

Senate Bill No. 1510

An act relating to public records; creating s. 556.113, F.S.; creating an exemption from public-records requirements for proprietary confidential business information held by the Sunshine State One-Call of Florida, Inc.; defining the term “proprietary confidential business information”; providing for future legislative repeal and review under the Open Government Sunset Review Act; providing findings of public necessity; providing an effective date.

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

Section 1. Section 556.113, Florida Statutes, is created to read:

556.113 Sunshine State One-Call of Florida, Inc.; public-records exemption.—

(1) As used in this section, the term “proprietary confidential business information” means information provided by:

(a) A member operator which is a map, plan, facility location diagram, internal damage investigation report or analysis, dispatch methodology, or trade secret as defined in s. 688.002, or which describes the exact location of a utility underground facility or the protection, repair, or restoration thereof, and:

1. Is intended to be and is treated by the member operator as confidential;

2. The disclosure of which would likely be used by a competitor to harm the business interests of the member operator or could be used for the purpose of inflicting damage on underground facilities; and

3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(b) An excavator in an internal damage investigation report or analysis relating to damage to underground utility facilities, and:

1. Is intended to be and is treated by the excavator as confidential;

2. The disclosure of which would be reasonably likely to be used by a competitor to harm the business interests of the excavator or could be used for the purpose of inflicting damage on underground facilities; and

3. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to Sunshine State One-Call of Florida, Inc.

(2) Proprietary confidential business information held by Sunshine State One-Call of Florida, Inc., for the purpose of describing the extent and root

cause of damage to an underground facility or using the member ticket management software system is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that proprietary confidential business information held by Sunshine State One-Call of Florida, Inc., for the purpose of describing the extent and root cause of damage to an underground facility or using the member ticket management software system be made exempt from public-records requirements. Sunshine State One-Call of Florida, Inc., can effectively promote safe excavation practices, permit targeted educational efforts, prevent future damage to underground facilities, further public safety awareness in order to help prevent personal injury and death to excavators and the public generally, measure compliance related to effective enforcement of one-call laws, and provide the basis for standardized measurement of the effectiveness of underground facility damage-prevention efforts used by Sunshine State One-Call of Florida, Inc., only if Sunshine State One-Call of Florida, Inc., obtains damage information. Without an exemption from public-records requirements, the Legislature finds that the proprietary and confidential nature of the information needed by Sunshine State One-Call of Florida, Inc., will continue to interfere with the release of such damage information to Sunshine State One-Call of Florida, Inc., by both member operators and excavators. Under the ticket management system provided by Sunshine State One-Call of Florida, Inc., to member operators, large member operators can save considerable expense that currently is experienced when the same ticket management system is purchased on an individual basis, and small member operators can obtain access to such a system that was heretofore too expensive to be employed. The ticket management system that is available to all member operators of Sunshine State One-Call of Florida, Inc., at no cost, promotes efficiency and greatly improves safety. The lack of an exemption from public-records requirements for proprietary confidential information held by Sunshine State One-Call of Florida, Inc., would stifle use of the system by both large and small member operators.

Section 3. This act shall take effect July 1, 2007.

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.