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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
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The Committee on Innovation, Industry, and Technology (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

286.0113 General exemptions from public meetings.—

(3) (a) That portion of a meeting held by a utility owned or
operated by a unit of local government which would reveal
information that is exempt under s. 119.0713(5) is exempt from



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11 s. 286.011 and s. 24(b), Art. I of the State Constitution. All
12 exempt portions of such a meeting must be recorded and
13 transcribed. The recording and transcript of the meeting are
14 confidential and exempt from disclosure under s. 119.07(1) and
15 s. 24(a), Art. I of the State Constitution unless a court of
16 competent jurisdiction, following an in-camera review,
17 determines that the meeting was not restricted to the discussion
18 of data and information made confidential and exempt by this
19 section. In the event of such a judicial determination, only the
20 portion of the recording or transcript which reveals nonexempt
21 data and information may be disclosed to a third party.

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24 repealed on October 2, 2024, unless reviewed and saved from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

26 Section 2. (1) The Legislature finds that it is a public
27 necessity that the portion of a meeting relating directly to or
28 that would reveal the following information, which is
29 confidential and exempt under s. 119.0713(5), Florida Statutes,
30 be made exempt from s. 286.011, Florida Statutes, and s. 24(b),
31 Article I of the State Constitution:

32 (a) Information related to the security of the technology,
33 processes, or practices of the utility which are designed to
34 protect the utility's networks, computers, programs, and data
35 from attack, damage, or unauthorized access, and which
36 information, if disclosed, would facilitate the alteration,
37 disclosure, or destruction of such data or information
38 technology resources.

39 (b) Information related to the security of existing or



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40 proposed information technology systems or industrial control
41 technology systems of the utility, and which information, if
42 disclosed, would facilitate unauthorized access to and
43 alteration or destruction of such systems in a manner that would
44 adversely impact the safe and reliable operation of the systems
45 and utility.

46 (2) The Legislature finds that, as utility system
47 infrastructure becomes more connected and integrated through
48 information and communications technology, the exposure to
49 damage from attacks through such technology grows. These attacks
50 may result in the disruption of utility services and damage to
51 utility systems. Maintaining safe and reliable utility systems
52 is vital to protecting the public health and safety and to
53 ensuring the economic well-being of this state.

54 (3) The Legislature finds that the public and private harm
55 in disclosing the information made exempt by this act outweighs
56 any public benefit derived from the disclosure of such
57 information. The protection of information and communications
58 made exempt by this act will ensure that utilities have greater
59 safeguards to protect against security threats and will bolster
60 efforts to develop more resilient information technology systems
61 and industrial control technology systems.

62 (4) Therefore, the Legislature finds that it is a public
63 necessity to make such information exempt from public meetings
64 requirements.

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

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

68 And the title is amended as follows:



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69 Delete everything before the enacting clause
70 and insert:

71 A bill to be entitled
72 An act relating to public meetings; amending s.
73 286.0113, F.S.; exempting from public meetings
74 requirements certain exempt information concerning
75 information technology systems held by specified
76 utilities; requiring the exempt portions to be
77 recorded and transcribed; authorizing the release of
78 portions of such meetings under specified
79 circumstances; providing for future legislative review
80 and repeal of the exemptions; providing a statement of
81 public necessity; providing an effective date.