

By Senator Aronberg

27-1372-07

1 A bill to be entitled
2 An act relating to public records; creating s.
3 556.113, F.S.; creating an exemption from
4 public-records requirements for proprietary
5 confidential business information held by the
6 Sunshine State One-Call of Florida, Inc.;
7 defining the term "proprietary confidential
8 business information"; providing for future
9 legislative repeal and review under the Open
10 Government Sunset Review Act; providing
11 findings of public necessity; providing an
12 effective date.

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

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

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

20 (1) As used in this section, the term "proprietary
21 confidential business information" means information provided
22 by:

23 (a) A member operator which is a map, plan, facility
24 location diagram, internal damage investigation report or
25 analysis, dispatch methodology, or trade secret as defined in
26 s. 688.002, or which 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
30 operator as confidential;

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1 2. The disclosure of which would likely be used by a
2 competitor to harm the business interests of the member
3 operator or could be used for the purpose of inflicting damage
4 on underground facilities; and

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

9 (b) An excavator in an internal damage investigation
10 report or analysis relating to damage to underground utility
11 facilities, and:

12 1. Is intended to be and is treated by the excavator
13 as confidential;

14 2. The disclosure of which would be reasonably likely
15 to be used by a competitor to harm the business interests of
16 the excavator or could be used for the purpose of inflicting
17 damage on underground facilities; and

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

22 (2) Proprietary confidential business information held
23 by Sunshine State One-Call of Florida, Inc., for the purpose
24 of describing the extent and root cause of damage to an
25 underground facility or using the member ticket management
26 software system is exempt from s. 119.07(1) and s. 24(a), Art.
27 I of the State Constitution.

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

1 Section 2. The Legislature finds that it is a public
2 necessity that proprietary confidential business information
3 held by Sunshine State One-Call of Florida, Inc., for the
4 purpose of describing the extent and root cause of damage to
5 an underground facility or using the member ticket management
6 software system be made exempt from public-records
7 requirements. Sunshine State One-Call of Florida, Inc., can
8 effectively promote safe excavation practices, permit targeted
9 educational efforts, prevent future damage to underground
10 facilities, further public safety awareness in order to help
11 prevent personal injury and death to excavators and the public
12 generally, measure compliance related to effective enforcement
13 of one-call laws, and provide the basis for standardized
14 measurement of the effectiveness of underground facility
15 damage-prevention efforts used by Sunshine State One-Call of
16 Florida, Inc., only if Sunshine State One-Call of Florida,
17 Inc., obtains damage information. Without an exemption from
18 public-records requirements, the Legislature finds that the
19 proprietary and confidential nature of the information needed
20 by Sunshine State One-Call of Florida, Inc., will continue to
21 interfere with the release of such damage information to
22 Sunshine State One-Call of Florida, Inc., by both member
23 operators and excavators. Under the ticket management system
24 provided by Sunshine State One-Call of Florida, Inc., to
25 member operators, large member operators can save considerable
26 expense that currently is experienced when the same ticket
27 management system is purchased on an individual basis, and
28 small member operators can obtain access to such a system that
29 was heretofore too expensive to be employed. The ticket
30 management system that is available to all member operators of
31 Sunshine State One-Call of Florida, Inc., at no cost, promotes

1 efficiency and greatly improves safety. The lack of an
2 exemption from public-records requirements for proprietary
3 confidential information held by Sunshine State One-Call of
4 Florida, Inc., would stifle use of the system by both large
5 and small member operators.

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

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9 SENATE SUMMARY

10 Creates an exemption from public records requirements for
11 proprietary confidential business information belonging
12 to the Sunshine State One-Call of Florida, Inc. Provides
13 for future legislative review and findings of public
14 necessity.
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