

1 A bill to be entitled
2 An act relating to public records; creating s.
3 365.174, F.S.; providing an exemption from
4 public records requirements for certain
5 proprietary confidential business information
6 submitted to the Wireless 911 Board or the
7 Department of Management Services by providers
8 of wireless 911 services; providing for future
9 review and repeal; providing a finding of
10 public necessity; providing a contingent
11 effective date.

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

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

17 365.174 Proprietary confidential business
18 information.--

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

29 (2) As used in this section, "proprietary confidential
30 business information" means customer lists, customer numbers,
31 and other related information, technology descriptions,

1 technical information, or trade secrets, including trade
2 secrets as defined in s. 812.081, and the actual or
3 developmental costs of E911 systems that are developed,
4 produced, or received internally by a provider or by a
5 provider's employees, directors, officers, or agents.

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8 shall stand repealed on October 1, 2004, unless reviewed and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

10 Section 2. The Legislature finds that it is a public
11 necessity that trade secret information and proprietary
12 confidential business information be kept confidential when
13 held by the board or the department pursuant to their
14 authority under ss. 365.172 and 365.173. Disclosure of trade
15 secret or proprietary confidential business information in an
16 agency's possession would negatively impact the business
17 interest of those providing an agency such information by
18 damaging them in the marketplace, and those entities and
19 individuals disclosing such trade secret or proprietary
20 confidential business information would hesitate to cooperate
21 with that agency, which would impair the effective and
22 efficient administration of governmental functions. Further,
23 disclosure of such trade secret or proprietary confidential
24 business information would impair competition in the wireless
25 telecommunications service industry. Thus, the public and
26 private harm in disclosing trade secret or proprietary
27 confidential business information significantly outweighs any
28 public benefit derived from disclosure, and the public's
29 ability to scrutinize and monitor agency action is not
30 diminished by nondisclosure of trade secret or proprietary
31 confidential business information.

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

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