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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2014	.	
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The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

365.174 Proprietary confidential business information.—

(1) (a) All proprietary confidential business information
submitted by a provider to the board or the office, ~~including~~
~~the name and billing or service addresses of service~~



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11 ~~subscribers, and trade secrets as defined by s. 812.081, is~~
12 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
13 of the State Constitution.

14 (b) Statistical abstracts of information collected by the
15 board or the office may be released or published, but only in a
16 manner that does not identify or allow identification of
17 subscribers or their service numbers or of revenues attributable
18 to any provider.

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

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

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31 repealed on October 2, 2019, unless reviewed and saved from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

33 (3)~~(2)~~ As used in this section, the term "proprietary
34 confidential business information" means customer lists,
35 customer numbers, individual or aggregate customer data by
36 location, usage and capacity data, network facilities used to
37 serve subscribers, technology descriptions, technical
38 information, or trade secrets, including trade secrets as
39 defined in s. 812.081, and the actual or developmental costs of



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40 E911 systems that are developed, produced, or received
41 internally by a provider or by a provider's employees,
42 directors, officers, or agents.

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

63 Section 3. This act shall take effect on the same date that
64 SB 294 or similar legislation takes effect, if such legislation
65 is adopted in the same legislative session or an extension
66 thereof and becomes a law.

67
68 ===== T I T L E A M E N D M E N T =====



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69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled

73 An act relating to public records; amending s.
74 365.174, F.S.; providing an exemption from public
75 records requirements for proprietary confidential
76 business information submitted by a wireless service
77 provider to the Department of Revenue; authorizing the
78 Department of Revenue to share such information with
79 the Secretary of Management Services and the E911
80 Board; providing for future legislative review and
81 repeal; providing a statement of public necessity;
82 providing a contingent effective date.