

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Government Operations  
 2 Subcommittee  
 3 Representative Steube offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 365.174, Florida Statutes, is amended  
 8 to read:

9 365.174 Proprietary confidential business information.—

10 (1)(a) All proprietary confidential business information  
 11 submitted by a provider to the board or the office, ~~including~~  
 12 ~~the name and billing or service addresses of service~~  
 13 ~~subscribers, and trade secrets as defined by s. 812.081,~~ is  
 14 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 15 of the State Constitution.

16 (b) Statistical abstracts of information collected by the  
 17 board or the office may be released or published, but only in a

Amendment No.

18 manner that does not identify or allow identification of  
19 subscribers or their service numbers or of revenues attributable  
20 to any provider.

21 (2) (a) All proprietary confidential business information  
22 submitted by a provider to the Department of Revenue, as an  
23 agent of the board, is confidential and exempt from s. 119.07(1)  
24 and s. 24(a), Art. I of the State Constitution.

25 (b) The Department of Revenue may provide information  
26 relative to s. 365.172(9) to the Secretary of Management  
27 Services, or his or her authorized agent, or to the E911 Board  
28 established in s. 365.172(5) for use in the conduct of the  
29 official business of the Department of Management Services or  
30 the E911 Board.

31 (c) This subsection is subject to the Open Government  
32 Sunset Review Act in accordance with s. 119.15 and shall stand  
33 repealed on October 2, 2019, unless reviewed and saved from  
34 repeal through reenactment by the Legislature.

35 (3) ~~(2)~~ As used in this section, the term "proprietary  
36 confidential business information" means customer lists,  
37 customer numbers, individual or aggregate customer data by  
38 location, usage and capacity data, network facilities used to  
39 serve subscribers, technology descriptions, technical  
40 information, or trade secrets, including trade secrets as  
41 defined in s. 812.081, and the actual or developmental costs of  
42 E911 systems that are developed, produced, or received

Amendment No.

43 internally by a provider or by a provider's employees,  
44 directors, officers, or agents.

45 Section 2. The Legislature finds that it is a public  
46 necessity that proprietary confidential business information  
47 submitted by a prepaid wireless service provider to the  
48 Department of Revenue, as an agent of the E911 Board, be made  
49 confidential and exempt from s. 119.07(1), Florida Statutes, and  
50 s. 24(a), Art. I of the State Constitution. The disclosure of  
51 such information would adversely affect the business interests  
52 of prepaid wireless service providers providing the information  
53 by harming them in the marketplace and would impair competition  
54 in the communications industry. Disclosure of data that reveals  
55 the business interests of prepaid wireless service providers  
56 creates a competitive disadvantage and an unfair advantage for  
57 their competitors. Competitors can use such information to  
58 impair full and fair competition and impede competition in the  
59 wireless marketplace to the disadvantage of consumers of  
60 wireless services. Thus, the public and private harm in  
61 disclosing this information significantly outweighs any public  
62 benefit derived from disclosure and the ability of the public to  
63 scrutinize or monitor agency action is not diminished by  
64 nondisclosure of this information.

65 Section 3. This act shall take effect on the same date  
66 that HB 175 or similar legislation takes effect, if such  
67 legislation is adopted in the same legislative session or an  
68 extension thereof and becomes a law.

Amendment No.

69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84

-----

**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to public records; amending s.  
365.174, F.S.; providing an exemption from public  
records requirements for proprietary confidential  
business information submitted by a wireless service  
provider to the Department of Revenue; authorizing the  
department to share such information with the  
Secretary of Management Services and the E911 Board;  
providing for future legislative review and repeal;  
providing a statement of public necessity; providing a  
contingent effective date.