

By Senator Gibson

6-00555-19

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1                   A bill to be entitled  
2           An act relating to public meetings; amending s.  
3           286.0113, F.S.; providing an exemption from public  
4           meeting requirements for portions of a meeting at  
5           which certain exempt records related to the security  
6           of the technology, processes, or practices of certain  
7           utilities and the security of existing or proposed  
8           information technology systems or industrial control  
9           systems of certain utilities are discussed or may  
10          otherwise be revealed; providing for future  
11          legislative review and repeal of the exemption;  
12          providing a statement of public necessity; providing  
13          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) That portion of a meeting held by a utility owned and  
21 operated by a unit of local government at which the information  
22 made exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
23 Constitution by s. 119.0713(5)(a) is discussed or may otherwise  
24 be revealed is exempt from s. 286.011 and s. 24(b), Art. I of  
25 the State Constitution and other laws and rules requiring public  
26 access or disclosure. This subsection is subject to the Open  
27 Government Sunset Review Act in accordance with s. 119.15 and  
28 shall stand repealed on October 2, 2024, unless reviewed and  
29 saved from repeal through reenactment by the Legislature.

6-00555-19

2019450\_\_

30           Section 2. (1) The Legislature finds that it is a public  
31 necessity that any portion of a meeting at which the information  
32 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
33 Article I of the State Constitution by s. 119.0713(5) (a),  
34 Florida Statutes, is discussed or may otherwise be revealed is  
35 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article  
36 I of the State Constitution and other laws and rules requiring  
37 public access or disclosure.

38           (2) The Legislature finds that, as utility system  
39 infrastructure becomes more connected and integrated through  
40 information and communications technology, the exposure to  
41 damage from attacks through such technology continues to grow.  
42 These attacks may result in the disruption of utility services  
43 and damage to utility systems. Maintaining safe and reliable  
44 utility systems is vital to protecting the public health and  
45 safety and ensuring the economic viability of this state.  
46 Accordingly, many utilities have adopted technologies,  
47 processes, and practices designed to secure data, information  
48 technology systems, and industrial control technology systems.  
49 Disclosure of sensitive information related to these security  
50 measures could result in the identification of vulnerabilities  
51 that would allow a security breach that could damage utility  
52 systems and disrupt the safe and reliable operation of such  
53 systems, adversely impacting the public health and safety and  
54 the economic viability of this state. Because of the  
55 interconnected nature of utility systems, a security breach may  
56 also create national security concerns. The protections afforded  
57 by this act will ensure the ability of utilities to enact and  
58 maintain safeguards to protect against security threats and

6-00555-19

2019450\_\_

59 bolster their efforts to develop more resilient information  
60 technology systems and industrial control technology systems.  
61 Therefore, the Legislature finds that the public and private  
62 harm in making public portions of meetings at which this  
63 information is discussed outweighs any public benefit derived  
64 from the disclosure of such information. For these reasons, the  
65 Legislature finds that it is a public necessity to make such  
66 portions of public meetings exempt from public meeting  
67 requirements.

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