

**By** the Committees on Rules; and Communications, Energy, and Public Utilities

595-03951-18

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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. 119.0713, F.S., which  
4 provides an exemption from public records requirements  
5 for proprietary confidential business information held  
6 by a local government electric utility; conforming a  
7 cross-reference; redefining the term "proprietary  
8 confidential business information" to narrow the  
9 exemption; defining the term "trade secrets"; removing  
10 the scheduled repeal of the exemption; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Subsection (4) of section 119.0713, Florida  
16 Statutes, is amended to read:

17 119.0713 Local government agency exemptions from inspection  
18 or copying of public records.—

19 (4) (a) Proprietary confidential business information means  
20 information, regardless of form or characteristics, which is  
21 held by an electric utility that is subject to this chapter ~~119~~,  
22 is intended to be and is treated by the entity that provided the  
23 information to the electric utility as private in that the  
24 disclosure of the information would cause harm to the entity  
25 providing the information or its business operations, and has  
26 not been disclosed unless disclosed pursuant to a statutory  
27 provision, an order of a court or administrative body, or a  
28 private agreement that provides that the information will not be  
29 released to the public. Proprietary confidential business

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30 information includes, ~~but is not limited to:~~

31 1. Trade secrets, as defined in s. 688.002.

32 2. Internal auditing controls and reports of internal  
33 auditors.

34 3. Security measures, systems, or procedures.

35 4. Information concerning bids or other contractual data,  
36 the disclosure of which would impair the efforts of the electric  
37 utility to contract for goods or services on favorable terms.

38 5. Information relating to competitive interests, the  
39 disclosure of which would impair the competitive business of the  
40 provider of the information.

41 (b) Proprietary confidential business information held by  
42 an electric utility that is subject to this chapter ~~119~~ in  
43 conjunction with a due diligence review of an electric project  
44 as defined in s. 163.01(3)(d) or a project to improve the  
45 delivery, cost, or diversification of fuel or renewable energy  
46 resources is confidential and exempt from s. 119.07(1) and s.  
47 24(a), Art. I of the State Constitution.

48 (c) All proprietary confidential business information  
49 described in paragraph (b) shall be retained for 1 year after  
50 the due diligence review has been completed and the electric  
51 utility has decided whether or not to participate in the  
52 project.

53 ~~(d) This subsection is subject to the Open Government  
54 Sunset Review Act in accordance with s. 119.15, and shall stand  
55 repealed on October 2, 2018, unless reviewed and saved from  
56 repeal through reenactment by the Legislature.~~

57 Section 2. This act shall take effect October 1, 2018.