

ENROLLED

CS/CS/HB 1025

2016 Legislature

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 2 An act relating to public records; amending s.  
 3 119.011, F.S.; defining the term "utility"; amending  
 4 s. 119.0713, F.S.; providing an exemption from public  
 5 records requirements for information related to the  
 6 security of information technology systems or  
 7 industrial control technology systems of a utility  
 8 owned or operated by a unit of local government;  
 9 providing applicability; providing for future  
 10 legislative review and repeal of the exemption;  
 11 providing a statement of public necessity; providing  
 12 an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

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

18 119.011 Definitions.—As used in this chapter, the term:  
 19 (15) "Utility" means a person or entity that provides  
 20 electricity, natural gas, telecommunications, water, chilled  
 21 water, reuse water, or wastewater.

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

24 119.0713 Local government agency exemptions from  
 25 inspection or copying of public records.—

26 (5) (a) The following information held by a utility owned

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27 or operated by a unit of local government is exempt from s.  
 28 119.07(1) and s. 24(a), Art. I of the State Constitution:

29 1. Information related to the security of the technology,  
 30 processes, or practices of a utility owned or operated by a unit  
 31 of local government that are designed to protect the utility's  
 32 networks, computers, programs, and data from attack, damage, or  
 33 unauthorized access, which information, if disclosed, would  
 34 facilitate the alteration, disclosure, or destruction of such  
 35 data or information technology resources.

36 2. Information related to the security of existing or  
 37 proposed information technology systems or industrial control  
 38 technology systems of a utility owned or operated by a unit of  
 39 local government, which, if disclosed, would facilitate  
 40 unauthorized access to, and alteration or destruction of, such  
 41 systems in a manner that would adversely impact the safe and  
 42 reliable operation of the systems and the utility.

43 (b) This exemption applies to such information held by a  
 44 utility owned or operated by a unit of local government before,  
 45 on, or after the effective date of this exemption.

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

50 Section 3. (1) The Legislature finds that it is a public  
 51 necessity that the following information held by a utility owned  
 52 or operated by a unit of local government be exempt from s.

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53 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
54 State Constitution:

55 (a) Information related to the security of the technology,  
56 processes, or practices of a utility owned or operated by a unit  
57 of local government that are designed to protect the utility's  
58 networks, computers, programs, and data from attack, damage, or  
59 unauthorized access, which information, if disclosed, would  
60 facilitate the alteration, disclosure, or destruction of such  
61 data or information technology resources.

62 (b) Information related to the security of existing or  
63 proposed information technology systems or industrial control  
64 technology systems of a utility owned or operated by a unit of  
65 local government, which, if disclosed, would facilitate  
66 unauthorized access to, and alteration or destruction of, such  
67 systems in a manner that would adversely impact the safe and  
68 reliable operation of the systems and the utility.

69 (2) The Legislature finds that, as utility system  
70 infrastructure becomes more connected and integrated through  
71 information and communications technology, the exposure to  
72 damage from attacks through such technology continues to grow.  
73 These attacks may result in the disruption of utility services  
74 and damage to utility systems. Maintaining safe and reliable  
75 utility systems is vital to protecting the public health and  
76 safety and ensuring the economic well-being of the state.  
77 Accordingly, many utilities have adopted technologies,  
78 processes, and practices designed to secure data, information

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79 technology systems, and industrial control technology systems.  
80 Disclosure of sensitive information related to these security  
81 measures could result in the identification of vulnerabilities  
82 that allow a security breach that damages utility systems and  
83 disrupts the safe and reliable operation of such systems,  
84 adversely impacting the public health and safety and the  
85 economic well-being of the state. Because of the interconnected  
86 nature of utility systems, a security breach may also impact  
87 national security concerns. As a result, the Legislature finds  
88 that the public and private harm in disclosing the information  
89 made exempt by this act outweighs any public benefit derived  
90 from disclosure of such information. The protection of  
91 information made exempt by this act will ensure that utilities  
92 have greater safeguards to protect against security threats and  
93 will bolster efforts to develop more resilient information  
94 technology systems and industrial control technology systems.  
95 For these reasons, the Legislature finds that it is a public  
96 necessity to make such information exempt from public records  
97 requirements and to provide for retroactive application of the  
98 public records exemption.

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