

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A bill to be entitled
 An act relating to public records and public meetings;
 amending s. 286.0113, F.S.; exempting from public
 meetings requirements certain exempt information
 concerning information technology systems held by
 specified utilities; requiring the exempt portions to
 be recorded and transcribed; exempting from public
 records requirements recordings and transcripts of
 such meetings; authorizing the release of portions of
 such meetings under specified circumstances; providing
 for future legislative review and repeal of the
 exemptions; providing a statement of public necessity;
 providing an effective date.

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

Section 1. Subsection (3) is added to section 286.0113,
 Florida Statutes, to read:

286.0113 General exemptions from public meetings.—

(3) (a) That portion of a meeting held by a utility owned
 or operated by a unit of local government that would reveal the
 information that is exempt under s. 119.0713(5) is exempt from
 s. 286.011 and s. 24(b), Art. I of the State Constitution. All
 exempt portions of such a meeting must be recorded and
 transcribed. The recording and transcript of the meeting is

26 confidential and exempt from disclosure under s. 119.07(1) and
 27 s. 24(a), Art. I of the State Constitution unless a court of
 28 competent jurisdiction, following an in camera review,
 29 determines that the meeting was not restricted to the discussion
 30 of data and information made confidential and exempt by this
 31 section. In the event of such a judicial determination, only the
 32 portion of the recording or transcript that reveals nonexempt
 33 data and information may be disclosed to a third party.

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 36 repealed on October 2, 2024, unless reviewed and saved from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

38 Section 2. (1) The Legislature finds that it is a public
 39 necessity that the portion of a meeting relating directly to or
 40 that would reveal the following information, which is
 41 confidential and exempt under s. 119.0713(5), Florida Statutes,
 42 be made exempt from s. 286.011, Florida Statutes, and s. 24(b),
 43 Art. I of the State Constitution. The Legislature further finds
 44 that it is a public necessity that the recording and transcript
 45 of such a meeting be made confidential and exempt from
 46 disclosure under s. 119.07(1) and s. 24(a), Art. I of the State
 47 Constitution.

48 (a) Information related to the security of the technology,
 49 processes, or practices of the utility that are designed to
 50 protect the utility's networks, computers, programs, and data

51 from attack, damage, or unauthorized access, which information,
52 if disclosed, would facilitate the alteration, disclosure, or
53 destruction of such data or information technology resources.

54 (b) Information related to the security of existing or
55 proposed information technology systems or industrial control
56 technology systems of the utility, which, if disclosed, would
57 facilitate unauthorized access to, and alteration or destruction
58 of, such systems in a manner that would adversely impact the
59 safe and reliable operation of the systems and utility.

60 (2) The Legislature finds that, as utility system
61 infrastructure becomes more connected and integrated through
62 information and communications technology, the exposure to
63 damage from attacks through such technology grows. These attacks
64 may result in the disruption of utility services and damage to
65 utility systems. Maintaining safe and reliable utility systems
66 is vital to protecting the public health and safety and ensuring
67 the economic well-being of the state.

68 (3) The Legislature finds that the public and private harm
69 in disclosing the information made exempt by this act outweighs
70 any public benefit derived from the disclosure of such
71 information. The protection of information and communications
72 made exempt by this act will ensure that utilities have greater
73 safeguards to protect against security threats and will bolster
74 efforts to develop more resilient information technology systems
75 and industrial control technology systems.

76 (4) Therefore, the Legislature finds that it is a public
77 necessity to make such information exempt from public meetings
78 requirements and the recording and transcript of such meetings
79 confidential and exempt from public records requirements.

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