

By the Committee on Governmental Oversight and Accountability;
and Senator Hays

585-02221-14

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 365.174, F.S.; providing an exemption from public
4 records requirements for proprietary confidential
5 business information submitted by a wireless service
6 provider to the Department of Revenue; authorizing the
7 Department of Revenue to share such information with
8 the Secretary of Management Services and the E911
9 Board; providing for future legislative review and
10 repeal; providing a statement of public necessity;
11 providing a contingent effective date.

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

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

17 365.174 Proprietary confidential business information.—

18 (1) (a) All proprietary confidential business information
19 submitted by a provider to the board or the office, ~~including~~
20 ~~the name and billing or service addresses of service~~
21 ~~subscribers, and trade secrets as defined by s. 812.081,~~ is
22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
23 of the State Constitution.

24 (b) Statistical abstracts of information collected by the
25 board or the office may be released or published, but only in a
26 manner that does not identify or allow identification of
27 subscribers or their service numbers or of revenues attributable
28 to any provider.

29 (2) (a) All proprietary confidential business information

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30 submitted by a provider to the Department of Revenue, as an
31 agent of the board, is confidential and exempt from s. 119.07(1)
32 and s. 24(a), Art. I of the State Constitution.

33 (b) The Department of Revenue may provide information
34 relative to s. 365.172(9) to the Secretary of Management
35 Services, or his or her authorized agent, or to the E911 Board
36 established in s. 365.172(5) for use in the conduct of the
37 official business of the Department of Management Services or
38 the E911 Board.

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41 repealed on October 2, 2019, unless reviewed and saved from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

43 (3)~~(2)~~ As used in this section, the term "proprietary
44 confidential business information" means customer lists,
45 customer numbers, individual or aggregate customer data by
46 location, usage and capacity data, network facilities used to
47 serve subscribers, technology descriptions, technical
48 information, or trade secrets, including trade secrets as
49 defined in s. 812.081, and the actual or developmental costs of
50 E911 systems that are developed, produced, or received
51 internally by a provider or by a provider's employees,
52 directors, officers, or agents.

53 Section 2. The Legislature finds that it is a public
54 necessity that proprietary confidential business information
55 submitted by a prepaid wireless service provider to the
56 Department of Revenue, as an agent of the E911 Board, be made
57 confidential and exempt from s. 119.07(1), Florida Statutes, and
58 s. 24(a), Article I of the State Constitution. The disclosure of

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59 such information would adversely affect the business interests
60 of prepaid wireless service providers providing the information
61 by harming them in the marketplace and would impair competition
62 in the communications industry. Disclosure of data that reveals
63 the business interests of prepaid wireless service providers
64 creates a competitive disadvantage and an unfair advantage for
65 their competitors. Competitors can use such information to
66 impair full and fair competition and impede competition in the
67 wireless marketplace to the disadvantage of consumers of
68 wireless services. Thus, the public and private harm in
69 disclosing this information significantly outweighs any public
70 benefit derived from disclosure, and the ability of the public
71 to scrutinize or monitor agency action is not diminished by
72 nondisclosure of this information.

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