Florida Senate - 2005

By the Committees on Governmental Oversight and Productivity; and Communications and Public Utilities

585-1875A-05

- 1	
1	A bill to be entitled
2	An act relating to a review under the Open
3	Government Sunset Review Act; amending s.
4	202.195, F.S.; revising a public-records
5	exemption for proprietary confidential business
6	information obtained from a telecommunications
7	company or franchised cable company for
8	specified purposes under the Communications
9	Services Tax Simplification Law; removing the
10	October 2, 2005, repeal thereof scheduled under
11	the Open Government Sunset Review Act; removing
12	superfluous provisions; making editorial
13	changes; providing an effective date.
14	
15	Be It Enacted by the Legislature of the State of Florida:
16	
17	Section 1. Section 202.195, Florida Statutes, is
18	amended to read:
19	202.195 Proprietary confidential business information;
20	public records exemption
21	(1) Any Proprietary confidential business information
22	obtained from a telecommunications company or franchised cable
23	company <u>for the purposes of</u> by a local governmental entity
24	relating to imposing fees for occupying the public
25	rights-of-way_ or assessing the local communications services
26	tax pursuant to s. 202.19 <u>,</u> or otherwise relating to regulating
27	the public rights-of-way, held by a local governmental entity,
28	is confidential and exempt from the provisions of s. 119.07(1)
29	and s. 24(a), Art. I of the State Constitution. Such
30	proprietary confidential business information held by a local
31	governmental entity, may be used only for the purposes of

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1 imposing such fees, or assessing such tax, or regulating such rights-of-way, and may not be used for any other purposes, 2 including, but not limited to, commercial or competitive 3 4 purposes. 5 (2) For the purposes of this exemption, "proprietary б confidential business information" includes any proprietary or 7 otherwise confidential information or documentation, including 8 maps, plans, billing and payment records, trade secrets, or other information relating to the provision of or facilities 9 for communications service: 10 (a) That is intended to be and is treated by the 11 12 company as confidential; 13 (b) The disclosure of which would be reasonably likely to be used by a competitor to harm the business interests of 14 15 the company; and 16 (c) That is not otherwise readily ascertainable or 17 publicly available by proper means by other persons from 18 another source to the same extent and in the same configuration format as requested by the local governmental 19 entity. 20 21 22 Proprietary confidential business information does not include 23 schematics indicating the location of facilities for a specific site that are provided in the normal course of the 2.4 local governmental entity's permitting process. 25 (3) Nothing in this exemption expands the information 26 27 or documentation that a local governmental entity may properly 2.8 request under applicable law pursuant to the imposition of 29 fees for occupying the rights-of-way, or the local communication services tax, or the regulation of its public 30 31 rights-of-way.

2

CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2005 585-1875A-05

1	(4) Any information in the possession of a local
2	government entity which consists of Maps, plans, schematics,
3	diagrams, or other engineering data <u>held by a local</u>
4	governmental entity that relate relating to the exact location
5	and capacity of facilities for the provision of communications
б	services by <u>such</u> the local government entity <u>are</u> shall be
7	exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
8	I of the State Constitution. Such information <u>is</u> shall remain
9	exempt only for a period of 60 days after completion of the
10	construction of the communications services facilities.
11	(5) This section is subject to the Open Government
12	Sunset Review Act of 1995 in accordance with s. 119.15 and
13	shall stand repealed on October 1, 2005, unless reviewed and
14	saved from repeal through reenactment by the Legislature.
15	Section 2. This act shall take effect September 30,
16	2005.
17	
18	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
19	Senate Bill 680
20	
21	Clarifies the definition of "proprietary confidential business information." Provides that proprietary business information
22	is information that could be used by a competitor to harm the proprietor's interest. Provides that such information is not
23	readily ascertainable or publicly available by proper means from another source in the same configuration as requested by
24	
25	
26	
27	
28	
29	
30	
31	
	3

CODING: Words stricken are deletions; words <u>underlined</u> are additions.