

By the Committees on Governmental Oversight and Accountability; and Innovation, Industry, and Technology; and Senators Gibson and Bean

585-03509-19

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1 A bill to be entitled
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 of
7 such meetings to be recorded and transcribed;
8 authorizing the release of portions of such meetings
9 under specified circumstances; providing for future
10 legislative review and repeal of the exemptions;
11 providing a statement of public necessity; providing
12 an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:
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16 Section 1. Subsection (3) is added to section 286.0113,
17 Florida Statutes, to read:

18 286.0113 General exemptions from public meetings.—

19 (3) (a) That portion of a meeting held by a utility owned or
20 operated by a unit of local government which would reveal
21 information that is exempt under s. 119.0713(5) is exempt from
22 s. 286.011 and s. 24(b), Art. I of the State Constitution. All
23 exempt portions of such a meeting must be recorded and
24 transcribed. The recording and transcript of the meeting are
25 exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I
26 of the State Constitution unless a court of competent
27 jurisdiction, following an in-camera review, determines that the
28 meeting was not restricted to the discussion of data and
29 information made exempt by this section. In the event of such a

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30 judicial determination, only the portion of the recording or
31 transcript which reveals nonexempt data and information may be
32 disclosed to a third party.

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35 repealed on October 2, 2024, unless reviewed and saved from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

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

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

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

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

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

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

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