

Bill No. SB 680

Barcode 022738

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities (Dockery)
recommended the following amendment:

Senate Amendment

Delete everything after the enacting clause

and insert:

Section 1. Section 202.195, Florida Statutes, is
amended to read:

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

(1) Any proprietary confidential business information
obtained from a telecommunications company or franchised cable
company by a local governmental entity relating to imposing
fees for occupying the public rights-of-way or assessing the
local communications services tax pursuant to s. 202.19 or
otherwise relating to regulating the public rights-of-way is
confidential and exempt from ~~the provisions of~~ s. 119.07(1)
and s. 24(a), Art. I of the State Constitution, may be used
only for the purposes of imposing such fees or assessing such
tax or regulating such rights-of-way, and may not be used for

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1 any other purposes, including, but not limited to, commercial
2 or competitive purposes.

3 (2) For the purposes of this exemption, the term
4 "proprietary confidential business information" includes any
5 proprietary or otherwise confidential information or
6 documentation, including maps, plans, billing and payment
7 records, trade secrets, or other information relating to the
8 provision of or facilities for communications service which
9 ~~that~~ is intended to be and is treated by the company as
10 confidential in that the disclosure of the information may
11 cause harm to the company's business interests, operations, or
12 security and the information is not otherwise publicly
13 available to the same extent and in the same format as held
14 ~~requested~~ by the local governmental entity. Proprietary
15 confidential business information does not include schematics
16 indicating the location of facilities for a specific site
17 which that are provided in the normal course of the local
18 governmental entity's permitting process.

19 (3) Nothing in this exemption expands the information
20 or documentation that a local governmental entity may properly
21 request under applicable law pursuant to the imposition of
22 fees for occupying the rights-of-way or the local
23 communication services tax or the regulation of its public
24 rights-of-way.

25 (4) Any information in the possession of a local
26 government entity which consists of maps, plans, schematics,
27 diagrams, or other engineering data relating to the exact
28 location and capacity of facilities for the provision of
29 communications services by the local government entity shall
30 be exempt from the provisions of s. 119.07(1) and s. 24(a),
31 Art. I of the State Constitution. Such information shall

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1 remain exempt only for a period of 60 days after completion of
2 the construction of the communications services facilities.

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

7 Section 2. This act shall take effect September 30,
8 2005.

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