

ENROLLED

HB 1923

2005 Legislature

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 purposes
 7 under the Communications Services Tax Simplification Law;
 8 removing the October 2, 2005, repeal thereof scheduled
 9 under the Open Government Sunset Review Act; removing
 10 superfluous language; making editorial changes; providing
 11 an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 202.195, Florida Statutes, is amended to
 16 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-way,
 23 ~~or~~ assessing the local communications services tax pursuant to s.
 24 202.19, ~~or otherwise relating to~~ regulating the public rights-of-
 25 way, held by a local governmental entity, is confidential and
 26 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
 27 of the State Constitution. Such proprietary confidential business
 28 information held by a local governmental entity, may be used only
 29 for the purposes of imposing such fees, ~~or~~ assessing such tax, or
 30 regulating such rights-of-way, and may not be used for any other

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31 | purposes, including, but not limited to, commercial or
 32 | competitive purposes.

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

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

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

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

48 |
 49 | Proprietary confidential business information does not include
 50 | schematics indicating the location of facilities for a specific
 51 | site that are provided in the normal course of the local
 52 | governmental entity's permitting process.

53 | (3) Nothing in this exemption expands the information or
 54 | documentation that a local governmental entity may properly
 55 | request under applicable law pursuant to the imposition of fees
 56 | for occupying the rights-of-way, ~~or~~ the local communication
 57 | services tax, or the regulation of its public rights-of-way.

58 | (4) ~~Any information in the possession of a local government~~
 59 | ~~entity which consists of~~ Maps, plans, schematics, diagrams, or
 60 | other engineering data held by a local governmental entity that
 61 | relate ~~relating~~ to the exact location and capacity of facilities

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62 for the provision of communications services by such ~~the local~~
63 ~~government~~ entity are ~~shall be~~ exempt from ~~the provisions of~~ s.
64 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
65 information is ~~shall remain~~ exempt only for a period of 60 days
66 after completion of the construction of the communications
67 services facilities.

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

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