

ENROLLED

HB 7095

2018 Legislature

1
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.0713, F.S., which
4 provides an exemption from public records requirements
5 for proprietary confidential business information held
6 by a local government electric utility; conforming a
7 cross-reference; removing the scheduled repeal of the
8 exemption; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Subsection (4) of section 119.0713, Florida
13 Statutes, is amended to read:

14 119.0713 Local government agency exemptions from
15 inspection or copying of public records.—

16 (4) (a) Proprietary confidential business information means
17 information, regardless of form or characteristics, which is
18 held by an electric utility that is subject to this chapter ~~119~~,
19 is intended to be and is treated by the entity that provided the
20 information to the electric utility as private in that the
21 disclosure of the information would cause harm to the entity
22 providing the information or its business operations, and has
23 not been disclosed unless disclosed pursuant to a statutory
24 provision, an order of a court or administrative body, or a
25 private agreement that provides that the information will not be

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26 | released to the public. Proprietary confidential business
 27 | information includes, ~~but is not limited to:~~
 28 | 1. Trade secrets, as defined in s. 688.002.
 29 | 2. Internal auditing controls and reports of internal
 30 | auditors.
 31 | 3. Security measures, systems, or procedures.
 32 | 4. Information concerning bids or other contractual data,
 33 | the disclosure of which would impair the efforts of the electric
 34 | utility to contract for goods or services on favorable terms.
 35 | 5. Information relating to competitive interests, the
 36 | disclosure of which would impair the competitive business of the
 37 | provider of the information.
 38 | (b) Proprietary confidential business information held by
 39 | an electric utility that is subject to this chapter ~~119~~ in
 40 | conjunction with a due diligence review of an electric project
 41 | as defined in s. 163.01(3)(d) or a project to improve the
 42 | delivery, cost, or diversification of fuel or renewable energy
 43 | resources is confidential and exempt from s. 119.07(1) and s.
 44 | 24(a), Art. I of the State Constitution.
 45 | (c) All proprietary confidential business information
 46 | described in paragraph (b) shall be retained for 1 year after
 47 | the due diligence review has been completed and the electric
 48 | utility has decided whether or not to participate in the
 49 | project.
 50 | ~~(d) This subsection is subject to the Open Government~~

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51 | ~~Sunset Review Act in accordance with s. 119.15, and shall stand~~
52 | ~~repealed on October 2, 2018, unless reviewed and saved from~~
53 | ~~repeal through reenactment by the Legislature.~~

54 | Section 2. This act shall take effect October 1, 2018.