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CS/HB 755

2018 Legislature

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An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain information relating to the Nationwide Public Safety Broadband Network held by an agency; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (3) of section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of public records.—

(3) SECURITY.—

(d)1. Information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C s. 1401 et seq. held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if release of such information would reveal:

a. The design, development, construction, deployment, and operation of network facilities;

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24 b. Network coverage, including geographical maps
 25 indicating actual or proposed locations of network
 26 infrastructure or facilities;
 27 c. The features, functions, and capabilities of network
 28 infrastructure and facilities;
 29 d. The features, functions, and capabilities of network
 30 services provided to first responders, as defined in s.
 31 112.1815, and other network users;
 32 e. The design, features, functions, and capabilities of
 33 network devices provided to first responders and other network
 34 users; or
 35 f. Security, including cybersecurity, of the design,
 36 construction, and operation of the network and associated
 37 services and products.
 38 2. This paragraph is subject to the Open Government Sunset
 39 Review Act in accordance with s. 119.15 and shall stand repealed
 40 on October 2, 2023, unless reviewed and saved from repeal
 41 through reenactment by the Legislature.
 42 Section 2. The Legislature finds that it is a public
 43 necessity that any information relating to the Nationwide Public
 44 Safety Broadband Network established pursuant to 47 U.S.C s.
 45 1401 et seq. held by an agency be made confidential and exempt
 46 from public records requirements. Such information contains
 47 security information and proprietary business information of
 48 communications services providers. The disclosure of sensitive

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49 | information relating to the Nationwide Public Safety Broadband
50 | Network could result in identification of vulnerabilities in
51 | such network and allow a security breach that could damage the
52 | network or disrupt the network's safe and reliable operation,
53 | adversely impacting the public health and safety of the state.
54 | Disclosure of such information would adversely affect the
55 | business interests and compromise the network security of such
56 | providers and their networks. Further, disclosure of such
57 | information would impair competition in the communications
58 | services industry because competitors could use such information
59 | to impede full and fair competition in the communications
60 | services industry to the disadvantage of its consumers.
61 | Therefore, the Legislature finds that any information relating
62 | to the Nationwide Public Safety Broadband Network established
63 | pursuant to 47 U.S.C s. 1401 et seq. held by an agency must be
64 | held confidential and exempt from disclosure under s. 119.07(1),
65 | Florida Statutes, and s. 24(a), Art. I of the State
66 | Constitution.

67 | Section 3. This act shall take effect July 1, 2018.