

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 556.113, F.S., relating
 4 to an exemption from public records requirements for
 5 proprietary confidential business information held by
 6 Sunshine State One-Call of Florida, Inc.; removing the
 7 scheduled repeal of the exemption; providing an
 8 effective date.

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

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 12 Section 1. Section 556.113, Florida Statutes, is amended
 13 to read:

14 556.113 Sunshine State One-Call of Florida, Inc.; public
 15 records exemption.—

16 (1) As used in this section, the term "proprietary
 17 confidential business information" means information provided
 18 by:

19 (a) A member operator which is a map, plan, facility
 20 location diagram, internal damage investigation report or
 21 analysis, dispatch methodology, or trade secret as defined in s.
 22 688.002, or which describes the exact location of a utility
 23 underground facility or the protection, repair, or restoration
 24 thereof, and:

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

27 2. The disclosure of which would likely be used by a
 28 competitor to harm the business interests of the member operator

29 | or could be used for the purpose of inflicting damage on
 30 | underground facilities; and

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

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

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

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

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

48 | (2) Proprietary confidential business information held by
 49 | Sunshine State One-Call of Florida, Inc., for the purpose of
 50 | describing the extent and root cause of damage to an underground
 51 | facility or using the member ticket management software system
 52 | is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 53 | Constitution.

54 | ~~(3) This section is subject to the Open Government Sunset~~
 55 | ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
 56 | ~~on October 2, 2012, unless reviewed and saved from repeal~~

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57 | ~~through reenactment by the Legislature.~~

58 | Section 2. This act shall take effect October 1, 2012.