutes, is amended to read:

8 119.0713 Local government agency exemptions from inspection
9 or copying of public records.—

10 (4) (a) Proprietary confidential business information means
11 information, regardless of form or characteristics, which is



263700

12 held by an electric utility that is subject to this chapter ~~119~~,
13 is intended to be and is treated by the entity that provided the
14 information to the electric utility as private in that the
15 disclosure of the information would cause harm to the entity
16 providing the information or its business operations, and has
17 not been disclosed unless disclosed pursuant to a statutory
18 provision, an order of a court or administrative body, or a
19 private agreement that provides that the information will not be
20 released to the public. Proprietary confidential business
21 information includes, ~~but is not limited to:~~

- 22 1. Trade secrets, as defined in s. 688.002.
- 23 2. Internal auditing controls and reports of internal
24 auditors.
- 25 3. Security measures, systems, or procedures.
- 26 4. Information concerning bids or other contractual data,
27 the disclosure of which would impair the efforts of the electric
28 utility to contract for goods or services on favorable terms.
- 29 5. Information relating to competitive interests, the
30 disclosure of which would impair the competitive business of the
31 provider of the information.

32 (b) Proprietary confidential business information held by
33 an electric utility that is subject to this chapter ~~119~~ in
34 conjunction with a due diligence review of an electric project
35 as defined in s. 163.01(3)(d) or a project to improve the
36 delivery, cost, or diversification of fuel or renewable energy
37 resources is confidential and exempt from s. 119.07(1) and s.
38 24(a), Art. I of the State Constitution.

39 (c) All proprietary confidential business information
40 described in paragraph (b) shall be retained for 1 year after



263700

41 the due diligence review has been completed and the electric
42 utility has decided whether or not to participate in the
43 project.

44 ~~(d) This subsection is subject to the Open Government~~
45 ~~Sunset Review Act in accordance with s. 119.15, and shall stand~~
46 ~~repealed on October 2, 2018, unless reviewed and saved from~~
47 ~~repeal through reenactment by the Legislature.~~

48 Section 2. This act shall take effect October 1, 2018.

49
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete everything before the enacting clause
53 and insert:

54 A bill to be entitled
55 An act relating to a review under the Open Government
56 Sunset Review Act; amending s. 119.0713, F.S., which
57 provides an exemption from public records requirements
58 for proprietary confidential business information held
59 by a local government electric utility; conforming a
60 cross-reference; redefining the term "proprietary
61 confidential business information" to narrow the
62 exemption; defining the term "trade secrets"; removing
63 the scheduled repeal of the exemption; providing an
64 effective date.