

By the Committee on Commerce and Tourism; and Senator Hooper

577-02495-23

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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 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.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 119.071 General exemptions from inspection or copying of
20 public records.—

21 (1) AGENCY ADMINISTRATION.—

22 (h)1. Information relating to communications services
23 locations, project proposals, and challenges submitted to the
24 Department of Economic Opportunity under s. 288.9962 or pursuant
25 to a federal broadband access grant program implemented by the
26 Department of Economic Opportunity is confidential and exempt
27 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
28 if such information is not otherwise publicly available and the
29 release of such information would reveal:

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30 a. The location or capacity of communications network
31 facilities;

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

35 c. The features, functions, and capabilities of
36 communications network infrastructure and facilities;

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

40 e. Specific customer locations; or

41 f. Sources of funding or in-kind contributions for a
42 project.

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

48 3. This paragraph is subject to the Open Government Sunset
49 Review Act in accordance with s. 119.15 and shall stand repealed
50 on October 2, 2028, unless reviewed and saved from repeal
51 through reenactment by the Legislature.

52 Section 2. The Legislature finds that it is a public
53 necessity that certain information relating to communications
54 services locations, project proposals, and challenges submitted
55 to the Department of Economic Opportunity under the Broadband
56 Opportunity Program or pursuant to a federal broadband access
57 grant program implemented by the department be made confidential
58 and exempt from public records requirements. Such information

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59 contains security information and proprietary business
60 information of communications services providers. The disclosure
61 of sensitive information relating to the location, capacity,
62 features, functions, and security of these networks could result
63 in the identification of vulnerabilities in such networks and
64 allow a security breach that could damage the networks or
65 disrupt the networks' safe and reliable operation, adversely
66 impacting the public health and safety of this state. Further,
67 the disclosure of such information would adversely affect the
68 business interests and compromise the network security of the
69 communications services providers and their networks. Therefore,
70 the Legislature finds that it is a public necessity that certain
71 information relating to communications services locations,
72 project proposals, and challenges submitted to the Department of
73 Economic Opportunity under the Broadband Opportunity Program or
74 pursuant to a federal broadband access grant program implemented
75 by the department be held confidential and exempt from
76 disclosure under s. 119.07(1), Florida Statutes, and s. 24(a),
77 Article I of the State Constitution.

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