Bill No. CS for SB 1846 Amendment No. CHAMBER ACTION Senate House 1 2 3 4 5 6 7 8 9 10 11 Senator Horne moved the following amendment: 12 13 Senate Amendment On page 2, lines 7-29, delete those lines 14 15 16 and insert: 17 (4) Any information in the possession of a local 18 government entity which consists of maps, plans, schematics, 19 diagrams, or other engineering data relating to the exact 20 location and capacity of facilities for the provision of communications services by the local government entity shall 21 22 be exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State 23 24 Constitution. Such information shall remain exempt only for a period of sixty days after completion of construction of the 25 26 communications services facilities. 27 (5) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, 28 29 Florida Statutes, and shall stand repealed on October 1, 2005, 30 unless reviewed and saved from repeal through reenactment by 31 the Legislature. 1

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Bill No. <u>CS for SB 1846</u> Amendment No. ____

1	Section 2. The Legislature finds that it is a public
2	necessity that proprietary confidential business information
3	be kept confidential when held by a local governmental entity
4	pursuant to the public rights-of-way. Disclosure of
5	proprietary confidential business information in a local
6	governmental entity's possession would adversely affect the
7	business interests of telecommunications companies and
8	franchised cable companies providing the information by
9	harming them in the marketplace and compromising the security
10	of the communications network. Further, disclosure of such
11	proprietary confidential business information would impair
12	competition in the communications industry. Disclosure of data
13	prepared by or in the possession of a local government which
14	reveals the type and size of facilities which will be
15	constructed to provide telecommunications services creates a
16	competitive disadvantage for the local government and an
17	unfair advantage for its competitors. Competitors can use such
18	information to thwart full and fair competition, impeding a
19	competitive telecommunications market to the disadvantage of
20	the consumers of telecommunications services. Thus, the
21	public and private harm in disclosing such information
22	significantly outweighs any public benefit derived from
23	disclosure, and the public's ability to scrutinize and monitor
24	agency action is not diminished by nondisclosure of such
25	information.
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