

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

585-03100-12

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1 A bill to be entitled
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.; saving the
7 exemption from repeal under the Open Government Sunset
8 Review Act; deleting the scheduled repeal of the
9 exemption; providing an 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. Section 556.113, Florida Statutes, is amended to
14 read:

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

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

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

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

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

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

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

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

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

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

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

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

55 ~~(3) This section is subject to the Open Government Sunset~~
56 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
57 ~~on October 2, 2012, unless reviewed and saved from repeal~~
58 ~~through reenactment by the Legislature.~~

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