

By Senator Horne

6-1119-00

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 certain telecommunications company records;
5 providing for future review and repeal;
6 providing a finding of public necessity;
7 providing an effective date.

8

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

10

11 Section 1. Any proprietary confidential business
12 information, including maps, records, or other information
13 relating to the provision of telecommunications services,
14 obtained from a telecommunications company by a local
15 governmental entity for the purposes of regulating the public
16 rights-of-way is confidential and exempt from the provisions
17 of section 119.07(1), Florida Statutes, and Section 24(a),
18 Article I of the State Constitution, may be used only for the
19 purposes of regulating such public rights-of-way, and may not
20 be used for any other purposes, including, but not limited to,
21 commercial or competitive purposes. This section is subject to
22 the Open Government Sunset Review Act of 1995 in accordance
23 with section 119.15, Florida Statutes, and shall stand
24 repealed on October 1, 2005, unless reviewed and saved from
25 repeal through reenactment by the Legislature.

26 Section 2. The Legislature finds that it is a public
27 necessity that proprietary confidential business information
28 be kept confidential when held by a local governmental entity
29 pursuant to regulation of the public rights-of-way. Disclosure
30 of proprietary confidential business information in a local
31 governmental entity's possession would adversely affect the

1 business interests of telecommunications companies providing
2 the information by harming them in the marketplace and
3 compromising the security of the telecommunications network.
4 Further, disclosure of such proprietary confidential business
5 information would impair competition in the telecommunications
6 industry. Thus, the public and private harm in disclosing the
7 proprietary confidential business information significantly
8 outweighs any public benefit derived from disclosure, and the
9 public's ability to scrutinize and monitor agency action is
10 not diminished by nondisclosure of the proprietary
11 confidential business information.

12 Section 3. This act shall take effect upon becoming a
13 law.

14 *****

15 SENATE SUMMARY

16 Provides an exemption from public records requirements
17 for certain telecommunications company records. Provides
18 for future review and repeal. Provides a finding of
19 public necessity.
20
21
22
23
24
25
26
27
28
29
30
31