

ENROLLED

HB 7093, Engrossed 1

2009 Legislature

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.
9

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

11
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 the geographic scope of the

ENROLLED

HB 7093, Engrossed 1

2009 Legislature

29 availability of broadband services or the speed of services that
30 are available in the state so long as the information does not
31 directly or indirectly identify a provider of broadband
32 services.

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34 Review Act in accordance with s. 119.15 and shall stand repealed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

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

ENROLLED

HB 7093, Engrossed 1

2009 Legislature

57 | exempt from disclosure under s. 119.07(1), Florida Statutes, and
58 | s. 24(a), Art. I of the State Constitution.

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