

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0712, F.S.; providing an exemption from public
 4 records requirements for certain information relating
 5 to communications services locations, project
 6 proposals, and challenges submitted to and held by the
 7 Department of Economic Opportunity under the Broadband
 8 Opportunity Program or pursuant to a federal broadband
 9 access grant program implemented by the department;
 10 providing applicability; providing for future
 11 legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing
 13 an effective date.

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

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 17 Section 1. Subsection (5) is added to section 119.0712,
 18 Florida Statutes, to read:

19 119.0712 Executive branch agency-specific exemptions from
 20 inspection or copying of public records.—

21 (5) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

22 (a) Information relating to communications services
 23 locations, project proposals, and challenges submitted to and
 24 held by the Department of Economic Opportunity under s. 288.9962
 25 or pursuant to a federal broadband access grant program

26 implemented by the Department of Economic Opportunity is
 27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 28 of the State Constitution if such information is not otherwise
 29 publicly available and the release of such information would
 30 reveal:

31 1. The location or capacity of communications network
 32 facilities;

33 2. Communications network areas, including geographical
 34 maps indicating actual or proposed locations of network
 35 infrastructure or facilities;

36 3. The features, functions, and capabilities of
 37 communications network infrastructure and facilities;

38 4. Security, including cybersecurity, of the design,
 39 construction, and operation of the communications network and
 40 associated services and products;

41 5. Specific customer locations; or

42 6. Sources of funding or in-kind contributions for a
 43 project.

44 (b) This exemption does not apply to any required
 45 functions of the department under s. 288.9962 relating to
 46 publishing a description of the proposed unserved areas to be
 47 served and the proposed broadband Internet speeds of the areas
 48 to be served as provided by the applicant and approved by the
 49 department.

50 (c) This subsection is subject to the Open Government

51 Sunset Review Act in accordance with s. 119.15 and shall stand
52 repealed on October 2, 2028, unless reviewed and saved from
53 repeal through reenactment by the Legislature.

54 Section 2. The Legislature finds that it is a public
55 necessity that certain information relating to communications
56 services locations, project proposals, and challenges submitted
57 to and held by the Department of Economic Opportunity under the
58 Broadband Opportunity Program or pursuant to a federal broadband
59 access grant program implemented by the department be made
60 confidential and exempt from public records requirements. Such
61 information contains security information and proprietary
62 business information of communications services providers. The
63 disclosure of sensitive information relating to the location,
64 capacity, features, functions, and security of these networks
65 could result in the identification of vulnerabilities in such
66 networks and allow a security breach that could damage the
67 networks or disrupt the networks' safe and reliable operation,
68 adversely impacting the public health and safety of this state.
69 Further, the disclosure of such information would adversely
70 affect the business interests and compromise the network
71 security of the communications services providers and their
72 networks. Therefore, the Legislature finds that it is a public
73 necessity that certain information relating to communications
74 services locations, project proposals, and challenges submitted
75 to and held by the Department of Economic Opportunity under the

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76 Broadband Opportunity Program or pursuant to a federal broadband
77 access grant program implemented by the department be made
78 confidential and exempt from s. 119.07(1), Florida Statutes, and
79 s. 24(a), Article I of the State Constitution.

80 Section 3. This act shall take effect July 1, 2023.