

1 A bill to be entitled
 2 An act relating to public meetings; amending s.
 3 286.0113, F.S.; exempting from public meetings
 4 requirements certain exempt information concerning
 5 information technology systems held by specified
 6 utilities; requiring the exempt portions to be
 7 recorded and transcribed; authorizing the release of
 8 portions of such meeting under specified
 9 circumstances; providing for future legislative review
 10 and repeal of the exemptions; providing a statement of
 11 public necessity; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (3) is added to section 286.0113,
 16 Florida Statutes, to read:

17 286.0113 General exemptions from public meetings.—

18 (3) (a) That portion of a meeting held by a utility owned
 19 or operated by a unit of local government that would reveal the
 20 information that is exempt under s. 119.0713(5) is exempt from
 21 s. 286.011 and s. 24(b), Art. I of the State Constitution. All
 22 exempt portions of such a meeting must be recorded and
 23 transcribed. The recording and transcript of the meeting is
 24 confidential and exempt from disclosure under s. 119.07(1) and
 25 s. 24(a), Art. I of the State Constitution unless a court of

26 competent jurisdiction, following an in camera review,
27 determines that the meeting was not restricted to the discussion
28 of data and information made confidential and exempt by this
29 section. In the event of such a judicial determination, only the
30 portion of the recording or transcript that reveals nonexempt
31 data and information may be disclosed to a third party.

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34 repealed on October 2, 2024, unless reviewed and saved from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

36 Section 2. (1) The Legislature finds that it is a public
37 necessity that the portion of a meeting relating directly to or
38 that would reveal the following information, which is
39 confidential and exempt under s. 119.0713(5), Florida Statutes,
40 be made exempt from s. 286.011, Florida Statutes, and s. 24(b),
41 Art. I of the State Constitution.

42 (a) Information related to the security of the technology,
43 processes, or practices of the utility that are designed to
44 protect the utility's networks, computers, programs, and data
45 from attack, damage, or unauthorized access, which information,
46 if disclosed, would facilitate the alteration, disclosure, or
47 destruction of such data or information technology resources.

48 (b) Information related to the security of existing or
49 proposed information technology systems or industrial control
50 technology systems of the utility, which, if disclosed, would

51 facilitate unauthorized access to, and alteration or destruction
52 of, such systems in a manner that would adversely impact the
53 safe and reliable operation of the systems and utility.

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

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

70 (4) Therefore, the Legislature finds that it is a public
71 necessity to make such information exempt from public meetings
72 requirements.

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