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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 (5) of section 119.0713, Florida  
Statutes, is amended to read:

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

(5) (a) The following information held by a utility owned or  
operated by a unit of local government is exempt from s.



11 119.07(1) and s. 24(a), Art. I of the State Constitution:

12 1. Information related to the security of the technology,  
13 processes, or practices of a utility owned or operated by a unit  
14 of local government that are designed to protect the utility's  
15 networks, computers, programs, and data from attack, damage, or  
16 unauthorized access, which information, if disclosed, would  
17 facilitate the alteration, disclosure, or destruction of such  
18 data or information technology resources.

19 2. Information related to the security of existing or  
20 proposed information technology systems or industrial control  
21 technology systems of a utility owned or operated by a unit of  
22 local government, which, if disclosed, would facilitate  
23 unauthorized access to, and alteration or destruction of, such  
24 systems in a manner that would adversely impact the safe and  
25 reliable operation of the systems and the utility.

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

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

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33 repealed on October 2, 2024 ~~2021~~, unless reviewed and saved from  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

35 Section 2. (1) The Legislature finds that it is a public  
36 necessity that customer meter-derived data and billing  
37 information in increments less than one billing cycle held by a  
38 utility that is owned or operated by a unit of local government  
39 be exempt from s. 119.07(1), Florida Statutes, and s. 24(a),



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40 Article I of the State Constitution.

41 (2) The Legislature finds that safeguarding customer meter-  
42 derived data and billing information in increments of less than  
43 one billing cycle is of the utmost importance. Smart meters,  
44 which can record and transmit detailed data on a customer's use  
45 of utility services, present unique security concerns. These  
46 concerns were addressed in a report released in October 2010 by  
47 the United States Department of Energy titled "Data Access and  
48 Privacy Issues Related to Smart Grid Technologies." The report  
49 recommended that customer data be protected from release to  
50 third parties. This detailed customer data can be used to  
51 specifically identify minute-by-minute usage patterns, including  
52 the exact appliance or service being used. This information  
53 creates significant security issues for both businesses and  
54 homeowners.

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

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

58 And the title is amended as follows:

59 Delete everything before the enacting clause  
60 and insert:

61 A bill to be entitled  
62 An act relating to public records; amending s.  
63 119.0713, F.S.; exempting from public records  
64 requirements customer meter-derived data and billing  
65 information in increments of less than one billing  
66 cycle which is held by certain utilities; providing a  
67 statement of public necessity; providing an effective  
68 date.