

FOR CONSIDERATION By the Committee on Communications and Public Utilities

579-271A-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

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 and is not otherwise publicly available to the  
11 same extent and in the same format as requested by the local  
12 governmental entity, the disclosure of which would be  
13 reasonably likely to be used by a competitor to harm the  
14 business interests of the provider, and which is not otherwise  
15 known or cannot otherwise be legally obtained by the  
16 competitor. Proprietary confidential business information does  
17 not include schematics indicating the location of facilities  
18 for a specific site which ~~that~~ are provided in the normal  
19 course of the local governmental entity's permitting process,  
20 but does include any compilation of schematics showing a  
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  
24 governmental entity.

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27 ~~shall stand repealed on October 1, 2005, unless reviewed and~~  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

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

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SENATE SUMMARY

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