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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.

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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.