

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 213.053, F.S.; providing an exemption from public
 4 records requirements for specified information
 5 received by the Department of Revenue relating to the
 6 prepaid wireless E911 fee; authorizing the department
 7 to share such information with the Secretary of
 8 Management Services and the E911 Board; amending s.
 9 365.174, F.S.; including the Department of Revenue as
 10 an additional recipient of specified confidential
 11 information relating to wireless service; providing
 12 for future legislative review and repeal; providing
 13 statements of public necessity; providing a contingent
 14 effective date.

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

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 18 Section 1. Paragraphs (n) through (v) of subsection (1) of
 19 section 213.053, Florida Statutes, are redesignated as
 20 paragraphs (o) through (w), respectively, a new paragraph (n) is
 21 added to that subsection, and paragraph (cc) is added to
 22 subsection (8) of that section, to read:

23 213.053 Confidentiality and information sharing.—

24 (1) This section applies to:

25 (n) Section 365.172(9), prepaid wireless E911 fee. This
 26 paragraph is subject to the Open Government Sunset Review Act in
 27 accordance with s. 119.15 and is repealed on October 2, 2019,
 28 unless reviewed and saved from repeal through reenactment by the

29 Legislature;

30 (8) Notwithstanding any other provision of this section,
31 the department may provide:

32 (cc) Information relative to s. 365.172(9) to the
33 Secretary of Management Services or his or her authorized agent
34 or to the E911 Board established in s. 365.172(5) for use in the
35 conduct of the department's official business.

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37 Disclosure of information under this subsection shall be
38 pursuant to a written agreement between the executive director
39 and the agency. Such agencies, governmental or nongovernmental,
40 shall be bound by the same requirements of confidentiality as
41 the Department of Revenue. Breach of confidentiality is a
42 misdemeanor of the first degree, punishable as provided by s.
43 775.082 or s. 775.083.

44 Section 2. Subsection (1) of section 365.174, Florida
45 Statutes, is amended to read:

46 365.174 Proprietary confidential business information.—

47 (1) (a) All proprietary confidential business information
48 ~~submitted by a provider to the board or the office,~~ including
49 the name and billing or service addresses of service
50 subscribers, and trade secrets as defined by s. 812.081, which
51 is submitted to:

- 52 1. The board or the office; or
- 53 2. The Department of Revenue as an agent of the board,

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55 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
56 I of the State Constitution. Statistical abstracts of

57 information collected by the board or the office may be released
58 or published, but only in a manner that does not identify or
59 allow identification of subscribers or their service numbers or
60 of revenues attributable to any provider.

61 (b) Subparagraph (a)2. is subject to the Open Government
62 Sunset Review Act in accordance with s. 119.15 and shall stand
63 repealed on October 2, 2019, unless reviewed and saved from
64 repeal through reenactment by the Legislature.

65 Section 3. (1) The Legislature finds that it is a public
66 necessity that any confidential proprietary business information
67 contained in returns, reports, accounts, or declarations
68 received by the Department of Revenue pursuant to s. 365.172,
69 Florida Statutes, be exempt from public records requirements.
70 The disclosure of such information would adversely affect the
71 business interests of prepaid wireless service providers or
72 sellers providing the information by harming them in the
73 marketplace and would impair competition in the communications
74 industry. Disclosure of data that reveals the business interests
75 of prepaid wireless service providers or sellers creates a
76 competitive disadvantage and an unfair advantage for their
77 competitors. Competitors can use such information to impair full
78 and fair competition and impede competition in the wireless
79 marketplace to the disadvantage of consumers of wireless
80 services. Thus, the public and private harm in disclosing this
81 information significantly outweighs any public benefit derived
82 from disclosure and the ability of the public to scrutinize or
83 monitor agency action is not diminished by nondisclosure of this
84 information.

85 (2) The Legislature finds that it is a public necessity
86 that any confidential proprietary business information contained
87 in returns, reports, accounts, or declarations submitted to the
88 E911 Board, the Technology Program within the Department of
89 Management Services, or the Department of Revenue as an agent of
90 the board pursuant to s. 365.174, Florida Statutes, be exempt
91 from public records requirements. The disclosure of such
92 information would adversely affect the business interests of
93 prepaid wireless service providers or sellers providing the
94 information by harming them in the marketplace and would impair
95 competition in the communications industry. Disclosure of data
96 that reveals the business interests of prepaid wireless service
97 providers or sellers creates a competitive disadvantage and an
98 unfair advantage for their competitors. Competitors can use such
99 information to impair full and fair competition and impede
100 competition in the wireless marketplace to the disadvantage of
101 consumers of wireless services. Thus, the public and private
102 harm in disclosing this information significantly outweighs any
103 public benefit derived from disclosure and the ability of the
104 public to scrutinize or monitor agency action is not diminished
105 by nondisclosure of this information.

106 Section 4. This act shall take effect on the same date
107 that HB 175 or similar legislation takes effect, if such
108 legislation is adopted in the same legislative session or an
109 extension thereof and becomes a law.