

Committee on Innovation, Industry, and Technology

CS/CS/HB 327 — Pub. Meetings/Pub. Records/Local Government Utilities

by Oversight, Transparency and Public Management Subcommittee; Energy and Utilities Subcommittee; and Reps. Davis, Yarborough, and others (CS/CS/SB 450 by Governmental Oversight and Accountability Committee; Innovation, Industry, and Technology Committee; and Senators Gibson and Bean)

Current law provides a public record exemption for the following information held by a utility owned or operated by a unit of local government (“local government utility”):

- Information related to the security of a local government utility's technology, processes, and practices designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access that, if disclosed, would facilitate the alteration, disclosure, or destruction of the data or information technology resources; and
- Information related to the security of a local government utility's existing or proposed information technology systems or industrial control technology systems that, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, the systems in a manner that would adversely impact the safe and reliable operations of the systems and the utility.

The bill creates a public meeting exemption for that portion of a meeting held by a local government utility that would reveal the above information. The bill requires that all portions of a local government utility meeting exempted by the bill be recorded and transcribed. These recordings and transcripts are exempt from disclosure as public records except to the extent that any portion of the recording or transcript is determined by a court of competent jurisdiction, after an in camera review, to reveal nonexempt data.

The bill provides that the public meeting and public record exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 38-0; House 113-0