

**By** the Committees on Governmental Oversight and Accountability;  
and Regulated Industries

585-02356-24

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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 exemptions from public record requirements  
5           for information related to the security of certain  
6           technology, processes, practices, information  
7           technology systems, industrial control technology  
8           systems, and customer meter-derived data and billing  
9           information held by a utility owned or operated by a  
10          unit of local government; extending the date of  
11          scheduled repeal of public record exemptions relating  
12          to the security of certain technology, processes,  
13          practices, information technology systems, and  
14          industrial control technology systems; removing the  
15          scheduled repeal of the public record exemption  
16          related to customer meter-derived data and billing  
17          information; amending s. 286.0113, F.S., which  
18          provides an exemption from public meeting requirements  
19          for meetings held by a utility owned or operated by a  
20          unit of local government which would reveal certain  
21          information; extending the date of scheduled repeal of  
22          the exemption; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

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

28           119.0713 Local government agency exemptions from inspection  
29           or copying of public records.—

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30 (5) (a) The following information held by a utility owned or  
31 operated by a unit of local government is exempt from s.  
32 119.07(1) and s. 24(a), Art. I of the State Constitution:

33 1. Information related to the security of the technology,  
34 processes, or practices of a utility owned or operated by a unit  
35 of local government that are designed to protect the utility's  
36 networks, computers, programs, and data from attack, damage, or  
37 unauthorized access, which information, if disclosed, would  
38 facilitate the alteration, disclosure, or destruction of such  
39 data or information technology resources.

40 2. Information related to the security of existing or  
41 proposed information technology systems or industrial control  
42 technology systems of a utility owned or operated by a unit of  
43 local government, which, if disclosed, would facilitate  
44 unauthorized access to, and alteration or destruction of, such  
45 systems in a manner that would adversely impact the safe and  
46 reliable operation of the systems and the utility.

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

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

52 (c) Subparagraphs (a)1. and 2. are ~~This subsection is~~  
53 subject to the Open Government Sunset Review Act in accordance  
54 with s. 119.15 and shall stand repealed on October 2, 2027 ~~2024~~,  
55 unless reviewed and saved from repeal through reenactment by the  
56 Legislature.

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

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59           286.0113 General exemptions from public meetings.—  
60           (3) (a) That portion of a meeting held by a utility owned or  
61 operated by a unit of local government which would reveal  
62 information that is exempt under s. 119.0713(5) is exempt from  
63 s. 286.011 and s. 24(b), Art. I of the State Constitution. All  
64 exempt portions of such a meeting must be recorded and  
65 transcribed. The recording and transcript of the meeting are  
66 exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I  
67 of the State Constitution unless a court of competent  
68 jurisdiction, following an in camera review, determines that the  
69 meeting was not restricted to the discussion of data and  
70 information made exempt by this section. In the event of such a  
71 judicial determination, only the portion of the recording or  
72 transcript which reveals nonexempt data and information may be  
73 disclosed to a third party.

74           (b) This subsection is subject to the Open Government  
75 Sunset Review Act in accordance with s. 119.15 and shall stand  
76 repealed on October 2, 2027 ~~2024~~, unless reviewed and saved from  
77 repeal through reenactment by the Legislature.

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