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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2016	.	
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The Committee on Communications, Energy, and Public Utilities  
(Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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



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

13 119.0713 Local government agency exemptions from inspection  
14 or copying of public records.—

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

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

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

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

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37 repealed on October 2, 2021, unless reviewed and saved from  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

39 Section 3. (1) The Legislature finds that, as utility



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

65 (2) The Legislature finds that it is a public necessity  
66 that the following information relating to a utility owned or  
67 operated by a unit of local government be exempt from s.  
68 119.07(1), Florida Statutes, and s. 24(a), Article I of the



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69 State Constitution:

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 which are designed to protect the utility's  
73 networks, computers, programs, and data from attack, damage, or  
74 unauthorized access, which information, if disclosed, would  
75 facilitate the alteration, disclosure, or destruction of such  
76 data or 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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87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete everything before the enacting clause  
90 and insert:

91 A bill to be entitled

92 An act relating to public records; amending s.

93 119.011, F.S.; defining the term "utility"; amending

94 s. 119.0713, F.S.; providing an exemption from public

95 records requirements for information related to the

96 security of information technology systems or

97 industrial control technology systems of a utility



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98 owned or operated by a unit of local government;  
99 providing for retroactive application; providing for  
100 future legislative review and repeal of the exemption;  
101 providing a statement of public necessity; providing  
102 an effective date.