

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           282.318, F.S.; expanding a public records exemption  
 4           for portions of records containing network schematics,  
 5           hardware and software configurations, or encryption to  
 6           include those records held by a county supervisor of  
 7           elections; providing for retroactive application;  
 8           providing a statement of public necessity; providing  
 9           an effective date.

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

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13           Section 1. Subsections (5) and (9) of section 282.318,  
 14 Florida Statutes, are amended, and subsections (8) and (10) of  
 15 that section are republished, to read:

16           282.318 Security of data and information technology.—

17           (5) Portions of records held by a state agency or a  
 18 supervisor of elections which contain network schematics,  
 19 hardware and software configurations, or encryption, or which  
 20 identify detection, investigation, or response practices for  
 21 suspected or confirmed information technology security  
 22 incidents, including suspected or confirmed breaches, are  
 23 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 24 of the State Constitution, if the disclosure of such records  
 25 would facilitate unauthorized access to or the unauthorized

26 | modification, disclosure, or destruction of:

27 |       (a) Data or information, whether physical or virtual; or

28 |       (b) Information technology resources, which includes:

29 |           1. Information relating to the security of the agency's  
30 | technologies, processes, and practices designed to protect  
31 | networks, computers, data processing software, and data from  
32 | attack, damage, or unauthorized access; or

33 |           2. Security information, whether physical or virtual,  
34 | which relates to the agency's existing or proposed information  
35 | technology systems.

36 |       (8) The portions of records made confidential and exempt  
37 | in subsections (5), (6), and (7) shall be available to the  
38 | Auditor General, the Cybercrime Office of the Department of Law  
39 | Enforcement, the Florida Digital Service within the department,  
40 | and, for agencies under the jurisdiction of the Governor, the  
41 | Chief Inspector General. Such portions of records may be made  
42 | available to a local government, another state agency, or a  
43 | federal agency for information technology security purposes or  
44 | in furtherance of the state agency's official duties.

45 |       (9) The exemptions contained in subsections (5), (6), and  
46 | (7) apply to records held by a state agency or a supervisor of  
47 | elections before, on, or after the effective date of this  
48 | exemption.

49 |       (10) Subsections (5), (6), and (7) are subject to the Open  
50 | Government Sunset Review Act in accordance with s. 119.15 and

51 shall stand repealed on October 2, 2025, unless reviewed and  
52 saved from repeal through reenactment by the Legislature.

53       Section 2. The Legislature finds that it is a public  
54 necessity that the portions of records of a supervisor of  
55 elections which contain network schematics, hardware and  
56 software configurations, or encryption, or which identify  
57 detection, investigation, or response practices for suspected or  
58 confirmed information technology security incidents, including  
59 suspected or confirmed breaches, which could be used to  
60 facilitate unauthorized access to or unauthorized modification,  
61 disclosure, or destruction of virtual or physical data or  
62 information or information technology resources be made  
63 confidential and exempt from s. 119.07(1), Florida Statutes, and  
64 s. 24(a), Article I of the State Constitution. Such information  
65 could be used as a tool to influence elections, frustrate the  
66 voting process, manipulate election results, or otherwise  
67 interfere with the administration of elections. If such  
68 information was released, it could result in an increase in  
69 security breaches and fraud impacting the electoral process. For  
70 these reasons, the Legislature finds that it is a public  
71 necessity that such information be made confidential and exempt  
72 from public records requirements.

73       Section 3. This act shall take effect upon becoming a law.