

By the Committee on Regulated Industries; and Senator Pruitt

315-1953-02

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to public records; providing an exemption from public-records requirements for information received by a taxing authority or its agency in connection with certain audits of the records of a provider of telecommunication services; providing for future legislative review and repeal; providing that the act is remedial and applies regardless of when the audit was begun; providing a finding of public necessity; providing an effective date.

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

Section 1. If an audit of a telecommunications service provider is conducted under section 36 of chapter 2001-140, Laws of Florida, and section 166.234, Florida Statutes, any information received by the taxing authority or its agent in connection with the audit is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Section 1 of this act is remedial in nature and applies to all audits conducted under section 36 of chapter 2001-140, Laws of Florida, and section 166.234, Florida Statutes, regardless of whether the audit was begun before or after the effective date of this act.

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

22 Section 4. This act shall take effect upon becoming a
23 law.

24
25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 SB 1406

28 Deletes the requirement that information received from tax
29 audits of telecommunications service providers must be
30 provided to the Department of Revenue upon request.

31