

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

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

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

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

19           (2) For the purposes of the exemption provided in  
 20 subsection (1), "proprietary confidential business information"  
 21 includes any proprietary or otherwise confidential information  
 22 or documentation, including plans, billing and payment records,  
 23 trade secrets, or other information, that is intended to be and  
 24 is treated by the telecommunications or broadband company as  
 25 confidential and is not otherwise publicly available to the same  
 26 extent and in the same format as requested by the department.  
 27 Proprietary confidential business information does not include  
 28 aggregate information related to maps and location of facilities

HB 7093

2009

29 and broadband services or the speed of services that are  
30 available in the state.

31 (3) Any person who willfully and knowingly violates this  
32 section commits a felony of the third degree, punishable as  
33 provided in s. 775.082, s. 775.083, or s. 775.084.

34 (4) This section is subject to the Open Government Sunset  
35 Review Act in accordance with s. 119.15 and shall stand repealed  
36 on October 2, 2014, unless reviewed and saved from repeal  
37 through reenactment by the Legislature.

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

HB 7093

2009

57 authorized by the department, must be held confidential and  
58 exempt from disclosure under s. 119.07(1), Florida Statutes, and  
59 s. 24(a), Art. I of the State Constitution.

60 Section 3. This act shall take effect on the same date  
61 that HB 7091 or similar legislation takes effect, if such  
62 legislation is adopted in the same legislative session or an  
63 extension thereof and becomes law.