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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2022	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) is added to section 282.3185,
Florida Statutes, as created by SB 1670, 2022 Regular Session,
to read:

282.3185 Local government cybersecurity.—

(3) (a) Information related to a cybersecurity incident or
ransomware incident held by a political subdivision or state



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11 agency is confidential and exempt from s. 119.07(1) and s.
12 24(a), Art. I of the State Constitution to the extent that
13 disclosure of such information would facilitate unauthorized
14 access to or the unauthorized modification, disclosure, or
15 destruction of:

16 1. Data or information, whether physical or virtual; or
17 2. Information technology resources, including, but not
18 limited to, the following:

19 a. Information relating to the security of the local
20 government's technologies, processes, and practices designed to
21 protect networks, computers, data processing software, and data
22 from attack, damage, or unauthorized access.

23 b. Security information, whether physical or virtual, which
24 relates to the local government's existing or proposed
25 information technology systems.

26 (b) Information made confidential and exempt under
27 paragraph (a) may be disclosed by a political subdivision or
28 state agency:

29 1. In the furtherance of its official duties and
30 responsibilities.

31 2. To another governmental entity in the furtherance of its
32 statutory duties and responsibilities.

33 (c) Any portion of a meeting that would reveal information
34 made confidential and exempt under paragraph (a) is exempt from
35 s. 286.011 and s. 24(b), Art. I of the State Constitution. An
36 exempt portion of a meeting may not be off the record and must
37 be recorded and transcribed. The recording and transcript are
38 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
39 of the State Constitution.



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40 (d) This subsection is subject to the Open Government
41 Sunset Review Act in accordance with s. 119.15 and shall stand
42 repealed on October 2, 2027, unless reviewed and saved from
43 repeal through reenactment by the Legislature.

44 Section 2. The Legislature finds that it is a public
45 necessity that information related to a cybersecurity incident
46 or ransomware incident held by a political subdivision or state
47 agency be made confidential and exempt from s. 119.07(1),
48 Florida Statutes, and s. 24(a), Article I of the State
49 Constitution to the extent that disclosure of such information
50 would facilitate unauthorized access to or the unauthorized
51 modification, disclosure, or destruction of data or information,
52 whether physical or virtual, or information technology
53 resources. Such information includes proprietary information
54 about the security of a government system, and disclosure of
55 that information could result in the identification of
56 vulnerabilities and further breaches of the government system.
57 In addition, the disclosure of such information could compromise
58 the integrity of a government's data, information, or
59 information technology resources, which would significantly
60 impair the administration of vital programs. Therefore, this
61 information should be made confidential and exempt in order to
62 protect the government's data, information, and information
63 technology resources. The Legislature also finds that it is a
64 public necessity that any portion of a meeting in which the
65 confidential and exempt information is discussed be made exempt
66 from s. 286.011, Florida Statutes, and s. 24(b), Article I of
67 the State Constitution, and that any recordings and transcripts
68 of those portions of a meeting in which the confidential and



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69 exempt information is discussed be made confidential and exempt
70 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
71 the State Constitution. The failure to close that portion of a
72 meeting at which confidential and exempt information is
73 discussed, and prevent the disclosure of the recordings and
74 transcripts of those portions of a meeting, would defeat the
75 purpose of the underlying public records exemption and could
76 result in the release of highly sensitive information related to
77 the cybersecurity of a government system. For these reasons, the
78 Legislature finds that these public records and public meetings
79 exemptions are of the utmost importance and are a public
80 necessity.

81 Section 3. This act shall take effect on the same date that
82 SB 1670 or similar legislation takes effect, if such legislation
83 is adopted in the same legislative session or an extension
84 thereof and becomes a law.

85
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete everything before the enacting clause
89 and insert:

90 A bill to be entitled
91 An act relating to public records and public meetings;
92 amending s. 282.3185, F.S.; providing an exemption
93 from public records requirements for certain
94 information related to a cybersecurity incident or
95 ransomware incident held by a political subdivision or
96 state agency; authorizing the disclosure of the
97 confidential and exempt information under certain



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98 circumstances; providing an exemption from public
99 meetings requirements for portions of a meeting that
100 would reveal certain information related to a
101 cybersecurity incident or ransomware incident held by
102 a political subdivision or state agency; requiring the
103 recording and transcribing of exempt portions of such
104 meetings; providing an exemption from public records
105 requirements for such recordings and transcripts;
106 providing for future legislative review and repeal of
107 the exemptions; providing a statement of public
108 necessity; providing a contingent effective date.