

CHAPTER 2023-177

Committee Substitute for Senate Bill No. 552

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain information relating to communications services locations, project proposals, and challenges submitted to the Department of Economic Opportunity under the Broadband Opportunity Program or pursuant to a federal broadband access grant program implemented by the department; providing applicability; 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 (h) is added to subsection (1) of section 119.071, Florida Statutes, to read:

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

(1) AGENCY ADMINISTRATION.—

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

- a. The location or capacity of communications network facilities;
- b. Communications network areas, including geographical maps indicating actual or proposed locations of network infrastructure or facilities;
- c. The features, functions, and capabilities of communications network infrastructure and facilities;
- d. Security, including cybersecurity, of the design, construction, and operation of the communications network and associated services and products;
- e. Specific customer locations; or
- f. Sources of funding or in-kind contributions for a project.

2. This exemption does not apply to any required functions of the department under s. 288.9962 relating to publishing a description of the proposed unserved areas to be served and the proposed broadband Internet

speeds of the areas to be served as provided by the applicant and approved by the department.

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 This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that certain information relating to communications services locations, project proposals, and challenges submitted to the Department of Economic Opportunity under the Broadband Opportunity Program or pursuant to a federal broadband access grant program implemented by the department 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 location, capacity, features, functions, and security of these networks could result in the identification of vulnerabilities in such networks and allow a security breach that could damage the networks or disrupt the networks' safe and reliable operation, adversely impacting the public health and safety of this state. Further, the disclosure of such information would adversely affect the business interests and compromise the network security of the communications services providers and their networks. Therefore, the Legislature finds that it is a public necessity that certain information relating to communications services locations, project proposals, and challenges submitted to the Department of Economic Opportunity under the Broadband Opportunity Program or pursuant to a federal broadband access grant program implemented by the department be held confidential and exempt from disclosure under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

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

Approved by the Governor June 2, 2023.

Filed in Office Secretary of State June 2, 2023.