

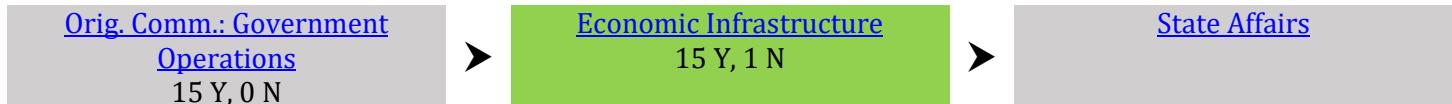
FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

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| BILL #: HB 7009 PCB GOS 26-05 | COMPANION BILL: SB 7006 |
| TITLE: OGSR/Public Service Commission | LINKED BILLS: None |
| SPONSOR(S): Government Operations Subcommittee, Greco | RELATED BILLS: None |

Committee References



SUMMARY

Effect of the Bill:

The bill saves from repeal the public meeting exemption for portions of a hearing conducted by the Florida Public Service Commission during which proprietary confidential business information that is confidential and exempt from public record requirements is discussed.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill removes the scheduled repeal date, created pursuant to the [Open Government Sunset Review Act](#), for the public meeting exemption for portions of a hearing conducted by the [Florida Public Service Commission](#) during which proprietary confidential business information that is confidential and exempt from public record requirements is discussed. The public meeting exemption will repeal on October 2, 2026, if the bill does not become a law. (Section [1](#))

The effective date of the bill is upon becoming a law. (Section [2](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Open Government Sunset Review Act](#)

The Open Government Sunset Review Act (OGSR Act)¹ sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

¹ [S. 119.15, F.S.](#)

² [S. 119.15\(3\), F.S.](#)

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- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.³

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.⁴

Florida Public Service Commission

The Florida Public Service Commission (PSC), an arm of the legislative branch of government,⁵ ensures that Florida consumers receive safe and reliable utilities services, including electric, natural gas, telecommunications, water, and wastewater at a fair and reasonable rate. The PSC consists of five commissioners appointed by the Governor from a pool of nominees selected by the PSC Nominating Council.⁶ Each appointee is subject to confirmation by the Senate.⁷

The PSC exercises regulatory authority over utilities in the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.⁸ In carrying out its duties, the PSC sets rates and charges for investor-owned electric, natural gas, water, and wastewater utilities;⁹ approves territorial agreements and resolves service area disputes among electric and natural gas utilities;¹⁰ certifies service areas for water and wastewater utilities,¹¹ and oversees carrier-to-carrier relationships and related interconnection agreements to prevent anticompetitive behavior in the telecommunications sector.¹² In 2024, the PSC regulated four investor-owned electric companies, five investor-owned natural gas utilities, and 153 investor-owned water and wastewater utilities, and exercised competitive market oversight over 276 telecommunications companies operating in the state.¹³

The PSC has broad statutory authority to obtain records from the utilities it regulates, including records containing proprietary confidential business information.¹⁴ Under current law, a company or other person providing records to the PSC may request confidential treatment for records believed to contain proprietary confidential business

³ [S. 119.15\(6\)\(b\), F.S.](#)

⁴ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁵ [S. 350.001, F.S.](#)

⁶ [Ss. 350.01\(1\) and 350.031\(6\), F.S.](#) The PSC Nominating Council is a 12-member body responsible for screening and nominating candidates for appointment to the PSC. At least one member must be 60 years of age or older. Six members, including three members of the House of Representatives (one from the minority party) are appointed by and serve at the pleasure of the Speaker of the House of Representatives. Six members, including three members of the Senate (one from the minority party) are appointed by and serve at the pleasure of the President of the Senate. [S. 350.031\(1\)\(a\), F.S.](#)

⁷ [S. 350.031\(8\), F.S.](#)

⁸ PSC, [About the PSC](#) (last visited Jan. 8, 2026).

