

By the Committee on Regulated Industries

580-01778-24

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1                   A bill to be entitled  
2       An act relating to a review under the Open Government  
3       Sunset Review Act; amending s. 119.0713, F.S., which  
4       provides an exemption from public records requirements  
5       for certain information held by a utility owned or  
6       operated by a unit of local government; removing the  
7       scheduled repeal of the exemption; amending s.  
8       286.0113, F.S., which provides an exemption from  
9       public meetings requirements for certain portions of  
10      meetings held by a utility owned or operated by a unit  
11      of local government; removing the scheduled repeal of  
12      the exemption; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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

18       119.0713 Local government agency exemptions from inspection  
19      or copying of public records.—

20       (5) (a) The following information held by a utility owned or  
21      operated by a unit of local government is exempt from s.  
22      119.07(1) and s. 24(a), Art. I of the State Constitution:

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

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

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

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

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

46           Section 2. Subsection (3) of section 286.0113, Florida  
47 Statutes, is amended to read:

48           286.0113 General exemptions from public meetings.—

49           (3)~~(a)~~ That portion of a meeting held by a utility owned or  
50 operated by a unit of local government which would reveal  
51 information that is exempt under s. 119.0713(5) is exempt from  
52 s. 286.011 and s. 24(b), Art. I of the State Constitution. All  
53 exempt portions of such a meeting must be recorded and  
54 transcribed. The recording and transcript of the meeting are  
55 exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I  
56 of the State Constitution unless a court of competent  
57 jurisdiction, following an in camera review, determines that the  
58 meeting was not restricted to the discussion of data and

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59 information made exempt by this section. In the event of such a  
60 judicial determination, only the portion of the recording or  
61 transcript which reveals nonexempt data and information may be  
62 disclosed to a third party.

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

67 Section 3. This act shall take effect October 1, 2024.