

CHAPTER 2014-197

Committee Substitute for House Bill No. 177

An act relating to public records; amending s. 365.174, F.S.; providing an exemption from public records requirements for proprietary confidential business information submitted by a wireless service provider to the Department of Revenue; authorizing the department to share such information with the Secretary of Management Services and the E911 Board; providing for future legislative review and repeal of the exemption; providing a statement 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 amended to read:

365.174 Proprietary confidential business information.—

(1)(a) All proprietary confidential business information submitted by a provider to the board or the office, ~~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.

(b) Statistical abstracts of information collected by the board or the office 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)(a) All proprietary confidential business information submitted by a provider to the Department of Revenue, as an agent of the board, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) The Department of Revenue may provide information relative to s. 365.172(9) to the Secretary of Management Services, or his or her authorized agent, or to the E911 Board established in s. 365.172(5) for use in the conduct of the official business of the Department of Management Services or the E911 Board.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

(3)(2) As used in this section, the term “proprietary confidential business information” means customer lists, customer numbers, individual or aggregate customer data by location, usage and capacity data, network facilities used to serve subscribers, 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.

Section 2. The Legislature finds that it is a public necessity that proprietary confidential business information submitted by a prepaid wireless service provider to the Department of Revenue, as an agent of the E911 Board, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The disclosure of such information would adversely affect the business interests of prepaid wireless service providers providing the information by harming them in the marketplace and would impair competition in the communications industry. Disclosure of data that reveals the business interests of prepaid wireless service providers creates a competitive disadvantage and an unfair advantage for their competitors. Competitors can use such information to impair full and fair competition and impede competition in the wireless marketplace to the disadvantage of consumers of wireless services. Thus, the public and private harm in disclosing this information significantly outweighs any public benefit derived from disclosure and the ability of the public to scrutinize or monitor agency action is not diminished by nondisclosure of this information.

Section 3. This act shall take effect on the same date that HB 175 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.