



427674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Governmental Oversight and Accountability  
(Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 35 - 191  
and insert:  
technology systems owned, under contract, or maintained by a  
state university or a Florida College System institution are  
confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
of the State Constitution:

(a) Records held by the university or institution which  
identify detection, investigation, or response practices for



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11 suspected or confirmed information technology security  
12 incidents, including suspected or confirmed breaches, if the  
13 disclosure of such records would facilitate unauthorized access  
14 to or unauthorized modification, disclosure, or destruction of:  
15 1. Data or information, whether physical or virtual; or  
16 2. Information technology resources, which include:  
17 a. Information relating to the security of the university's  
18 or institution's technologies, processes, and practices designed  
19 to protect networks, computers, data processing software, and  
20 data from attack, damage, or unauthorized access; or  
21 b. Security information, whether physical or virtual, which  
22 relates to the university's or institution's existing or  
23 proposed information technology systems.  
24 (b) Those portions of risk assessments, evaluations,  
25 audits, and other reports of the university's or institution's  
26 information technology security program for its data,  
27 information, and information technology resources which are held  
28 by the university or institution, if the disclosure of such  
29 records would facilitate unauthorized access to or the  
30 unauthorized modification, disclosure, or destruction of:  
31 1. Data or information, whether physical or virtual; or  
32 2. Information technology resources, which include:  
33 a. Information relating to the security of the university's  
34 or institution's technologies, processes, and practices designed  
35 to protect networks, computers, data processing software, and  
36 data from attack, damage, or unauthorized access; or  
37 b. Security information, whether physical or virtual, which  
38 relates to the university's or institution's existing or  
39 proposed information technology systems.



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40       (2) Those portions of a public meeting as specified in s.  
41 286.011 which would reveal data and information described in  
42 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I  
43 of the State Constitution. No exempt portion of an exempt  
44 meeting may be off the record. All exempt portions of such a  
45 meeting must be recorded and transcribed. The recording and  
46 transcript of the meeting must remain confidential and exempt  
47 from disclosure under s. 119.071(1) and s. 24(a), Art. 1 of the  
48 State Constitution unless a court of competent jurisdiction,  
49 following an in camera review, determines that the meeting was  
50 not restricted to the discussion of data and information made  
51 confidential and exempt by this section. In the event of such a  
52 judicial determination, only that portion of the transcript  
53 which reveals nonexempt data and information may be disclosed to  
54 a third party.

55       (3) The records and portions of public meeting recordings  
56 and transcripts described in subsection (1) must be available  
57 to: the Auditor General; the Cybercrime Office of the Department  
58 of Law Enforcement; for a state university, the Board of  
59 Governors; and for a Florida College System institution, the  
60 State Board of Education. Such records and portions of meetings,  
61 recordings, and transcripts may be made available to a state or  
62 federal agency for security purposes or in furtherance of the  
63 agency's official duties.

64       (4) The exemptions listed in this section apply to such  
65 records or portions of public meetings, recordings, and  
66 transcripts held by the university or institution before, on, or  
67 after the effective date of this act.

68       (5) This section is subject to the Open Government Sunset



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69 Review Act in accordance with s. 119.15 and shall stand repealed  
70 on October 2, 2022, unless reviewed and saved from repeal  
71 through reenactment by the Legislature.

72 Section 2. (1)(a) The Legislature finds that it is a public  
73 necessity that the following data or information from technology  
74 systems owned, under contract, or maintained by a state  
75 university or a Florida College System institution be  
76 confidential and exempt from s. 119.07(1), Florida Statutes, and  
77 s. 24(a), Article I of the State Constitution:

78 1. Records held by the university or institution which  
79 identify detection, investigation, or response practices for  
80 suspected or confirmed information technology security  
81 incidents, including suspected or confirmed breaches, if the  
82 disclosure of such records would facilitate unauthorized access  
83 to or unauthorized modification, disclosure, or destruction of:

84 a. Data or information, whether physical or virtual; or  
85 b. Information technology resources, which include:

86 (I) Information relating to the security of the  
87 university's or institution's technologies, processes, and  
88 practices designed to protect networks, computers, data  
89 processing software, and data from attack, damage, or  
90 unauthorized access; or

91 (II) Security information, whether physical or virtual,  
92 which relates to the university's or institution's existing or  
93 proposed information technology systems.

94 2. Those portions of risk assessments, evaluations, audits,  
95 and other reports of the university's or institution's  
96 information technology security program for its data,  
97 information, and information technology resources which are held



