

By Senator Gibson

6-00557-19

2019600\_\_

1                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.0713, F.S.; providing an exemption from public  
 4           records requirements for certain utility customer  
 5           meter-derived data and billing information; providing  
 6           for future legislative review and repeal of the  
 7           exemption; providing a statement of public necessity;  
 8           providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Subsection (5) of section 119.0713, Florida  
 13 Statutes, is amended to read:

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

16           (5) (a) The following information held by a utility owned or  
 17 operated by a unit of local government is exempt from s.  
 18 119.07(1) and s. 24(a), Art. I of the State Constitution:

19           1. Information related to the security of the technology,  
 20 processes, or practices of a utility owned or operated by a unit  
 21 of local government which ~~that~~ are designed to protect the  
 22 utility's networks, computers, programs, and data from attack,  
 23 damage, or unauthorized access and, ~~which information~~, if  
 24 disclosed, would facilitate the alteration, disclosure, or  
 25 destruction of such data or information technology resources.

26           2. Information related to the security of existing or  
 27 proposed information technology systems or industrial control  
 28 technology systems of a utility owned or operated by a unit of  
 29 local government, ~~which~~, if disclosed, would facilitate

6-00557-19

2019600\_\_

30 unauthorized access to, and alteration or destruction of, such  
31 systems in a manner that would adversely impact the safe and  
32 reliable operation of the systems and the utility.

33 3. Customer meter-derived data and billing information in  
34 increments of less than one billing cycle.

35 (b) This exemption applies to such information held by a  
36 utility owned or operated by a unit of local government before,  
37 on, or after the effective date of this exemption.

38 (c) This subsection is subject to the Open Government  
39 Sunset Review Act in accordance with s. 119.15 and shall stand  
40 repealed on October 2, 2024 ~~2021~~, unless reviewed and saved from  
41 repeal through reenactment by the Legislature.

42 Section 2. The Legislature finds that it is a public  
43 necessity that customer meter-derived data and billing  
44 information in increments of less than one billing cycle held by  
45 a utility owned or operated by a unit of local government be  
46 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
47 Article I of the State Constitution. Safeguarding customers'  
48 meter-derived data and billing information in increments of less  
49 than one billing cycle is of the utmost importance because smart  
50 meters can record and transmit detailed utility customer use  
51 data in real time, presenting unique privacy concerns. Such  
52 devices can reveal when and for how long individuals stay at  
53 home, the types of devices an individual uses, and how they move  
54 about inside their own homes. This exemption is necessary  
55 because the public disclosure of such information constitutes an  
56 unwarranted intrusion into an individual's personal life and an  
57 invasion of his or her privacy. The harm from disclosing such  
58 information outweighs any public benefit that can be derived

6-00557-19

2019600\_\_

59 from widespread and unregulated public access to such  
60 information. For these reasons, the Legislature finds that it is  
61 a public necessity to make such information exempt from public  
62 records requirements.

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