⁹ [Ss. 366.04\(2\)\(b\), 366.06\(1\), 367.011\(2\), and 367.081\(1\), F.S.](#)

¹⁰ [S. 366.04\(2\)\(d\)-\(e\) and \(3\)\(a\)-\(b\), F.S.](#)

¹¹ [Ss. 367.031 and 367.045, F.S.](#)

¹² See [s. 364.16, F.S.](#)

¹³ PSC, [About the PSC](#) (last visited Jan. 8, 2026). While the PSC does not fully regulate publicly owned municipal or cooperative utilities, it retains limited jurisdiction, including territorial boundaries, over 35 municipally owned electric systems, 18 rural electric cooperatives, 27 municipally owned natural gas utilities, and 4 gas districts, and exercises statewide safety authority over all electric and natural gas systems.

¹⁴ "Proprietary confidential business information" means information owned or controlled by a company that is intended to be and is treated as private because disclosure would cause harm to ratepayers or to the company's business operations. The term includes trade secrets, internal audit reports, security measures, certain bidding and contractual data, information concerning competitive interests, and certain personnel information. See [ss. 364.183\(3\), 366.093\(3\), 367.156\(3\), and 368.108\(3\), F.S.](#)

information. If the PSC finds that the records contain such information, the records are confidential and exempt¹⁵ from public record requirements. A PSC finding that a record contains proprietary confidential business information is effective for a period set by the PSC not to exceed 18 months, unless the PSC finds, for good cause, that protection from disclosure should be for a specified longer period.¹⁶

Public Meeting Exemption under Review

In 2021, the Legislature created a public meeting exemption for portions of a PSC hearing during which proprietary confidential business information that is confidential and exempt from public record requirements is discussed.¹⁷ All exempt portions of a hearing must be recorded and transcribed. The recordings and transcripts are confidential and exempt from disclosure as public records except to the extent that any portion of the recording or transcript is determined by a court of competent jurisdiction, upon review, to reveal nonexempt data.¹⁸

The 2021 public necessity statement¹⁹ provided that:

[T]he disclosure of proprietary confidential business information could significantly impair the ability of utilities regulated by the commission to fairly compete within the marketplace by revealing such information. Furthermore, such disclosure could harm the businesses with which such utilities contract by revealing the businesses' proprietary confidential business information and make it less likely for such businesses to do business with regulated utilities in the future. . . Given such harms, the disclosure of this information could negatively impact customers of regulated utilities and result in higher utility prices or lower quality of service overall.²⁰

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2026, unless reenacted by the Legislature.²¹

During the 2025 interim, House and Senate staff met jointly with staff from the PSC to discuss the public meeting exemption under review. PSC staff indicated that they have had no issue interpreting or applying the exemption and were unaware of any litigation concerning the exemption. PSC staff explained that hearings are generally structured to avoid discussion of proprietary confidential business information, allowing the proceedings to be conducted entirely in the sunshine. However, in rare cases, proprietary confidential business information may be so intertwined with the factual issues that a complete and fair hearing cannot be conducted without discussing such information. Without the exemption, the PSC would have to refer such cases to the Division of Administrative Hearings (DOAH),²² where the proceedings could be closed; however, in those instances, the PSC's ability to apply its subject-matter expertise would be limited. Accordingly, PSC staff recommended reenacting the exemption as is.

¹⁵ There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04-09 (2004).

¹⁶ See [ss. 364.183, 366.093, 367.156](#), and [368.108, F.S.](#)

¹⁷ [Ch. 2021-72, L.O.F.](#)

¹⁸ [S. 350.01\(9\), F.S.](#)

¹⁹ [Art. I, s. 24\(c\), FLA CONST.](#), requires each public meeting exemption to "state with specificity the public necessity justifying the exemption."

²⁰ [Ch. 2021-72, L.O.F.](#)

²¹ [S. 350.01\(9\), F.S.](#)

²² DOAH is an independent agency housed within the Department of Management Services that conducts administrative hearings and resolves disputes under the Administrative Procedure Act. See [s. 120.65, F.S.](#)

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|-----------|-----------|------------------------------------|-------------------------|
| Orig. Comm.: Government Operations Subcommittee | 15 Y, 0 N | 11/4/2025 | Toliver | Villa |
| Economic Infrastructure Subcommittee | 15 Y, 1 N | 1/14/2026 | Keating | Rubottom |
| State Affairs Committee | | | | |