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CS/CS/HB 327, Engrossed 1

2019 Legislature

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2 An act relating to public records and public meetings;
3 amending s. 286.0113, F.S.; exempting from public
4 meetings requirements certain exempt information
5 concerning information technology systems held by
6 specified utilities; requiring the exempt portions to
7 be recorded and transcribed; exempting from public
8 records requirements recordings and transcripts of
9 such meetings; authorizing the release of portions of
10 such meetings under specified circumstances; providing
11 for future legislative review and repeal of the
12 exemptions; providing a statement of public necessity;
13 providing an effective date.

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

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17 Section 1. Subsection (3) is added to section 286.0113,
18 Florida Statutes, to read:

19 286.0113 General exemptions from public meetings.—

20 (3) (a) That portion of a meeting held by a utility owned
21 or operated by a unit of local government which would reveal
22 information that is exempt under s. 119.0713(5) is exempt from
23 s. 286.011 and s. 24(b), Art. I of the State Constitution. All
24 exempt portions of such a meeting must be recorded and
25 transcribed. The recording and transcript of the meeting are

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26 | exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I
27 | of the State Constitution unless a court of competent
28 | jurisdiction, following an in-camera review, determines that the
29 | meeting was not restricted to the discussion of data and
30 | information made exempt by this section. In the event of such a
31 | judicial determination, only the portion of the recording or
32 | transcript which reveals nonexempt data and information may be
33 | disclosed to a third party.

34 | (b) This subsection is subject to the Open Government
35 | Sunset Review Act in accordance with s. 119.15 and shall stand
36 | repealed on October 2, 2024, unless reviewed and saved from
37 | repeal through reenactment by the Legislature.

38 | Section 2. (1) The Legislature finds that it is a public
39 | necessity that the portion of a meeting relating directly to or
40 | that would reveal the following information, which is exempt
41 | under s. 119.0713(5), Florida Statutes, be made exempt from s.
42 | 286.011, Florida Statutes, and s. 24(b), Art. I of the State
43 | Constitution and that the recording and transcript of such a
44 | meeting be made exempt from disclosure under s. 119.07(1) and s.
45 | 24(a), Art. I of the State Constitution:

46 | (a) Information related to the security of the technology,
47 | processes, or practices of the utility which are designed to
48 | protect the utility's networks, computers, programs, and data
49 | from attack, damage, or unauthorized access, and which
50 | information, if disclosed, would facilitate the alteration,

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51 disclosure, or destruction of such data or information
52 technology resources.

53 (b) Information related to the security of existing or
54 proposed information technology systems or industrial control
55 technology systems of the utility, and which information, if
56 disclosed, would facilitate unauthorized access to and
57 alteration or destruction of such systems in a manner that would
58 adversely impact the safe and reliable operation of the systems
59 and utility.

60 (2) The Legislature finds that, as utility system
61 infrastructure becomes more connected and integrated through
62 information and communications technology, the exposure to
63 damage from attacks through such technology grows. These attacks
64 may result in the disruption of utility services and damage to
65 utility systems. Maintaining safe and reliable utility systems
66 is vital to protecting the public health and safety and to
67 ensuring the economic well-being of this state.

68 (3) The Legislature finds that the public and private harm
69 in disclosing the information made exempt by this act outweighs
70 any public benefit derived from the disclosure of such
71 information. The protection of information and communications
72 made exempt by this act will ensure that utilities have greater
73 safeguards to protect against security threats and will bolster
74 efforts to develop more resilient information technology systems
75 and industrial control technology systems.

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76 | (4) Therefore, the Legislature finds that it is a public
77 | necessity to make such information exempt from public meetings
78 | requirements and to make the recording and transcript thereof
79 | exempt from public records requirements.

80 | Section 3. This act shall take effect July 1, 2019.