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CS/HB 177

2014 Legislature

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2 An act relating to public records; amending s.
3 365.174, F.S.; providing an exemption from public
4 records requirements for proprietary confidential
5 business information submitted by a wireless service
6 provider to the Department of Revenue; authorizing the
7 department to share such information with the
8 Secretary of Management Services and the E911 Board;
9 providing for future legislative review and repeal of
10 the exemption; providing a statement of public
11 necessity; providing a contingent effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Section 365.174, Florida Statutes, is amended
16 to read:

17 365.174 Proprietary confidential business information.—

18 (1) (a) All proprietary confidential business information
19 submitted by a provider to the board or the office, ~~including~~
20 ~~the name and billing or service addresses of service~~
21 ~~subscribers, and trade secrets as defined by s. 812.081,~~ is
22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
23 of the State Constitution.

24 (b) Statistical abstracts of information collected by the
25 board or the office may be released or published, but only in a
26 manner that does not identify or allow identification of

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27 subscribers or their service numbers or of revenues attributable
 28 to any provider.

29 (2) (a) All proprietary confidential business information
 30 submitted by a provider to the Department of Revenue, as an
 31 agent of the board, is confidential and exempt from s. 119.07(1)
 32 and s. 24(a), Art. I of the State Constitution.

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

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 41 repealed on October 2, 2019, unless reviewed and saved from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

43 (3)-(2) As used in this section, the term "proprietary
 44 confidential business information" means customer lists,
 45 customer numbers, individual or aggregate customer data by
 46 location, usage and capacity data, network facilities used to
 47 serve subscribers, technology descriptions, technical
 48 information, or trade secrets, including trade secrets as
 49 defined in s. 812.081, and the actual or developmental costs of
 50 E911 systems that are developed, produced, or received
 51 internally by a provider or by a provider's employees,
 52 directors, officers, or agents.

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

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