

By Senator Bradley

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.0713, F.S.; creating a public records exemption
4 for certain information relating to the information
5 technology security of utility agencies subject to ch.
6 119, F.S.; providing for future legislative review and
7 repeal of the exemption; providing a statement of
8 public necessity; providing an effective date.

9

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

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12 Section 1. Subsection (5) is added to section 119.0713,
13 Florida Statutes, to read:

14 119.0713 Local government agency exemptions from inspection
15 or copying of public records.—

16 (5)(a) The following, relating to a utility agency that is
17 subject to this chapter, is exempt from s. 119.07(1) and s.
18 24(a), Art. I of the State Constitution:

19 1. Information relating to the security of the utility
20 agency's technologies, processes, and practices designed to
21 protect networks, computers, programs, and data from attack,
22 damage, or unauthorized access which, if disclosed, could
23 facilitate the alteration, disclosure, or destruction of data or
24 information technology resources.

25 2. Security information, whether physical or virtual,
26 relating to the utility agency's existing or proposed
27 information technology systems or industrial control systems
28 which, if disclosed, could affect security, economic security,
29 public health or safety, or any combination thereof.

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30 3. Information that would disclose the identity of security
31 firms used by the utility agency to secure and store data or
32 provide information technology services.

33 (b) This subsection is subject to the Open Government
34 Sunset Review Act in accordance with s. 119.15, and shall stand
35 repealed on October 2, 2021, unless reviewed and saved from
36 repeal through reenactment by the Legislature.

37 Section 2. (1) The Legislature finds that it is a public
38 necessity that the following information, relating to a utility
39 agency subject to chapter 119, Florida Statutes, be exempt from
40 public records requirements:

41 (a) Information relating to the security of the utility
42 agency's technologies, processes, and practices designed to
43 protect networks, computers, programs, and data from attack,
44 damage, or unauthorized access which, if disclosed, could
45 facilitate the alteration, disclosure, or destruction of data or
46 information technology resources.

47 (b) Security information, whether in physical or virtual
48 form, relating to the utility agency's existing or proposed
49 information technology systems or industrial control systems
50 which, if disclosed, could affect security, economic security,
51 public health or safety, or any combination thereof.

52 (c) Information that would disclose the identity of
53 security firms used by a utility agency to secure and store data
54 or provide information technology services.

55 (2) The cybersecurity of utility agencies has grown in
56 importance as utilities have moved toward a more connected and
57 integrated infrastructure. As more utility systems become
58 interconnected with each other and with other sectors of the

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59 economy, the risk of cyberattacks continues to grow. Critical
60 infrastructure for energy and utilities is vital to personal
61 safety, economic growth, and national security. The release of
62 sensitive information relating to the administration of a
63 utility agency's information technology security measures could
64 result in the identification of vulnerabilities that could
65 result in a security breach or otherwise negatively impact
66 personal safety, economic growth, and national security. As a
67 result, the Legislature finds that the public and private harm
68 in disclosing the information made exempt by this act outweighs
69 any public benefit derived from disclosure of such information.
70 The protection of the information made exempt by this act will
71 ensure that utility agencies have greater safeguards to protect
72 against security threats and will bolster efforts to develop
73 more resilient information technology systems.

74 Section 3. This act shall take effect upon becoming a law.