

CHAPTER 2019-37

Committee Substitute for Committee Substitute for House Bill No. 327

An act relating to public records and public meetings; amending s. 286.0113, F.S.; exempting from public meetings requirements certain exempt information concerning information technology systems held by specified utilities; requiring the exempt portions to be recorded and transcribed; exempting from public records requirements recordings and transcripts of such meetings; authorizing the release of portions of such meetings under specified circumstances; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

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

286.0113 General exemptions from public meetings.—

(3)(a) That portion of a meeting held by a utility owned or operated by a unit of local government which would reveal information that is exempt under s. 119.0713(5) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. All exempt portions of such a meeting must be recorded and transcribed. The recording and transcript of the meeting are exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless a court of competent jurisdiction, following an in-camera review, determines that the meeting was not restricted to the discussion of data and information made exempt by this section. In the event of such a judicial determination, only the portion of the recording or transcript which reveals nonexempt data and information may be disclosed to a third party.

(b) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that the portion of a meeting relating directly to or that would reveal the following information, which is exempt under s. 119.0713(5), Florida Statutes, be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Art. I of the State Constitution and that the recording and transcript of such a meeting be made exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Information related to the security of the technology, processes, or practices of the utility which are designed to protect the utility's networks,

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

(b) Information related to the security of existing or proposed information technology systems or industrial control technology systems of the utility, and which information, if disclosed, would facilitate unauthorized access to and alteration or destruction of such systems in a manner that would adversely impact the safe and reliable operation of the systems and utility.

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

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

(4) Therefore, the Legislature finds that it is a public necessity to make such information exempt from public meetings requirements and to make the recording and transcript thereof exempt from public records requirements.

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

Approved by the Governor May 14, 2019.

Filed in Office Secretary of State May 14, 2019.