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CS/HB 591

2019 Legislature

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2 An act relating to a public records; amending s.
3 119.0713, F.S.; exempting from public records
4 requirements customer meter-derived data and billing
5 information in increments of less than one billing
6 cycle that is held by certain utilities; providing a
7 statement of public necessity; providing an effective
8 date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Subsection (5) of section 119.0713, Florida
13 Statutes, is amended to read:

14 119.0713 Local government agency exemptions from
15 inspection or copying of public records.—

16 (5) (a) The following information held by a utility owned
17 or operated by a unit of local government is exempt from s.
18 119.07(1) and s. 24(a), Art. I of the State Constitution:

19 1. Information related to the security of the technology,
20 processes, or practices of a utility owned or operated by a unit
21 of local government that are designed to protect the utility's
22 networks, computers, programs, and data from attack, damage, or
23 unauthorized access, which information, if disclosed, would
24 facilitate the alteration, disclosure, or destruction of such
25 data or information technology resources.

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26 2. Information related to the security of existing or
27 proposed information technology systems or industrial control
28 technology systems of a utility owned or operated by a unit of
29 local government, which, if disclosed, would facilitate
30 unauthorized access to, and alteration or destruction of, such
31 systems in a manner that would adversely impact the safe and
32 reliable operation of the systems and the utility.

33 3. Customer meter-derived data and billing information in
34 increments less than one billing cycle.

35 (b) This exemption applies to such information held by a
36 utility owned or operated by a unit of local government before,
37 on, or after the effective date of this exemption.

38 (c) This subsection is subject to the Open Government
39 Sunset Review Act in accordance with s. 119.15 and shall stand
40 repealed on October 2, 2024 ~~2021~~, unless reviewed and saved from
41 repeal through reenactment by the Legislature.

42 Section 2. (1) The Legislature finds that it is a public
43 necessity that customer meter-derived data and billing
44 information in increments less than one billing cycle held by a
45 utility that is owned or operated by a unit of local government
46 be exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
47 Article I of the State Constitution.

48 (2) The Legislature finds that safeguarding customer
49 meter-derived data and billing information in increments of less
50 than one billing cycle is of the utmost importance. Smart

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51 meters, which can record and transmit detailed data on a
52 customer's use of utility services, present unique security
53 concerns. These concerns were addressed in a report released in
54 October 2010 by the United States Department of Energy titled
55 "Data Access and Privacy Issues related to Smart Grid
56 Technologies." The report recommended that customer data be
57 protected from release to third parties. This detailed customer
58 data can be used to specifically identify minute-by-minute usage
59 patterns, including the exact appliance or service being used.
60 This information creates significant security issues for both
61 businesses and homeowners.

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