Florida Senate - 2005

By the Committee on Communications and Public Utilities

579-271A-05

	575 271A 05
1	A bill to be entitled
2	An act relating to a review under the Open
3	Government Sunset Review Act; amending s.
4	202.195, F.S., relating to an exemption from
5	public-records requirements for proprietary
6	confidential business information obtained from
7	a telecommunications company or franchised
8	cable company by a local governmental entity;
9	saving the exemption from repeal under the Open
10	Government Sunset Review Act; clarifying the
11	definition of the term "proprietary
12	confidential business information"; deleting
13	provisions that provide for the repeal of the
14	exemption; providing an effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Subsections (1), (2), and (5) of section
19	202.195, Florida Statutes, are amended to read:
20	202.195 Proprietary confidential business information;
21	public records exemption
22	(1) Any proprietary confidential business information
23	obtained from a telecommunications company or franchised cable
24	company by a local governmental entity relating to imposing
25	fees for occupying the public rights-of-way or assessing the
26	local communications services tax pursuant to s. 202.19 or
27	otherwise relating to regulating the public rights-of-way is
28	confidential and exempt from the provisions of s. 119.07(1)
29	and s. 24(a), Art. I of the State Constitution, may be used
30	only for the purposes of imposing such fees or assessing such
31	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. (2) For the purposes of this exemption, the term 3 4 "proprietary confidential business information" includes any proprietary or otherwise confidential information or 5 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 confidential and is not otherwise publicly available to the 10 same extent and in the same format as requested by the local 11 12 governmental entity, the disclosure of which would be 13 reasonably likely to be used by a competitor to harm the business interests of the provider, and which is not otherwise 14 known or cannot otherwise be legally obtained by the 15 competitor. Proprietary confidential business information does 16 17 not include schematics indicating the location of facilities for a specific site which that are provided in the normal 18 course of the local governmental entity's permitting process_ 19 but does include any compilation of schematics showing a 2.0 21 broader picture of the facilities in an area, regardless of 22 whether the compilation is provided by the telecommunications 23 company or franchised cable company or compiled by the local 2.4 governmental entity. (5) This section is subject to the Open Government 25 26 Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 1, 2005, unless reviewed and 27 2.8 saved from repeal through reenactment by the Legislature. 29 Section 2. This act shall take effect September 30, 2005. 30 31

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2	SENATE SUMMARY
3	Revises an exemption from the public records law to clarify the definition of the term "proprietary
4	confidential business information as it relates to information obtained by a local government from a
5	telecommunications company or franchised cable company. Removes the repeal of the exemption scheduled on October
6	1, 2005, under the Open Government Sunset Review Act.
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