

PCB EDCA 09-04

Redraft - "A"

YEAR

1 A bill to be entitled
 2 An act relating to public records; providing an exemption
 3 from public records requirements for specified proprietary
 4 business information obtained from a telecommunications
 5 company or broadband company by the Department of
 6 Management Services; providing for future review and
 7 repeal; providing a statement of public necessity;
 8 providing a contingent effective date.

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

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 12 Section 1. Telecommunications and broadband company
 13 proprietary business information; public records exemption.--

14 (1) Any proprietary business information obtained from a
 15 telecommunications company or broadband company by the
 16 Department of Management Services, or any person or agency
 17 authorized by the department, is confidential and exempt from s.
 18 119.07(1) and s. 24(a), Art. I of the State Constitution.

19 (2) For the purposes of the exemption provided in
 20 subsection (1), "proprietary confidential business information"
 21 includes any proprietary or otherwise confidential information
 22 or documentation, including plans, billing and payment records,
 23 trade secrets, or other information, that is intended to be and
 24 is treated by the telecommunications or broadband company as
 25 confidential and is not otherwise publicly available to the same
 26 extent and in the same format as requested by the department.
 27 Proprietary confidential business information does not include
 28 aggregate information related to maps and location of facilities

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29 and broadband services or the speed of services that are
 30 available in the state.

31 (3) Any person who willfully and knowingly violates this
 32 section commits a felony of the third degree, punishable as
 33 provided in s. 775.082, s. 775.083, or s. 775.084.

34 (4) This section is subject to the Open Government Sunset
 35 Review Act in accordance with s. 119.15 and shall stand repealed
 36 on October 2, 2014, unless reviewed and saved from repeal
 37 through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
 39 necessity that proprietary business information obtained from a
 40 telecommunications company or broadband company by the
 41 Department of Management Services, or any person or agency
 42 authorized by the department, be held confidential and exempt
 43 from public records requirements. Disclosure of proprietary
 44 confidential business information would adversely affect the
 45 business interests of telecommunications and broadband companies
 46 providing such information by harming them in the marketplace
 47 and compromising the security of the communications network.
 48 Further, disclosure of such proprietary confidential business
 49 information would impair competition in the communications
 50 industry. Competitors can use such information to impede full
 51 and fair competition in the telecommunications marketplace to
 52 the disadvantage of the consumers of telecommunications
 53 services. Thus, it is the finding of the Legislature that
 54 proprietary business information obtained from a
 55 telecommunications company or broadband company by the
 56 Department of Management Services, or any person or agency

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57 authorized by the department, must be held confidential and
58 exempt from disclosure under s. 119.07(1), Florida Statutes, and
59 s. 24(a), Art. I of the State Constitution.

60 Section 3. This act shall take effect on the same date
61 that HB ___ or similar legislation takes effect, if such
62 legislation is adopted in the same legislative session or an
63 extension thereof and becomes law.