

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

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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~~

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56 | ~~on October 2, 2012, unless reviewed and saved from repeal~~  
57 | ~~through reenactment by the Legislature.~~

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