

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0713, F.S.; providing an exemption from public
 4 records requirements for certain information held by a
 5 utility owned or operated by a unit of local
 6 government; providing definitions; providing
 7 applicability; providing for future legislative review
 8 and repeal of the exemption; providing a statement of
 9 public necessity; providing an effective date.

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

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

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

17 (5)(a) The following information held by a utility owned
 18 or operated by a unit of local government is exempt from s.
 19 119.07(1) and s. 24(a), Art. I of the State Constitution:

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

26 | data or information technology resources.

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

34 | 3. Information related to threat detection, defense,
35 | deterrence, or response plans and actions for information
36 | technology and operational technology systems of a utility owned
37 | or operated by a unit of local government, including, but not
38 | limited to, plans and actions made or taken in response to a
39 | ransomware or cyberattack on or threat to information technology
40 | or operational technology systems.

41 | 4. Information related to insurance or other risk
42 | mitigation products or coverages, including, but not limited to,
43 | deductible or self-insurance amounts, coverage limits, and
44 | policy terms and conditions, for the protection of the
45 | information technology and operational technology systems and
46 | data of a utility owned or operated by a unit of local
47 | government.

48 | 5. Critical energy infrastructure information created or
49 | received by a utility owned or operated by a unit of local
50 | government. As used in this subparagraph, the term:

51 a. "Critical energy infrastructure information" means
 52 specific engineering, vulnerability, or detailed design
 53 information about proposed or existing critical infrastructure
 54 which:

55 (I) Includes details about the production, generation,
 56 transportation, transmission, or distribution of energy.

57 (II) Could be useful in planning an attack on critical
 58 infrastructure.

59 (III) Provides more detailed location information than the
 60 general location of the critical infrastructure.

61 b. "Critical infrastructure" means existing and proposed
 62 systems and assets, whether physical or virtual, the incapacity
 63 or destruction of which would negatively affect security,
 64 economic security, public health, or public safety.

65 ~~6.3.~~ Customer meter-derived data and billing information
 66 in increments less than one billing cycle.

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

70 (c) This subsection is subject to the Open Government
 71 Sunset Review Act in accordance with s. 119.15 and shall stand
 72 repealed on October 2, ~~2027~~ 2024, unless reviewed and saved from
 73 repeal through reenactment by the Legislature.

74 Section 2. The Legislature finds that it is a public
 75 necessity that information related to threat detection, defense,

76 deterrence, or response plans and actions for information
77 technology and operational technology systems of a utility owned
78 or operated by a unit of local government; information related
79 to insurance or other risk mitigation products or coverages for
80 the protection of the information technology and operational
81 technology systems and data of a utility owned or operated by a
82 unit of local government; and critical energy infrastructure
83 information created or received by a utility owned or operated
84 by a unit of local government be made exempt from s. 119.07(1),
85 Florida Statutes, and s. 24(a), Article I of the State
86 Constitution. Multiple states are developing rules to better
87 facilitate the exchange of sensitive information needed to
88 protect critical energy, water, natural gas, and wastewater
89 infrastructure from cyber and other threats. As the electric
90 grid continues to integrate more information and communication
91 technologies, and as states look to partner more closely with
92 utilities on energy assurance and resiliency, the sensitivity of
93 information being shared and threats from increased connectivity
94 will grow. Maintaining safe and reliable utility systems is
95 vital to protecting public health and safety and to ensuring the
96 economic well-being of the state.

97 Section 3. This act shall take effect July 1, 2022.