

By the Committee on Governmental Oversight and Accountability;
and Senator Broxson

585-03620-21

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1 A bill to be entitled
2 An act relating to public records; amending s. 98.015,
3 F.S.; creating a public records exemption for portions
4 of records containing network schematics, hardware and
5 software configurations, or encryption or which
6 identify detection, investigation, or response
7 practices for suspected or confirmed information
8 technology security incidents, including suspected or
9 confirmed breaches held by a county supervisor of
10 elections; providing that such confidential and exempt
11 information must be available to the Auditor General
12 and may be made available to governmental entities for
13 specified purposes; providing for retroactive
14 application; providing for future legislative review
15 and repeal of the exemption; providing a statement of
16 public necessity; providing an effective date.

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

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

22 98.015 Supervisor of elections; election, tenure of office,
23 compensation, custody of registration-related documents, office
24 hours, successor, seal; appointment of deputy supervisors;
25 duties; public records exemption.—

26 (13) (a) Portions of records held by a supervisor of
27 elections which contain network schematics, hardware and
28 software configurations, or encryption or which identify
29 detection, investigation, or response practices for suspected or

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30 confirmed information technology security incidents, including
31 suspected or confirmed breaches, are confidential and exempt
32 from s. 119.07(1) and s. 24(a), Art. I of the State
33 Constitution, if the disclosure of such records would facilitate
34 unauthorized access to or the unauthorized modification,
35 disclosure, or destruction of:

36 1. Data or information, whether physical or virtual; or

37 2. Information technology resources as defined in s.
38 119.011 which include:

39 a. Information relating to the security of a supervisor of
40 elections' technology, processes, and practices designed to
41 protect networks, computers, data processing software, and data
42 from attack, damage, or unauthorized access; or

43 b. Security information, whether physical or virtual, which
44 relates to a supervisor of elections' existing or proposed
45 information technology systems.

46 (b) The portions of records made confidential and exempt in
47 paragraph (a) must be available to the Auditor General and may
48 be made available to another governmental entity for information
49 technology security purposes or in the furtherance of the
50 governmental entity's official duties.

51 (c) The public records exemption created in paragraph (a)
52 applies to records held by a supervisor of elections before, on,
53 or after the effective date of the exemption.

54 (d) This subsection is subject to the Open Government
55 Sunset Review Act in accordance with s. 119.15 and shall stand
56 repealed on October 2, 2026, unless reviewed and saved from
57 repeal through reenactment by the Legislature.

58 Section 2. The Legislature finds that it is a public

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59 necessity that the portions of records of a supervisor of
60 elections which contain network schematics, hardware and
61 software configurations, or encryption or which identify
62 detection, investigation, or response practices for suspected or
63 confirmed information technology security incidents, including
64 suspected or confirmed breaches, and which could be used to
65 facilitate unauthorized access to or unauthorized modification,
66 disclosure, or destruction of virtual or physical data or
67 information or information technology resources be made
68 confidential and exempt from s. 119.07(1), Florida Statutes, and
69 s. 24(a), Article I of the State Constitution. Such information
70 could be used as a tool to influence elections, frustrate the
71 voting process, manipulate election results, or otherwise
72 interfere with the administration of elections. The release of
73 such information could result in an increase in security
74 breaches and fraud impacting the electoral process. For these
75 reasons, the Legislature finds that the public records exemption
76 should be applied on a retroactive basis because the harm that
77 may result from the release of such information outweighs the
78 public benefit that may be derived from the disclosure of the
79 information.

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