

By the Committee on Communications, Energy, and Public Utilities; and Senator Bradley

579-02952-16

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1 A bill to be entitled

2 An act relating to public records; amending s.
3 119.011, F.S.; defining the term "utility"; amending
4 s. 119.0713, F.S.; providing an exemption from public
5 records requirements for information related to the
6 security of information technology systems or
7 industrial control technology systems of a utility
8 owned or operated by a unit of local government;
9 providing for retroactive application; providing for
10 future legislative review and repeal of the exemption;
11 providing a statement of public necessity; providing
12 an effective date.

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

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16 Section 1. Subsection (15) is added to section 119.011,
17 Florida Statutes, to read:

18 119.011 Definitions.—As used in this chapter, the term:
19 (15) "Utility" means a person or entity that provides
20 electricity, natural gas, telecommunications, water, chilled
21 water, reuse water, or wastewater.

22 Section 2. Subsection (5) is added to section 119.0713,
23 Florida Statutes, to read:

24 119.0713 Local government agency exemptions from inspection
25 or copying of public records.—

26 (5) (a) The following information held by a utility owned or
27 operated by a unit of local government is exempt from s.
28 119.07(1) and s. 24(a), Art. I of the State Constitution:

29 1. Information related to the security of the technology,
30 processes, or practices of a utility owned or operated by a unit
31 of local government that are designed to protect the utility's

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32 networks, computers, programs, and data from attack, damage, or
33 unauthorized access, which information, if disclosed, would
34 facilitate the alteration, disclosure, or destruction of such
35 data or information technology resources.

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

44 (b) This exemption applies to such information obtained
45 before, on, or after the effective date of this exemption.

46 (c) This subsection is subject to the Open Government
47 Sunset Review Act in accordance with s. 119.15 and shall stand
48 repealed on October 2, 2021, unless reviewed and saved from
49 repeal through reenactment by the Legislature.

50 Section 3. (1) The Legislature finds that, as utility
51 system infrastructure becomes more connected and integrated
52 through information and communications technology, the exposure
53 to damage from attacks through such technology continues to
54 grow. These attacks may result in the disruption of utility
55 services and damage to utility systems. Maintaining safe and
56 reliable utility systems is vital to protecting the public
57 health and safety and ensuring the economic well-being of the
58 state. Accordingly, many utilities have adopted technologies,
59 processes, and practices designed to secure data, information
60 technology systems, and industrial control technology systems.

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61 Disclosure of sensitive information related to these security
62 measures could result in the identification of vulnerabilities
63 that allow a security breach that damages utility systems and
64 disrupts the safe and reliable operation of such systems,
65 adversely impacting the public health and safety and the
66 economic well-being of the state. Because of the interconnected
67 nature of utility systems, a security breach may also impact
68 national security concerns. As a result, the Legislature finds
69 that the public and private harm in disclosing the information
70 made exempt by this act outweighs any public benefit derived
71 from disclosure of such information. The protection of
72 information made exempt by this act will ensure that utilities
73 have greater safeguards to protect against security threats and
74 will bolster efforts to develop more resilient information
75 technology systems and industrial control technology systems.

76 (2) The Legislature finds that it is a public necessity
77 that the following information relating to a utility owned or
78 operated by a unit of local government be exempt from s.
79 119.07(1), Florida Statutes, and s. 24(a), Article I of the
80 State Constitution:

81 (a) Information related to the security of the technology,
82 processes, or practices of a utility owned or operated by a unit
83 of local government which are designed to protect the utility's
84 networks, computers, programs, and data from attack, damage, or
85 unauthorized access, which information, if disclosed, would
86 facilitate the alteration, disclosure, or destruction of such
87 data or information technology resources.

88 (b) Information, whether in physical or virtual form,
89 related to the security of existing or proposed information

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90 technology systems or industrial control technology systems of a
91 utility owned or operated by a unit of local government, which,
92 if disclosed, would facilitate unauthorized access to, and
93 alteration or destruction of, such systems in a manner that
94 would adversely impact the safe and reliable operation of the
95 systems and the utility.

96 Section 4. This act shall take effect upon becoming a law.