

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

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**BILL #:** [HB 7009](#) [PCB GOS 26-05](#)

**TITLE:** OGSR/Public Service Commission

**SPONSOR(S):** Government Operations Subcommittee,  
Greco

**COMPANION BILL:** [SB 7006](#)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 99 Y's 8 N's

**GOVERNOR'S ACTION:** Pending

## SUMMARY

### Effect of the Bill:

The bill saves from repeal the public meeting exemption for portions of a hearing conducted by the Florida Public Service Commission during which proprietary confidential business information that is confidential and exempt from public record requirements is discussed.

### Fiscal or Economic Impact:

None.

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## ANALYSIS

### EFFECT OF THE BILL:

HB 7009 passed as [SB 7006](#).

The bill removes the scheduled repeal date, created pursuant to the [Open Government Sunset Review Act](#), for the public meeting exemption for portions of a hearing conducted by the [Florida Public Service Commission](#) during which proprietary confidential business information that is confidential and exempt from public record requirements is discussed. The public meeting exemption will repeal on October 2, 2026, if the bill does not become a law. (Section 1)

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. (Section 2)

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Open Government Sunset Review Act](#)

The Open Government Sunset Review Act (OGSR Act)<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or

<sup>1</sup> [S. 119.15, F.S.](#)

<sup>2</sup> [S. 119.15\(3\), F.S.](#)

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- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.<sup>4</sup>

### Florida Public Service Commission

The Florida Public Service Commission (PSC), an arm of the legislative branch of government,<sup>5</sup> ensures that Florida consumers receive safe and reliable utilities services, including electric, natural gas, telecommunications, water, and wastewater at a fair and reasonable rate. The PSC consists of five commissioners appointed by the Governor from a pool of nominees selected by the PSC Nominating Council.<sup>6</sup> Each appointee is subject to confirmation by the Senate.<sup>7</sup>

The PSC exercises regulatory authority over utilities in the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>8</sup> In carrying out its duties, the PSC sets rates and charges for investor-owned electric, natural gas, water, and wastewater utilities;<sup>9</sup> approves territorial agreements and resolves service area disputes among electric and natural gas utilities;<sup>10</sup> certifies service areas for water and wastewater utilities;<sup>11</sup> and oversees carrier-to-carrier relationships and related interconnection agreements to prevent anticompetitive behavior in the telecommunications sector.<sup>12</sup> In 2024, the PSC regulated four investor-owned electric companies, five investor-owned natural gas utilities, and 153 investor-owned water and wastewater utilities, and exercised competitive market oversight over 276 telecommunications companies operating in the state.<sup>13</sup>

The PSC has broad statutory authority to obtain records from the utilities it regulates, including records containing proprietary confidential business information.<sup>14</sup> Under current law, a company or other person providing records to the PSC may request confidential treatment for records believed to contain proprietary confidential business information. If the PSC finds that the records contain such information, the records are confidential and exempt<sup>15</sup>

<sup>3</sup> [S. 119.15\(6\)\(b\), F.S.](#)

<sup>4</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>5</sup> [S. 350.001, F.S.](#)

<sup>6</sup> [Ss. 350.01\(1\) and 350.031\(6\), F.S.](#) The PSC Nominating Council is a 12-member body responsible for screening and nominating candidates for appointment to the PSC. At least one member must be 60 years of age or older. Six members, including three members of the House of Representatives (one from the minority party) are appointed by and serve at the pleasure of the Speaker of the House of Representatives. Six members, including three members of the Senate (one from the minority party) are appointed by and serve at the pleasure of the President of the Senate. [S. 350.031\(1\)\(a\), F.S.](#)

<sup>7</sup> [S. 350.031\(8\), F.S.](#)

<sup>8</sup> PSC, [About the PSC](#) (last visited Jan. 8, 2026).

<sup>9</sup> [Ss. 366.04\(2\)\(b\), 366.06\(1\), 367.011\(2\), and 367.081\(1\), F.S.](#)

<sup>10</sup> [S. 366.04\(2\)\(d\)-\(e\) and \(3\)\(a\)-\(b\), F.S.](#)

<sup>11</sup> [Ss. 367.031 and 367.045, F.S.](#)

<sup>12</sup> [See s. 364.16, F.S.](#)

<sup>13</sup> PSC, [About the PSC](#) (last visited Jan. 8, 2026). While the PSC does not fully regulate publicly owned municipal or cooperative utilities, it retains limited jurisdiction, including territorial boundaries, over 35 municipally owned electric systems, 18 rural electric cooperatives, 27 municipally owned natural gas utilities, and 4 gas districts, and exercises statewide safety authority over all electric and natural gas systems.

<sup>14</sup> “Proprietary confidential business information” means information owned or controlled by a company that is intended to be and is treated as private because disclosure would cause harm to ratepayers or to the company’s business operations. The term includes trade secrets, internal audit reports, security measures, certain bidding and contractual data, information concerning competitive interests, and certain personnel information. *See* [ss. 364.183\(3\), 366.093\(3\), 367.156\(3\), and 368.108\(3\), F.S.](#)

<sup>15</sup> There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d

