

CHAPTER 2018-60

Committee Substitute for House Bill No. 755

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;

b. Network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities;

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

d. The features, functions, and capabilities of network services provided to first responders, as defined in s. 112.1815, and other network users;

e. The design, features, functions, and capabilities of network devices provided to first responders and other network users; or

f. Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C s. 1401 et seq. held by an agency be made confidential and exempt from public records requirements. Such information contains security information and proprietary business information of communications services providers. The disclosure of sensitive information relating to the Nationwide Public Safety Broadband Network could result in identification of vulnerabilities in such network and allow a security breach that could damage the network or disrupt the network's safe and reliable operation, adversely impacting the public health and safety of the state. Disclosure of such information would adversely affect the business interests and compromise the network security of such providers and their networks. Further, disclosure of such information would impair competition in the communications services industry because competitors could use such information to impede full and fair competition in the communications services industry to the disadvantage of its consumers. Therefore, the Legislature finds that any information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C s. 1401 et seq. held by an agency must be held confidential and exempt from disclosure under s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution.

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

Approved by the Governor March 21, 2018.

Filed in Office Secretary of State March 21, 2018.