

By the Committee on Regulated Industries and Senator Horne

315-1833-00

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

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

Section 1. (1) Any proprietary confidential business information obtained from a telecommunications company or franchised cable company by a local governmental entity for the purposes of regulating the public rights-of-way is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24 (a), Article I of the State Constitution, may be used only for the purposes of regulating such rights-of-way, and may not be used for any other purposes, including, but not limited to, commercial or competitive purposes.

(2) For the purposes of this exemption, "proprietary confidential business information" includes any proprietary or otherwise confidential information or documentation, including maps, plans, billing and payment records, trade secrets, or other information relating to the provision of or facilities for communications service that is intended to be and is treated by the company as confidential and is not otherwise publicly available to the same extent and in the same format as requested by the local governmental entity. Proprietary confidential business information does not include schematics indicating the location of facilities for a specific site that

1 are provided in the normal course of the local governmental
2 entity's permitting process.

3 (3) Nothing in this exemption expands the information
4 or documentation that a local governmental entity may properly
5 request under applicable law pursuant to regulation of its
6 public rights-of-way.

7 (4) This section is subject to the Open Government
8 Sunset Review Act of 1995 in accordance with section 119.15,
9 Florida Statutes, and shall stand repealed on October 1, 2005,
10 unless reviewed and saved from repeal through reenactment by
11 the Legislature.

12 Section 2. The Legislature finds that it is a public
13 necessity that proprietary confidential business information
14 be kept confidential when held by a local governmental entity
15 pursuant to the public rights-of-way. Disclosure of
16 proprietary confidential business information in a local
17 governmental entity's possession would adversely affect the
18 business interests of telecommunications companies and
19 franchised cable companies providing the information by
20 harming them in the marketplace and compromising the security
21 of the communications network. Further, disclosure of such
22 proprietary confidential business information would impair
23 competition in the communications industry. Thus, the public
24 and private harm in disclosing the proprietary confidential
25 business information significantly outweighs any public
26 benefit derived from disclosure, and the public's ability to
27 scrutinize and monitor agency action is not diminished by
28 nondisclosure of the proprietary confidential business
29 information.

30 Section 3. This act shall take effect upon becoming a
31 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1846

The Committee Substitute for Senate Bill 1846 narrows the bill's public records exemption for information obtained by local government agencies relating to utility rights-of-way.