

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Energy & Utilities
2 Subcommittee
3 Representative Antone offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (15) is added to section 119.011,
8 Florida Statutes, to read:

9 (15) "Utility" means any person or entity of whatever form
10 that provides electricity, natural gas, telecommunications,
11 water, chilled water, reuse water, or wastewater.

12 Section 2. Subsection (5) is added to section 119.0713,
13 Florida Statutes, to read:

14 119.0713 Local government agency exemptions from inspection
15 or copying of public records.—

Amendment No. 1

16 (5) (a) The following information held by a utility owned
17 or operated by a unit of local government is exempt from s.
18 119.07(1) and s. 24(a), Art. I of the State Constitution:

19 1. Information related to the security of the technology,
20 processes, or practices of a utility owned or operated by a unit
21 of local government that are designed to protect the utility's
22 networks, computers, programs, and data from attack, damage, or
23 unauthorized access which, if disclosed, would facilitate the
24 alteration, disclosure, or destruction of such data or
25 information technology resources.

26 2. Information, whether in physical or virtual form,
27 related to the security of existing or proposed information
28 technology systems or industrial control technology systems of a
29 utility owned or operated by a unit of local government which,
30 if disclosed, would facilitate unauthorized access to, and
31 alteration or destruction of, such systems in a manner that
32 would adversely impact the safe and reliable operation of the
33 systems and the utility.

34 (b) This exemption applies to such information obtained
35 before, on, or after the effective date of this exemption.

36 (c) This subsection is subject to the Open Government
37 Sunset Review Act in accordance with s. 119.15 and shall stand
38 repealed on October 2, 2021, unless reviewed and saved from
39 repeal through reenactment by the Legislature.

40 Section 3. (1) The Legislature finds that, as utility
41 system infrastructure becomes more connected and integrated

Amendment No. 1

42 through information and communications technology, the exposure
43 to damage from attacks through these technologies continues to
44 grow. These attacks may result in the disruption of utility
45 services and damage to utility systems. Maintaining safe and
46 reliable utility systems is vital to protecting the public
47 health and safety and ensuring the economic well-being of the
48 state. Accordingly, many utilities have adopted technologies,
49 processes, and practices designed to secure data, information
50 technology systems, and industrial control technology systems.
51 Disclosure of sensitive information related to these security
52 measures could result in the identification of vulnerabilities
53 that allow a security breach that damages utility systems and
54 disrupts the safe and reliable operation of such systems,
55 adversely impacting the public health and safety and the
56 economic well-being of the state. Because of the interconnected
57 nature of utility systems, a security breach may also impact
58 national security concerns. As a result, the Legislature finds
59 that the public and private harm in disclosing the information
60 made exempt by this act outweighs any public benefit derived
61 from disclosure of such information. The protection of
62 information made exempt by this act will ensure that utilities
63 have greater safeguards to protect against security threats and
64 will bolster efforts to develop more resilient information
65 technology systems and industrial control technology systems.

66 (2) Therefore, the Legislature finds that it is a public
67 necessity that the following information relating to a utility

Amendment No. 1

68 owned or operated by a unit of local government be exempt from
69 public records requirements:

70 (a) Information related to the security of the technology,
71 processes, or practices of a utility owned or operated by a unit
72 of local government that are designed to protect the utility's
73 networks, computers, programs, and data from attack, damage, or
74 unauthorized access which, if disclosed, would facilitate the
75 alteration, disclosure, or destruction of such data or
76 information technology resources.

77 (b) Information, whether in physical or virtual form,
78 related to the security of existing or proposed information
79 technology systems or industrial control technology systems of a
80 utility owned or operated by a unit of local government which,
81 if disclosed, would facilitate unauthorized access to, and
82 alteration or destruction of, such systems in a manner that
83 would adversely impact the safe and reliable operation of the
84 systems and the utility.

85 Section 4. This act shall take effect upon becoming a law.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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An act relating to public records; amending s. 119.011, F.S.;

92

providing a definition; amending s. 119.0713, F.S.; providing an

93

exemption from public records requirements for information

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1025 (2016)

Amendment No. 1

94 related to the security of information technology systems or
95 industrial control technology systems of a utility owned or
96 operated by a unit of local government; providing for future
97 legislative review and repeal of the exemption; providing a
98 statement of public necessity; providing an effective date.