

By Senator Fasano

11-00636A-09

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1                   A bill to be entitled  
2           An act relating to data destruction; providing  
3           definitions; requiring all state agencies and private  
4           entities that collect personal information to adhere  
5           to the procedures provided in the National Institute  
6           of Standards and Technology "Guidelines for Media  
7           Sanitization" when destroying such information;  
8           requiring such agencies and entities to maintain a  
9           copy of the guidelines; requiring all state agencies  
10          to submit a sampling of sanitized media to a third-  
11          party vendor for verification of data destruction;  
12          authorizing the Department of Management Services to  
13          adopt rules; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Media sanitization.—

18           (1) As used in this section, the term:

19           (a) "Media" means:

20           1. "Hard copy information," which is the physical  
21 representation of information, including, but not limited to,  
22 paper printouts, printer and facsimile ribbons, drums, and  
23 platens; and

24           2. "Electronic information," which is the bits and bytes  
25 contained in hard drives, random-access memory, read-only  
26 memory, optical disc storage media, memory devices, telephones,  
27 mobile computing devices, networking equipment, and other types  
28 of information storage equipment.

29           (b) "Sanitization" or "sanitize" means the process of

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30 removing data from media, such that the data may not be  
31 retrieved or reconstructed.

32 (2) All state agencies, as defined in s. 119.011, and all  
33 private corporations, business trusts, partnerships, limited  
34 liability companies, associations, joint ventures, estates,  
35 trusts, or any other legal or commercial entity, for profit or  
36 not for profit, located in or doing business in this state,  
37 which collects any information that: is deemed secret, private,  
38 personal, or confidential in nature; contains identifying  
39 information, including names, personal or business addresses,  
40 social security numbers, credit or debit card numbers, bank  
41 account numbers, telephone numbers, or photographs that are  
42 recorded on media; and is subject to sanitization or meets the  
43 criteria for destruction as set forth in the "Guidelines for  
44 Media Sanitization: Recommendation of the National Institute of  
45 Standards and Technology," NIST Special Publication 800-88, must  
46 use the purge or physical destruction techniques for media  
47 destruction described in that document.

48 (3) All state agencies and private entities subject to  
49 subsection (2) must keep a copy of the Guidelines for Media  
50 Sanitization available for use. An electronic copy of the  
51 document must be kept on the computer desktop of the chief  
52 information officer, security officer, records management  
53 officer, or other person responsible for the sanitization of the  
54 personal or private data at the agency or entity.

55 (4) All state agencies must submit a sampling of sanitized  
56 electronic media to a third-party vendor without a stake in the  
57 sanitization process for verification of data destruction. The  
58 Department of Management Services shall adopt by rule criteria

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59 for the selection of such vendor and procedures for the  
60 submission and return of such samples.

61 Section 2. This act shall take effect July 1, 2009.