

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 202.195, F.S.; revising a
 4 public records exemption for proprietary confidential
 5 business information obtained from a telecommunications
 6 company or franchised cable company for specified
 7 purposes under the Communications Services Tax
 8 Simplification Law; removing the October 2, 2005, repeal
 9 thereof scheduled under the Open Government Sunset
 10 Review Act; removing superfluous language; making
 11 editorial changes; 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. Section 202.195, Florida Statutes, is amended
 16 to read:

17 202.195 Proprietary confidential business information;
 18 public records exemption.--

19 (1) ~~Any~~ Proprietary confidential business information
 20 obtained from a telecommunications company or franchised cable
 21 company for the purposes of ~~by a local governmental entity~~
 22 ~~relating to~~ imposing fees for occupying the public rights-of-
 23 way, ~~or~~ assessing the local communications services tax
 24 pursuant to s. 202.19, ~~or otherwise relating to~~ regulating the
 25 public rights-of-way, held by a local governmental entity, is
 26 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
 27 and s. 24(a), Art. I of the State Constitution. Such
 28 proprietary confidential business information held by a local

29 governmental entity, may be used only for the purposes of
 30 imposing such fees, ~~or~~ assessing such tax, or regulating such
 31 rights-of-way, and may not be used for any other purposes,
 32 including, but not limited to, commercial or competitive
 33 purposes.

34 (2) For the purposes of this exemption, "proprietary
 35 confidential business information" includes ~~any proprietary or~~
 36 ~~otherwise confidential information or documentation, including~~
 37 maps, plans, billing and payment records, trade secrets, or
 38 other information relating to the provision of or facilities
 39 for communications service:

40 (a) That is intended to be and is treated by the company
 41 as confidential;

42 (b) The disclosure of which would be reasonably likely
 43 to be used by a competitor to harm the business interests of
 44 the company; and

45 (c) That is not otherwise readily ascertainable or
 46 publicly available by proper means by other persons from
 47 another source to the same extent and in the same
 48 configuration format as requested by the local governmental
 49 entity.

50
 51 Proprietary confidential business information does not include
 52 schematics indicating the location of facilities for a
 53 specific site that are provided in the normal course of the
 54 local governmental entity's permitting process.

55 (3) Nothing in this exemption expands the information or
 56 documentation that a local governmental entity may properly

57 request under applicable law pursuant to the imposition of
 58 fees for occupying the rights-of-way, ~~or~~ the local
 59 communication services tax, or the regulation of its public
 60 rights-of-way.

61 ~~(4) Any information in the possession of a local~~
 62 ~~government entity which consists of~~ Maps, plans, schematics,
 63 diagrams, or other engineering data held by a local
 64 governmental entity that relate ~~relating~~ to the exact location
 65 and capacity of facilities for the provision of communications
 66 services by such ~~the local government~~ entity are ~~shall be~~
 67 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art.
 68 I of the State Constitution. Such information is ~~shall remain~~
 69 exempt only for a period of 60 days after completion of the
 70 construction of the communications services facilities.

71 ~~(5) This section is subject to the Open Government~~
 72 ~~Sunset Review Act of 1995 in accordance with s. 119.15 and~~
 73 ~~shall stand repealed on October 1, 2005, unless reviewed and~~
 74 ~~saved from repeal through reenactment by the Legislature.~~

75 Section 2. This act shall take effect September 30,
 76 2005.