

By the Committee on Communications, Energy, and Public Utilities; and Senator King

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1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public-records requirements for
4 specified proprietary business information obtained
5 from a communications company or broadband company by
6 the Department of Management Services; providing for
7 future review and repeal of the exemption; providing a
8 statement of public necessity; providing a contingent
9 effective date.

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

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13 Section 1. Communications and broadband company proprietary
14 business information; public-records exemption.-

15 (1) Any proprietary business information obtained from a
16 communications company or broadband company by the Department of
17 Management Services, or any person or agency authorized by the
18 department, is confidential and exempt from s. 119.07(1),
19 Florida Statutes, and s. 24(a), Art. I of the State
20 Constitution.

21 (2) For the purposes of the exemption provided in
22 subsection (1), the term "proprietary confidential business
23 information" includes any proprietary or otherwise confidential
24 information or documentation, including plans, billing and
25 payment records, trade secrets, or other information, and must
26 be specifically marked and identified as such at the time
27 initially provided to the department, which is intended to be
28 and is treated by the communications or broadband company as
29 confidential and is not otherwise publicly available to the same

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30 extent and in the same format as requested by the department.
31 Proprietary confidential business information does not include
32 aggregate information related to the geographic scope of the
33 availability of broadband services or the speed of services that
34 are available in the state so long as the information does not
35 directly or indirectly identify a provider of broadband
36 services.

37 (3) Any person who willfully and knowingly violates this
38 section commits a felony of the third degree, punishable as
39 provided in s. 775.082, s. 775.083, or s. 775.084, Florida
40 Statutes.

41 (4) This section is subject to the Open Government Sunset
42 Review Act in accordance with s. 119.15, Florida Statutes, and
43 shall stand repealed on October 2, 2014, unless reviewed and
44 saved from repeal through reenactment by the Legislature.

45 Section 2. The Legislature finds that it is a public
46 necessity that proprietary business information obtained from a
47 communications company or broadband company by the Department of
48 Management Services, or any person or agency authorized by the
49 department, be held confidential and exempt from public-records
50 requirements. Disclosure of proprietary confidential business
51 information would adversely affect the business interests of
52 communications and broadband companies providing such
53 information by harming them in the marketplace and compromising
54 the security of the communications network. Further, disclosure
55 of such proprietary confidential business information would
56 impair competition in the communications industry. Competitors
57 can use such information to impede full and fair competition in
58 the communications marketplace to the disadvantage of the

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59 consumers of communications services. Thus, it is the finding of
60 the Legislature that proprietary business information obtained
61 from a communications company or broadband company by the
62 Department of Management Services, or any person or agency
63 authorized by the department, must be held confidential and
64 exempt from disclosure under s. 119.07(1), Florida Statutes, and
65 s. 24(a), Art. I of the State Constitution.

66 Section 3. This act shall take effect on the same date that
67 CS for SB 2092 or similar legislation takes effect, if such
68 legislation is adopted in the same legislative session or an
69 extension thereof and becomes law.