

By Senator Hooper

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, 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 the Department
7 of Economic Opportunity under the Broadband
8 Opportunity Program; providing for future legislative
9 review and repeal of the exemption; providing a
10 statement of public necessity; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (h) is added to subsection (1) of
16 section 119.071, Florida Statutes, to read:

17 119.071 General exemptions from inspection or copying of
18 public records.—

19 (1) AGENCY ADMINISTRATION.—

20 (h)1. Information relating to communications services
21 locations, project proposals, and challenges submitted to the
22 Department of Economic Opportunity under s. 288.9962 is
23 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
24 of the State Constitution if such information is not otherwise
25 publicly available and the release of such information would
26 reveal:

27 a. The location or capacity of communications network
28 facilities;

29 b. Communications network coverage areas, including

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30 geographical maps indicating actual or proposed locations of
31 network infrastructure, facilities, or coverage;

32 c. The features, functions, and capabilities of
33 communications network infrastructure and facilities;

34 d. Security, including cybersecurity, of the design,
35 construction, and operation of the communications network and
36 associated services and products;

37 e. Specific customer locations; or

38 f. Sources of funding or in-kind contributions for a
39 project.

40 2. This paragraph is subject to the Open Government Sunset
41 Review Act in accordance with s. 119.15 and shall stand repealed
42 on October 2, 2028, unless reviewed and saved from repeal
43 through reenactment by the Legislature.

44 Section 2. The Legislature finds that it is a public
45 necessity that certain information relating to communications
46 services locations, project proposals, and challenges submitted
47 to the Department of Economic Opportunity under the Broadband
48 Opportunity Program be made confidential and exempt from public
49 records requirements. Such information contains security
50 information and proprietary business information of
51 communications services providers. The disclosure of sensitive
52 information relating to the location, capacity, features,
53 functions, and security of these networks could result in the
54 identification of vulnerabilities in such networks and allow a
55 security breach that could damage the networks or disrupt the
56 networks' safe and reliable operation, adversely impacting the
57 public health and safety of this state. Further, the disclosure
58 of such information would adversely affect the business

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59 interests and compromise the network security of the
60 communications services providers and their networks. Therefore,
61 the Legislature finds that it is a public necessity that certain
62 information relating to communications services locations,
63 project proposals, and challenges submitted to the Department of
64 Economic Opportunity under the Broadband Opportunity Program be
65 held confidential and exempt from disclosure under s. 119.07(1),
66 Florida Statutes, and s. 24(a), Article I of the State
67 Constitution.

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