

By Representatives Ritter and Attkisson

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 review and repeal of
8 the exemption; 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. Any information received by a taxing
16 authority or its agent in connection with an audit of a
17 telecommunications service provider conducted under section 36
18 of chapter 2001-140, Laws of Florida, and section 166.234,
19 Florida Statutes, is confidential and exempt from section
20 119.07(1), Florida Statutes, and Section 24(a) of Article I of
21 the State Constitution. This section is subject to the Open
22 Government Sunset Review Act of 1995 in accordance with
23 section 119.15, Florida Statutes, and shall stand repealed on
24 October 2, 2007, unless reviewed and saved from repeal through
25 reenactment by the Legislature.

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

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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.
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26 LEGISLATIVE SUMMARY

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