1	A bill to be entitled
2	An act relating to public records and public meetings;
3	amending s. 119.0713, F.S.; providing definitions;
4	providing an exemption from public records
5	requirements for certain insurance records and
6	critical energy infrastructure information held by a
7	local government; providing an exemption from public
8	records requirements for certain records held by a
9	local government which contain network schematics,
10	hardware and software configurations, or encryption or
11	which identify detection, investigation, or response
12	practices for suspected or confirmed information
13	technology security incidents; providing an exemption
14	from public meetings requirements for portions of
15	public meetings which would reveal such information;
16	providing an exemption from public records
17	requirements for the recording and transcript of such
18	meetings; providing exceptions; providing for future
19	legislative review and repeal of the exemptions;
20	providing a statement of public necessity; providing
21	an effective date.
22	
23	Be It Enacted by the Legislature of the State of Florida:
24	
25	Section 1. Subsection (6) is added to section 119.0713,
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26	Florida Statutes, to read:
27	119.0713 Local government agency exemptions from
28	inspection or copying of public records
29	(6)(a) As used in this subsection, the term:
30	1. "Critical energy infrastructure information" means
31	specific engineering, vulnerability, or detailed design
32	information about proposed or existing critical infrastructure
33	which:
34	a. Includes details about the production, generation,
35	transportation, transmission, or distribution of energy.
36	b. May be useful in planning an attack on critical
37	infrastructure.
38	c. Provides more detailed location information than the
39	general location of the critical infrastructure.
40	2. "Critical infrastructure" means existing and proposed
41	systems and assets, whether physical or virtual, the incapacity
42	or destruction of which would negatively affect security,
43	economic security, public health, or public safety, including
44	information technology and operation technology systems and data
45	of a local government.
46	3. "Local government" means a county, municipality,
47	special district, local agency, authority, consolidated city-
48	county government, or any other local governmental body or
49	public body corporate or politic authorized or created by
50	general or special law.

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51	(b) The following information held by a local government
52	is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
53	I of the State Constitution:
54	1. Information related to insurance or other risk
55	mitigation products or coverages, including deductible or self-
56	insurance amounts, coverage limits, and policy terms and
57	conditions, for the protection of the information technology and
58	operational technology systems and data of a local government.
59	2. Critical energy infrastructure information.
60	3. Any portion of a record that contains network
61	schematics, hardware and software configurations, or encryption
62	or that identifies detection, investigation, or response
63	practices for suspected or confirmed cybersecurity incidents,
64	including suspected or confirmed breaches, if the disclosure of
65	such record would facilitate unauthorized access to or the
66	unauthorized modification, disclosure, or destruction of:
67	a. Data or information, whether physical or virtual; or
68	b. Information technology resources, including:
69	(I) Information relating to the security of the local
70	government's technologies, processes, and practices designed to
71	protect networks, computers, data processing software, and data
72	from attack, damage, or unauthorized access; or
73	(II) Security information, whether physical or virtual,
74	which relates to the local government's existing or proposed
75	information technology systems.
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76 (c) Any portion of a meeting that would reveal information 77 made confidential and exempt under paragraph (b) is exempt from 78 s. 286.011 and s. 24(b), Art. I of the State Constitution. No 79 exempt portion of a meeting may be off the record. All exempt 80 portions of such a meeting must be recorded and transcribed. The recording and transcript of the meeting are confidential and 81 82 exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless a court of competent jurisdiction, following 83 84 an in camera review, determines that the meeting was not 85 restricted to the discussion of information made confidential and exempt by this subsection. In the event of such a judicial 86 87 determination, only that portion of the transcript that reveals 88 nonexempt information may be disclosed. 89 (d) Information made confidential and exempt under this 90 subsection must be made available to law enforcement agencies, 91 the Auditor General, the Cybercrime Office of the Department of 92 Law Enforcement, and the Florida Digital Service. Such 93 information may be made available to another governmental entity 94 for security purposes or in furtherance of such entity's 95 official duties. (e) 96 This subsection is subject to the Open Government 97 Sunset Review Act in accordance with s. 119.15 and shall stand 98 repealed on October 2, 2027, unless reviewed and saved from 99 repeal through reenactment by the Legislature. 100 Section 2. (1) The Legislature finds that it is a public Page 4 of 10

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101 necessity that information held by a local government and 102 related to insurance coverage amounts, premium amount paid, 103 self-insurance amounts, and policy terms and conditions of such 104 cybersecurity insurance policies; and critical energy 105 infrastructure information created or received by the local government which consists of details about the production, 106 107 generation, transportation, transmission, or distribution of energy be made confidential and exempt from s. 119.07(1), 108 109 Florida Statutes, and s. 24(a), Article I of the State 110 Constitution. Such information held by a local government is 111 critical information, the release of which could lead to extreme 112 danger or harm to the citizens of the state. Typical critical 113 energy infrastructure information held by a local government 114 consists of critical asset location, vulnerable electric grid 115 transmission information, emerging technologies utilized by the 116 local government to prevent a cyberattack, and secure 117 information that local governments in the state share with 118 regional and federal entities. The exposure or leak of such 119 information could lead to interruptions in the delivery of essential services, as well as financial or physical harm to the 120 citizens of the state. Critical energy infrastructure 121 122 information has been defined and codified in law in over half of 123 the states in the United States in conjunction with the Federal 124 Energy Regulatory Commission. Local governments in the state 125 have recently been attacked by criminals who hold hostage

