

# CHAPTER 99-202

## Senate Bill No. 180

An act relating to public records; creating s. 365.174, F.S.; providing an exemption from public records requirements for certain proprietary confidential business information submitted to the Wireless 911 Board or the Department of Management Services by providers of wireless 911 services; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

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

365.174 Proprietary confidential business information.—

(1) All proprietary confidential business information submitted by a provider to the board or the department, including the name and billing or service addresses of service subscribers, and trade secrets as defined by s. 812.081, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Statistical abstracts of information collected by the board or the department may be released or published, but only in a manner that does not identify or allow identification of subscribers or their service numbers or of revenues attributable to any provider.

(2) As used in this section, “proprietary confidential business information” means customer lists, customer numbers, and other related information, technology descriptions, technical information, or trade secrets, including trade secrets as defined in s. 812.081, and the actual or developmental costs of E911 systems that are developed, produced, or received internally by a provider or by a provider’s employees, directors, officers, or agents.

(3) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 1, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that trade secret information and proprietary confidential business information be kept confidential when held by the board or the department pursuant to their authority under ss. 365.172 and 365.173. Disclosure of trade secret or proprietary confidential business information in an agency’s possession would negatively impact the business interest of those providing an agency such information by damaging them in the marketplace, and those entities and individuals disclosing such trade secret or proprietary confidential business information would hesitate to cooperate with that agency, which would impair the effective and efficient administration of governmental functions. Further, disclosure of such trade secret or proprietary confidential business information would impair competition in the wireless telecommunications

service industry. Thus, the public and private harm in disclosing trade secret or proprietary confidential business information significantly outweighs any public benefit derived from disclosure, and the public's ability to scrutinize and monitor agency action is not diminished by nondisclosure of trade secret or proprietary confidential business information.

Section 3. This act shall take effect on the same date as Senate Bill 178 or similar legislation, relating to wireless emergency 911 telephone service, takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.