

## House Bill No. 1923

An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S.; revising a public records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company for specified purposes under the Communications Services Tax Simplification Law; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; removing superfluous language; making editorial changes; providing an effective date.

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

Section 1. Section 202.195, Florida Statutes, is amended to read:

202.195 Proprietary confidential business information; public records exemption.—

(1) ~~Any~~ Proprietary confidential business information obtained from a telecommunications company or franchised cable company ~~for the purposes of by a local governmental entity relating to imposing fees for occupying the public rights-of-way, or assessing the local communications services tax pursuant to s. 202.19, or otherwise relating to regulating the public rights-of-way, held by a local governmental entity, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such proprietary confidential business information held by a local governmental entity,~~ may be used only for the purposes of imposing such fees, ~~or~~ assessing such tax, or regulating such rights-of-way, and may not be used for any other purposes, including, but not limited to, commercial or competitive purposes.

(2) For the purposes of this exemption, “proprietary confidential business information” includes ~~any proprietary or otherwise confidential information or documentation, including~~ maps, plans, billing and payment records, trade secrets, or other information relating to the provision of or facilities for communications service;

(a) That is intended to be and is treated by the company as confidential;

(b) The disclosure of which would be reasonably likely to be used by a competitor to harm the business interests of the company; and

(c) That is not otherwise readily ascertainable or publicly available by proper means by other persons from another source to the same extent and in the same configuration format as requested by the local governmental entity.

Proprietary confidential business information does not include schematics indicating the location of facilities for a specific site that are provided in the normal course of the local governmental entity’s permitting process.

(3) Nothing in this exemption expands the information or documentation that a local governmental entity may properly request under applicable law pursuant to the imposition of fees for occupying the rights-of-way, ~~or~~ the local communication services tax, or the regulation of its public rights-of-way.

(4) ~~Any information in the possession of a local government entity which consists of Maps, plans, schematics, diagrams, or other engineering data held by a local governmental entity that relate~~ relating to the exact location and capacity of facilities for the provision of communications services by ~~such the local government entity are~~ shall be exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information ~~is shall remain~~ exempt only for a period of 60 days after completion of the construction of the communications services facilities.

~~(5) 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, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect September 30, 2005.

Approved by the Governor May 19, 2005.

Filed in Office Secretary of State May 19, 2005.