

**By** the Committee on Innovation, Industry, and Technology; and  
Senators Gibson and Bean

580-02752-19

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1                   A bill to be entitled  
2       An act relating to 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 which 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:

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

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

16       (5) (a) The following information held by a utility owned or  
17       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.

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

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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 meter-  
49 derived data and billing information in increments of less than  
50 one billing cycle is of the utmost importance. Smart meters,  
51 which can record and transmit detailed data on a customer's use  
52 of utility services, present unique security concerns. These  
53 concerns were addressed in a report released in October 2010 by  
54 the United States Department of Energy titled "Data Access and  
55 Privacy Issues Related to Smart Grid Technologies." The report  
56 recommended that customer data be protected from release to  
57 third parties. This detailed customer data can be used to  
58 specifically identify minute-by-minute usage patterns, including

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59 the exact appliance or service being used. This information  
60 creates significant security issues for both businesses and  
61 homeowners.

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