

By Senator Broxson

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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

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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, which
34 relates to the agency's existing or proposed information
35 technology systems.

36 (8) The portions of records made confidential and exempt in
37 subsections (5), (6), and (7) shall be available to the Auditor
38 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

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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.