

By Senator Pruitt

27-1060A-02

1 A bill to be entitled

2 An act relating to public records; providing an

3 exemption from public-records requirements for

4 information received by a taxing authority or

5 its agency in connection with certain audits of

6 the records of a provider of telecommunication

7 services; providing for future legislative

8 review and repeal; providing that the act is

9 remedial and applies regardless of when the

10 audit was begun; providing a finding of public

11 necessity; providing an 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. If an audit of a telecommunications service

16 provider is conducted under section 36 of chapter 2001-140,

17 Laws of Florida, and section 166.234, Florida Statutes, any

18 information received by the taxing authority or its agent in

19 connection with the audit is confidential and exempt from

20 section 119.07(1), Florida Statutes, and Section 24(a) of

21 Article I of the State Constitution, except that such

22 information must be provided to the Department of Revenue upon

23 request. This section is subject to the Open Government Sunset

24 Review Act of 1995 in accordance with section 119.15, Florida

25 Statutes, and shall stand repealed on October 2, 2007, unless

26 reviewed and saved from repeal through reenactment by the

27 Legislature.

28 Section 2. Section 1 of this act is remedial in nature

29 and applies to all audits conducted under section 36 of

30 chapter 2001-140, Laws of Florida, and section 166.234,

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1 Florida Statutes, regardless of whether the audit was begun
2 before or after the effective date of this act.

3 Section 3. The Legislature finds that it is a public
4 necessity that any information received by a local government
5 in connection with an audit of a public service tax collected
6 by a telecommunications service provider should be exempt from
7 disclosure because disclosing such information would adversely
8 affect the business interests of the telecommunications
9 service provider by harming the provider in the marketplace
10 and would compromise the security of the communications
11 network. In addition, disclosure of such information would
12 impair competition within the telecommunications industry.
13 Disclosing information that reveals the business interests of
14 a telecommunications service company creates an unfair
15 advantage for its competitors. Competitors can use such
16 information to impair full and fair competition in the
17 telecommunications marketplace to the disadvantage of
18 consumers of telecommunications services. Thus, the public and
19 private harm in disclosing this information significantly
20 outweighs any public benefit derived from such disclosure and
21 the public's ability to scrutinize or monitor agency action is
22 not diminished by requiring that this information be
23 confidential.

24 Section 4. This act shall take effect upon becoming a
25 law.

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28 SENATE SUMMARY

29 Exempts from disclosure under the public-records law the
30 information received by a taxing authority or its agent
31 in connection with an audit of a telecommunications
service provider. Provides for future legislative review
and repeal under the Open Government Sunset Review Act of
1995. Provides for application of the exemption.