

By the Committees on Governmental Oversight and Accountability;  
and Communications, Energy, and Public Utilities; and Senator  
King

585-05356-09

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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 confidential business  
5           information obtained from a communications company or  
6           broadband company by the Department of Management  
7           Services; providing for future review and repeal of  
8           the exemption; providing a statement of public  
9           necessity; providing a contingent effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Communications and broadband company proprietary  
14 confidential business information; public-records exemption.-

15           (1) Any proprietary confidential business information  
16 obtained from a communications company or broadband company by  
17 the Department of Management Services, or any person or agency  
18 authorized by the department, is confidential and exempt from s.  
19 119.07(1), 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) This section is subject to the Open Government Sunset  
38 Review Act in accordance with s. 119.15, Florida Statutes, and  
39 shall stand repealed on October 2, 2014, unless reviewed and  
40 saved from repeal through reenactment by the Legislature.

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

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59 Services, or any person or agency authorized by the department,  
60 must be held confidential and exempt from disclosure under s.  
61 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State  
62 Constitution.

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