

By the Committees on Governmental Oversight and Accountability; and Communications, Energy, and Public Utilities; and Senator Bradley

585-03648-16

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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.

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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

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31 of local government that are designed to protect the utility's
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 related to the security of existing or
37 proposed information technology systems or industrial control
38 technology systems of a utility owned or operated by a unit of
39 local government, which, if disclosed, would facilitate
40 unauthorized access to, and alteration or destruction of, such
41 systems in a manner that would adversely impact the safe and
42 reliable operation of the systems and the utility.

43 (b) This exemption applies to such information held by a
44 utility owned or operated by a unit of local government before,
45 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 it is a public
51 necessity that the following information held by a utility owned
52 or operated by a unit of local government be exempt from s.
53 119.07(1), Florida Statutes, and s. 24(a), Article I of the
54 State Constitution:

55 (a) Information related to the security of the technology,
56 processes, or practices of a utility owned or operated by a unit
57 of local government that are designed to protect the utility's
58 networks, computers, programs, and data from attack, damage, or
59 unauthorized access, which information, if disclosed, would

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60 facilitate the alteration, disclosure, or destruction of such
61 data or information technology resources.

62 (b) Information related to the security of existing or
63 proposed information technology systems or industrial control
64 technology systems of a utility owned or operated by a unit of
65 local government, which, if disclosed, would facilitate
66 unauthorized access to, and alteration or destruction of, such
67 systems in a manner that would adversely impact the safe and
68 reliable operation of the systems and the utility.

69 (2) The Legislature finds that, as utility system
70 infrastructure becomes more connected and integrated through
71 information and communications technology, the exposure to
72 damage from attacks through such technology continues to grow.
73 These attacks may result in the disruption of utility services
74 and damage to utility systems. Maintaining safe and reliable
75 utility systems is vital to protecting the public health and
76 safety and ensuring the economic well-being of the state.
77 Accordingly, many utilities have adopted technologies,
78 processes, and practices designed to secure data, information
79 technology systems, and industrial control technology systems.
80 Disclosure of sensitive information related to these security
81 measures could result in the identification of vulnerabilities
82 that allow a security breach that damages utility systems and
83 disrupts the safe and reliable operation of such systems,
84 adversely impacting the public health and safety and the
85 economic well-being of the state. Because of the interconnected
86 nature of utility systems, a security breach may also impact
87 national security concerns. As a result, the Legislature finds
88 that the public and private harm in disclosing the information

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89 made exempt by this act outweighs any public benefit derived
90 from disclosure of such information. The protection of
91 information made exempt by this act will ensure that utilities
92 have greater safeguards to protect against security threats and
93 will bolster efforts to develop more resilient information
94 technology systems and industrial control technology systems.
95 For these reasons, the Legislature finds that is a public
96 necessity to make such information exempt from public records
97 requirements, and to provide for retroactive application of the
98 public records exemption.

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