



677486

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2021	.	
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The Committee on Governmental Oversight and Accountability
(Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (13) is added to section 98.015,
Florida Statutes, to read:

98.015 Supervisor of elections; election, tenure of office,
compensation, custody of registration-related documents, office
hours, successor, seal; appointment of deputy supervisors;
duties; public records exemption.-



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11 (13) (a) Portions of records held by a supervisor of
12 elections which contain network schematics, hardware and
13 software configurations, or encryption or which identify
14 detection, investigation, or response practices for suspected or
15 confirmed information technology security incidents, including
16 suspected or confirmed breaches, are confidential and exempt
17 from s. 119.07(1) and s. 24(a), Art. I of the State
18 Constitution, if the disclosure of such records would facilitate
19 unauthorized access to or the unauthorized modification,
20 disclosure, or destruction of:

21 1. Data or information, whether physical or virtual; or
22 2. Information technology resources as defined in s.
23 119.011 which include:

24 a. Information relating to the security of a supervisor of
25 elections' technology, processes, and practices designed to
26 protect networks, computers, data processing software, and data
27 from attack, damage, or unauthorized access; or

28 b. Security information, whether physical or virtual, which
29 relates to a supervisor of elections' existing or proposed
30 information technology systems.

31 (b) The portions of records made confidential and exempt in
32 paragraph (a) must be available to the Auditor General and may
33 be made available to another governmental entity for information
34 technology security purposes or in the furtherance of the
35 governmental entity's official duties.

36 (c) The public record exemption created in paragraph (a)
37 applies to records held by a supervisor of elections before, on,
38 or after the effective date of the exemption.

39 (d) This subsection is subject to the Open Government



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40 Sunset Review Act in accordance with s. 119.15 and shall stand
41 repealed on October 2, 2026, unless reviewed and saved from
42 repeal through reenactment by the Legislature.

43 Section 2. The Legislature finds that it is a public
44 necessity that the portions of records of a supervisor of
45 elections which contain network schematics, hardware and
46 software configurations, or encryption or which identify
47 detection, investigation, or response practices for suspected or
48 confirmed information technology security incidents, including
49 suspected or confirmed breaches, and which could be used to
50 facilitate unauthorized access to or unauthorized modification,
51 disclosure, or destruction of virtual or physical data or
52 information or information technology resources be made
53 confidential and exempt from s. 119.07(1), Florida Statutes, and
54 s. 24(a), Article I of the State Constitution. Such information
55 could be used as a tool to influence elections, frustrate the
56 voting process, manipulate election results, or otherwise
57 interfere with the administration of elections. The release of
58 such information could result in an increase in security
59 breaches and fraud impacting the electoral process. For these
60 reasons, the Legislature finds that the public record exemption
61 should be applied on a retroactive basis because the harm that
62 may result from the release of such information outweighs the
63 public benefit that may be derived from the disclosure of the
64 information.

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

66
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:



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69 Delete everything before the enacting clause
70 and insert:

71 A bill to be entitled
72 An act relating to public records; amending s. 98.015,
73 F.S.; creating a public records exemption for portions
74 of records containing network schematics, hardware and
75 software configurations, or encryption or which
76 identify detection, investigation, or response
77 practices for suspected or confirmed information
78 technology security incidents, including suspected or
79 confirmed breaches held by a county supervisor of
80 elections; providing that such confidential and exempt
81 information must be available to the Auditor General
82 and may be made available to governmental entities for
83 specified purposes; providing for retroactive
84 application; providing for future legislative review
85 and repeal of the exemption; providing a statement of
86 public necessity; providing an effective date.