

1 A bill to be entitled
2 An act relating to a public records; amending s.
3 119.0713, F.S.; exempting from public records
4 requirements customer meter-derived data and billing
5 information in increments of less than one billing
6 cycle that is held by certain utilities; providing a
7 statement of public necessity; providing an effective
8 date.

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

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

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

16 (5) (a) The following information held by a utility owned
17 or 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 that are designed to protect the utility's
22 networks, computers, programs, and data from attack, damage, or
23 unauthorized access, which information, if disclosed, would
24 facilitate the alteration, disclosure, or destruction of such
25 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
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 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40 repealed on October 2, 2024 ~~2021~~, unless reviewed and saved from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. (1) The Legislature finds that it is a public
43 necessity that customer meter-derived data and billing
44 information in increments less than one billing cycle held by a
45 utility that is owned or operated by a unit of local government
46 be exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
47 Article I of the State Constitution.

48 (2) The Legislature finds that safeguarding customer
49 meter-derived data and billing information in increments less
50 than one billing cycle is of the utmost importance. Electric,

51 gas, water, and wastewater utilities may not share, disclose, or
52 otherwise make accessible to any third party a customer's
53 consumption data, as defined, except as specified, and the
54 utilities must use reasonable security procedures and practices
55 to protect a customer's unencrypted electrical, gas, and water
56 and wastewater consumption data from unauthorized access,
57 destruction, use, modification, or disclosure. Smart meters,
58 which can record and transmit detailed data on a customer's use
59 of a utility, present unique privacy concerns, as evidenced by a
60 2012 report of the United States Department of Energy on smart
61 grid privacy that included recommendations that customer data be
62 protected from release to third parties. Recent amendments to
63 the Freedom of Information Act of 1967, s. 25-19-101 et seq.,
64 have also provided disclosure exemptions for sensitive
65 infrastructure information of public water systems.

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