

Amendment No. 01s (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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The Committee on Community Affairs offered the following:

Substitute Amendment for Amendment (530409) (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 365.174, Florida Statutes, is created to read:

365.174 Proprietary confidential business information.--

(1) All proprietary confidential business information submitted by a provider to the board or the department, including the name and billing or service addresses of service subscribers, and trade secrets as defined by s. 812.081, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Statistical abstracts of information collected by the board or the department may be released or published, but only in a manner that does not identify or allow identification of subscribers or their service numbers or of revenues attributable to any provider.

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1 (2) As used in this section, "proprietary confidential
2 business information" means customer lists, customer numbers,
3 and other related information, technology descriptions,
4 technical information, or trade secrets, including trade
5 secrets as defined in s. 812.081, and the actual or
6 developmental costs of E911 systems that are developed,
7 produced, or received internally by a provider or by a
8 provider's employees, directors, officers, or agents.

9 (3) This section is subject to the Open Government
10 Sunset Review Act of 1995 in accordance with s. 119.15, and
11 shall stand repealed on October 1, 2004, unless reviewed and
12 saved from repeal through reenactment by the Legislature.

13 Section 2. The Legislature finds that it is a public
14 necessity that trade secret information and proprietary
15 confidential business information be kept confidential when
16 held by the board or the department pursuant to their
17 authority under ss. 365.172 and 365.173. Disclosure of trade
18 secret or proprietary confidential business information in an
19 agency's possession would negatively impact the business
20 interest of those providing an agency such information by
21 damaging them in the marketplace, and those entities and
22 individuals disclosing such trade secret or proprietary
23 confidential business information would hesitate to cooperate
24 with that agency, which would impair the effective and
25 efficient administration of governmental functions. Further,
26 disclosure of such trade secret or proprietary confidential
27 business information would impair competition in the wireless
28 telecommunications service industry. Thus, the public and
29 private harm in disclosing trade secret or proprietary
30 confidential business information significantly outweighs any
31 public benefit derived from disclosure, and the public's

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1 ability to scrutinize and monitor agency action is not
2 diminished by nondisclosure of trade secret or proprietary
3 confidential business information.

4 Section 3. This act shall take effect on the same date
5 as House Bill 621 or similar legislation, relating to wireless
6 emergency 911 telephone service, takes effect, if such
7 legislation is adopted in the same legislative session or an
8 extension thereof.

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, Lines 2-15
14 remove from the title of the bill: all of said lines
15
16 and insert in lieu thereof:

17 An act relating to public records; creating s.
18 365.174, F.S.; providing an exemption from
19 public records requirements for certain
20 proprietary confidential business information
21 submitted to the Wireless 911 Board or the
22 Department of Management Services by providers
23 of wireless 911 services; providing for future
24 review and repeal; providing a finding of
25 public necessity; providing a contingent
26 effective date.

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