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98 by the university or institution, if the disclosure of such  
99 records would facilitate unauthorized access to or the  
100 unauthorized modification, disclosure, or destruction of:  
101 a. Data or information, whether physical or virtual; or  
102 b. Information technology resources, which include:  
103 (I) Information relating to the security of the  
104 university's or institution's technologies, processes, and  
105 practices designed to protect networks, computers, data  
106 processing software, and data from attack, damage, or  
107 unauthorized access; or  
108 (II) Security information, whether physical or virtual,  
109 which relates to the university's or institution's existing or  
110 proposed information technology systems.  
111 (b) The Legislature also finds that those portions of a  
112 public meeting as specified in s. 286.011, Florida Statutes,  
113 which would reveal data and information described in subsection  
114 (1) are exempt from s. 286.011, Florida Statutes, and s. 24(b),  
115 Article I of the State Constitution. The recording and  
116 transcript of the meeting must remain confidential and exempt  
117 from disclosure under s. 119.071(1), Florida Statutes, and s.  
118 24(a), Article 1 of the State Constitution unless a court of  
119 competent jurisdiction, following an in camera review,  
120 determines that the meeting was not restricted to the discussion  
121 of data and information made confidential and exempt by this  
122 section. In the event of such a judicial determination, only  
123 that portion of the transcript which reveals nonexempt data and  
124 information may be disclosed to a third party.  
125 (c) The Legislature further finds that it is a public  
126 necessity that records held by a state university or Florida



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127 College System institution which identify detection,  
128 investigation, or response practices for suspected or confirmed  
129 information technology security incidents, including suspected  
130 or confirmed breaches, be made confidential and exempt from s.  
131 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
132 State Constitution if the disclosure of such records would  
133 facilitate unauthorized access to or the unauthorized  
134 modification, disclosure, or destruction of:

135 1. Data or information, whether physical or virtual; or  
136 2. Information technology resources, which include:

137 a. Information relating to the security of the university's  
138 or institution's technologies, processes, and practices designed  
139 to protect networks, computers, data processing software, and  
140 data from attack, damage, or unauthorized access; or

141 b. Security information, whether physical or virtual, which  
142 relates to the university's or institution's existing or  
143 proposed information technology systems.

144 (d) Such records must be made confidential and exempt for  
145 the following reasons:

146 1. Records held by a state university or Florida College  
147 System institution which identify information technology  
148 detection, investigation, or response practices for suspected or  
149 confirmed information technology security incidents or breaches  
150 are likely to be used in the investigations of the incidents or  
151 breaches. The release of such information could impede the  
152 investigation and impair the ability of reviewing entities to  
153 effectively and efficiently execute their investigative duties.  
154 In addition, the release of such information before an active  
155 investigation is completed could jeopardize the ongoing



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156 investigation.

157 2. An investigation of an information technology security  
158 incident or breach is likely to result in the gathering of  
159 sensitive personal information, including identification  
160 numbers, personal financial and health information, and  
161 educational records exempt from disclosure under the Family  
162 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and ss.  
163 1002.225 and 1006.52, Florida Statutes. Such information could  
164 be used to commit identity theft or other crimes. In addition,  
165 release of such information could subject possible victims of  
166 the security incident or breach to further harm.

167 3. Disclosure of a record, including a computer forensic  
168 analysis, or other information that would reveal weaknesses in a  
169 state university's or Florida College System institution's data  
170 security could compromise that security in the future if such  
171 information were available upon conclusion of an investigation  
172 or once an investigation ceased to be active.

173 4. Such records are likely to contain proprietary  
174 information about the security of the system at issue. The  
175 disclosure of such information could result in the  
176 identification of vulnerabilities and further breaches of that  
177 system. In addition, the release of such information could give  
178 business competitors an unfair advantage and weaken the security  
179 technology supplier supplying the proprietary information in the  
180 marketplace.

181 5. The disclosure of such records could potentially  
182 compromise the confidentiality, integrity, and availability of  
183 state university and Florida College System institution data and  
184 information technology resources, which would significantly



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185 impair the administration of vital educational programs. It is  
186 necessary that this information be made confidential in order to  
187 protect the technology systems, resources, and data of the  
188 universities and institutions. The Legislature further finds  
189 that this public records exemption be given retroactive  
190 application because it is remedial in nature.

191 (2) (a) The Legislature also finds that it is a public  
192 necessity that portions of risk assessments, evaluations,  
193 audits, and other reports of a state university's or Florida  
194 College System institution's information technology security  
195 program for its data, information, and information technology  
196 resources which are held by the university or institution be  
197 made confidential and exempt from s. 119.07(1), Florida  
198 Statutes, and s. 24(a), Article I of the State Constitution if  
199 the disclosure of such portions of records would facilitate  
200 unauthorized access to or the unauthorized modification,  
201 disclosure, or destruction of:

- 202 1. Data or information, whether physical or virtual; or  
203 2. Information technology resources, which include:  
204 a. Information relating to the security of the university's  
205 or institution's technologies, processes, and practices designed  
206 to protect networks, computers, data processing software, and  
207 data from attack, damage, or unauthorized access; or  
208 b. Security information, whether physical or virtual, which  
209 relates to the university's or institution's existing or  
210 proposed information technology systems.

211 (b) The Legislature finds that it is valuable, prudent,  
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213 ===== T I T L E A M E N D M E N T =====





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214 And the title is amended as follows:

215 Delete lines 10 - 21

216 and insert:

217 portions of risk assessments, evaluations, audits, and  
218 other reports of a university's or institution's  
219 information technology security program; creating an  
220 exemption from public meetings requirements for  
221 portions of public meetings which would reveal such  
222 data and information; providing an exemption from  
223 public records requirements for a specified period for  
224 the recording and transcript of a closed meeting;  
225 authorizing disclosure of confidential and exempt  
226 information to certain agencies and officers;  
227 providing retroactive application;