

1 A bill to be entitled
 2 An act relating to a public records exemption; creating s.
 3 556.113, F.S.; providing an exemption from public records
 4 requirements for proprietary confidential business
 5 information held by Sunshine State One-Call of Florida,
 6 Inc., for the purpose of describing the extent and root
 7 cause of damage to an underground facility or using the
 8 member ticket management software system; defining
 9 "proprietary confidential business information" for
 10 purposes of the act; providing for review and repeal;
 11 providing a statement of public necessity; providing an
 12 effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Section 556.113, Florida Statutes, is created
 17 to read:

18 556.113 Sunshine State One-Call of Florida, Inc.; public
 19 records exemption.--

20 (1) For purposes of this section, "proprietary
 21 confidential business information" means information provided
 22 by:

23 (a) A member operator, which information is a map, plan,
 24 facility location diagram, internal damage investigation report
 25 or analysis, dispatch methodology, trade secret as defined in s.
 26 688.002, or describes the exact location of a utility
 27 underground facility or the protection, repair, or restoration
 28 thereof, and:

29 1. Is intended to be and is treated by the member operator
 30 as confidential;

31 2. The disclosure of which would be reasonably likely to
 32 be used by a competitor to harm the business interests of the
 33 member operator or could be used for the purpose of inflicting
 34 damage on underground facilities; and

35 3. Is not otherwise readily ascertainable or publicly
 36 available by proper means by other persons from another source
 37 in the same configuration as provided to Sunshine State One-Call
 38 of Florida, Inc.

39 (b) An excavator, which information is an internal damage
 40 investigation report or analysis relating to underground utility
 41 facilities damages, and:

42 1. Is intended to be and is treated by the excavator as
 43 confidential;

44 2. The disclosure of which would be reasonably likely to
 45 be used by a competitor to harm the business interests of the
 46 excavator or could be used for the purpose of inflicting damage
 47 on underground facilities; and

48 3. Is not otherwise readily ascertainable or publicly
 49 available by proper means by other persons from another source
 50 in the same configuration as provided to Sunshine State One-Call
 51 of Florida, Inc.

52 (2) Proprietary confidential business information held by
 53 Sunshine State One-Call of Florida, Inc., for the purpose of
 54 describing the extent and root cause of damage to an underground
 55 facility or using the member ticket management software system

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56 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
57 Constitution.

58 (3) This section is subject to the Open Government Sunset
59 Review Act in accordance with s. 119.15 and shall stand repealed
60 on October 2, 2012, unless reviewed and saved from repeal
61 through reenactment by the Legislature.

62 Section 2. The Legislature finds that it is a public
63 necessity that proprietary confidential business information
64 held by Sunshine State One-Call of Florida, Inc., for the
65 purpose of describing the extent and root cause of damage to an
66 underground facility or using the member ticket management
67 software system be made exempt from public records requirements.
68 Sunshine State One-Call of Florida, Inc. can only effectively
69 promote safe excavation practices, permit targeted educational
70 efforts, prevent future damage to underground facilities,
71 further public safety awareness in order to help prevent
72 personal injury or death to excavators and the public generally,
73 measure compliance related to effective enforcement of one-call
74 laws, and provide the basis for standardized measurement of the
75 effectiveness of underground facility damage prevention efforts
76 used by Sunshine State One-Call of Florida, Inc., if Sunshine
77 State One-Call of Florida, Inc., obtains damage information.
78 Without an exemption from public records requirements, the
79 Legislature finds that the proprietary and confidential nature
80 of the information needed by Sunshine State One-Call of Florida,
81 Inc., will continue to be an obstacle to the release of such
82 damage information to Sunshine State One-Call of Florida, Inc.,
83 by both member operators and excavators. Under the ticket

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84 management system provided to member operators by Sunshine State
85 One-Call of Florida, Inc., large member operators can save
86 considerable expense that is currently incurred when the same
87 ticket management system is purchased on an individual basis,
88 and small member operators can obtain access to such a system
89 that was heretofore too expensive to be employed. The ticket
90 management system available at no cost to all member operators
91 of Sunshine State One-Call of Florida, Inc., promotes efficiency
92 and greatly improves safety. The lack of an exemption from
93 public records requirements for proprietary confidential
94 information held by Sunshine State One-Call of Florida, Inc.,
95 for the purpose of describing the extent and root cause of
96 damage to an underground facility or using the member ticket
97 management software system would stifle use of the system by
98 both large and small member operators.

99 Section 3. This act shall take effect July 1, 2007.