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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
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The Committee on Governmental Oversight and Accountability
(Gibson) recommended the following:

Senate 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 exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I
15 of the State Constitution unless a court of competent
16 jurisdiction, following an in-camera review, determines that the
17 meeting was not restricted to the discussion of data and
18 information made exempt by this section. In the event of such a
19 judicial determination, only the portion of the recording or
20 transcript which reveals nonexempt data and information may be
21 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24 repealed on October 2, 2024, unless reviewed and saved from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 exempt
29 under s. 119.0713(5), Florida Statutes, be made exempt from s.
30 286.011, Florida Statutes, and s. 24(b), Article I of the State
31 Constitution and that the recording and transcript of such a
32 meeting be made exempt from disclosure under s. 119.07(1) and s.
33 24(a), Art. I of the State Constitution:

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



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40 technology resources.

41 (b) Information related to the security of existing or
42 proposed information technology systems or industrial control
43 technology systems of the utility, and which information, if
44 disclosed, would facilitate unauthorized access to and
45 alteration or destruction of such systems in a manner that would
46 adversely impact the safe and reliable operation of the systems
47 and utility.

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

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

64 (4) Therefore, the Legislature finds that it is a public
65 necessity to make such information exempt from public meetings
66 requirements and to make the recording and transcript thereof
67 exempt from public records requirements.

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