

By the Committee on Utilities & Communications and
Representative Rojas

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 or cable company
5 records; providing for future review and
6 repeal; providing a finding of public
7 necessity; providing an effective date.
8

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

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11 Section 1. (1) Any proprietary confidential business
12 information obtained from a telecommunications company or
13 franchised cable company by a local governmental entity
14 relating to imposing fees for occupying the public
15 rights-of-way or the local communications services tax
16 pursuant to s. 202.19, Florida Statutes, or otherwise relating
17 to regulating the public rights-of-way is confidential and
18 exempt from the provisions of s. 119.07(1), Florida Statutes,
19 and Section 24(a), Article I of the State Constitution, may be
20 used only for the purposes of imposing such fees or tax
21 regulating such rights-of-way, and may not be used for any
22 other purposes, including, but not limited to, commercial or
23 competitive purposes.

24 (2) For the purposes of this exemption, "proprietary
25 confidential business information" includes any proprietary or
26 otherwise confidential information or documentation, including
27 maps, plans, billing and payment records, trade secrets, or
28 other information relating to the provision of or facilities
29 for communications service that is intended to be and is
30 treated by the company as confidential and is not otherwise
31 publicly available to the same extent and in the same format

1 as requested by the local governmental entity. Proprietary
2 confidential business information does not include schematics
3 indicating the location of facilities for a specific site that
4 are provided in the normal course of the local governmental
5 entity's permitting process.

6 (3) Nothing in this exemption expands the information
7 or documentation that a local governmental entity may properly
8 request under applicable law pursuant to the imposition of
9 fees for occupying the rights-of-way or the local
10 communication services tax or the regulation of its public
11 rights-of-way.

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14 Florida Statutes, and shall stand repealed on October 1, 2005,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

17 Section 2. The Legislature finds that it is a public
18 necessity that proprietary confidential business information
19 be kept confidential when held by a local governmental entity
20 pursuant to the public rights-of-way. Disclosure of
21 proprietary confidential business information in a local
22 governmental entity's possession would adversely affect the
23 business interests of telecommunications companies and
24 franchised cable companies providing the information by
25 harming them in the marketplace and compromising the security
26 of the communications network. Further, disclosure of such
27 proprietary confidential business information would impair
28 competition in the communications industry. Thus, the public
29 and private harm in disclosing the proprietary confidential
30 business information significantly outweighs any public
31 benefit derived from disclosure, and the public's ability to