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126 critical data and operability of the local government for 127 ransom. Public disclosure of insurance coverages provides 128 information to potential attackers as to the monetary limits to 129 which they may seek ransom from these local governments. These 130 vulnerabilities leave all local governments throughout the state 131 exposed to cyberattacks and ransom demands. The Legislature 132 finds that the harm that may result from the release of such information outweighs any public benefit that may be derived 133 134 from disclosure of the information. 135 (2) (a) The Legislature finds that it is a public necessity 136 that the following information be made confidential and exempt 137 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of 138 the State Constitution: 139 1. Records held by a local government which identify 140 detection, investigation, or response practices for suspected or 141 confirmed information technology security incidents, including 142 suspected or confirmed breaches, if the disclosure of such 143 records would facilitate unauthorized access to or unauthorized 144 modification, disclosure, or destruction of: a. Data or information, whether physical or virtual; or 145 b. Information technology resources, including: 146 147 (I) Information relating to the security of the local 148 government's technologies, processes, and practices designed to 149 protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or 150

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151 (II) Security information, whether physical or virtual, 152 which relates to the local government's existing or proposed 153 information technology systems. 154 (b) Such records must be made confidential and exempt for 155 the following reasons: 156 1. Records held by a local government which identify information technology detection, investigation, or response 157 158 practices for suspected or confirmed information technology 159 security incidents or breaches are likely to be used in the investigations of the incidents or breaches. The release of such 160 information could impede the investigation and impair the 161 162 ability of reviewing entities to effectively and efficiently 163 execute their investigative duties. In addition, the release of 164 such information before an active investigation is completed 165 could jeopardize the ongoing investigation. 166 2. An investigation of an information technology security 167 incident or breach is likely to result in the gathering of 168 sensitive personal information. Such information could be used 169 to commit identity theft or other crimes. In addition, release 170 of such information could subject possible victims of the security incident or breach to further harm. 171 3. Disclosure of a record, including a computer forensic 172 173 analysis, or other information that would reveal weaknesses in a 174 local government's data security could compromise that security 175 in the future if such information were available upon conclusion

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176 of an investigation or once an investigation ceased to be 177 active. 178 4. Such records are likely to contain proprietary 179 information about the security of the system at issue. The 180 disclosure of such information could result in the identification of vulnerabilities and further breaches of that 181 system. In addition, the release of such information could give 182 183 business competitors an unfair advantage and weaken the security 184 technology supplier supplying the proprietary information in the 185 marketplace. 5. The disclosure of such records could potentially 186 187 compromise the confidentiality, integrity, and availability of 188 local government data and information technology resources, 189 which would significantly impair the administration of vital 190 governmental programs. It is necessary that this information be 191 made confidential in order to protect the technology systems, 192 resources, and data of local governments. The Legislature 193 further finds that this public records exemption be given 194 retroactive application because it is remedial in nature. 195 (c)1. The Legislature also finds that it is a public necessity that those portions of a public meeting as specified 196 197 in s. 286.011, Florida Statutes, which would reveal information 198 described in paragraph (a) be made exempt from s. 286.011, 199 Florida Statutes, and s. 24(b), Article I of the State 200 Constitution. The recording and transcript of the meeting must

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201 remain confidential and exempt from disclosure under s. 202 119.07(1), Florida Statutes, and s. 24(a), Article I of the 203 State Constitution unless a court of competent jurisdiction, 204 following an in camera review, determines that the meeting was 205 not restricted to the discussion of data and information made 206 confidential and exempt by this act. In the event of such a judicial determination, only that portion of the transcript 207 208 which reveals nonexempt data and information may be disclosed to 209 a third party. It is necessary that such meetings be made exempt 210 from public meetings requirements in order to protect local 211 government information technology systems, resources, and data. 212 The information disclosed during portions of meetings would 213 clearly identify a local government's information technology 214 systems and its vulnerabilities. This disclosure would 215 jeopardize the information technology security of the local 216 government and compromise the integrity and availability of 217 local government data and information technology resources, 218 which would significantly impair the administration of 219 government programs. 220 2. The Legislature further finds that it is a public 221 necessity that the recording and transcript of those portions of 222 meetings specified in subparagraph 1. be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), 223 224 Article I of the State Constitution unless a court determines 225 that the meeting was not restricted to the discussion of

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226	information made confidential and exempt by this act. It is
227	necessary that the resulting recordings and transcripts be made
228	confidential and exempt from public records requirements in
229	order to protect local government information technology
230	systems, resources, and data. The disclosure of such recordings
231	and transcripts would clearly identify a local government's
232	technology systems and its vulnerabilities. This disclosure
233	would jeopardize the information technology security of a local
234	government and compromise the integrity and availability of
235	local government data and information technology resources,
236	which would significantly impair the administration of
237	governmental programs.
238	Section 3. This act shall take effect July 1, 2022.

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