

ENROLLED
HB 7037

2012 Legislature

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2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 556.113, F.S., relating
4 to an exemption from public records requirements for
5 proprietary confidential business information held by
6 Sunshine State One-Call of Florida, Inc.; removing the
7 scheduled repeal of the exemption; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 556.113, Florida Statutes, is amended
13 to read:

14 556.113 Sunshine State One-Call of Florida, Inc.; public
15 records exemption.—

16 (1) As used in this section, the term "proprietary
17 confidential business information" means information provided
18 by:

19 (a) A member operator which is a map, plan, facility
20 location diagram, internal damage investigation report or
21 analysis, dispatch methodology, or trade secret as defined in s.
22 688.002, or which describes the exact location of a utility
23 underground facility or the protection, repair, or restoration
24 thereof, and:

25 1. Is intended to be and is treated by the member operator
26 as confidential;

27 2. The disclosure of which would likely be used by a
28 competitor to harm the business interests of the member operator

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29 or could be used for the purpose of inflicting damage on
30 underground facilities; and

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

35 (b) An excavator in an internal damage investigation
36 report or analysis relating to damage to underground utility
37 facilities, and:

38 1. Is intended to be and is treated by the excavator as
39 confidential;

40 2. The disclosure of which would be reasonably likely to
41 be used by a competitor to harm the business interests of the
42 excavator or could be used for the purpose of inflicting damage
43 on underground facilities; and

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

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

54 ~~(3) This section is subject to the Open Government Sunset~~
55 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~

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56 | ~~on October 2, 2012, unless reviewed and saved from repeal~~
57 | ~~through reenactment by the Legislature.~~

58 | Section 2. This act shall take effect October 1, 2012.