

By Senator Hutson

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for criminal intelligence
5 information or criminal investigative information that
6 reveals means or methods that could allow unauthorized
7 access to any electronic device, software, or network;
8 providing for future legislative review and repeal of
9 the exemption; providing a statement of public
10 necessity; providing a contingent effective date.

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

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14 Section 1. Paragraph (r) is added to subsection (2) of
15 section 119.071, Florida Statutes, to read:

16 119.071 General exemptions from inspection or copying of
17 public records.—

18 (2) AGENCY INVESTIGATIONS.—

19 (r) Any criminal intelligence information or criminal
20 investigative information that reveals means or methods that
21 could allow unauthorized access to any electronic device,
22 software, or network is confidential and exempt from s.
23 119.07(1) and s. 24(a), Art. I of the State Constitution. This
24 paragraph is subject to the Open Government Sunset Review Act in
25 accordance with s. 119.15 and shall stand repealed on October 2,
26 2027, unless reviewed and saved from repeal through reenactment
27 by the Legislature.

28 Section 2. The Legislature finds that it is a public
29 necessity that any criminal intelligence information or criminal

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30 investigative information that reveals means or methods that
31 could allow unauthorized access to any electronic device,
32 software, or network be made confidential and exempt from s.
33 119.07(1), Florida Statutes, and s. 24(a), Article I of the
34 State Constitution. Disclosure of such information that would
35 reveal weaknesses in data security of any electronic device,
36 software, or network could compromise the future security of the
37 owner of the electronic device, software, or network if such
38 information was available upon conclusion of an investigation or
39 once an investigation ceased to be active. The disclosure of
40 information could compromise the security of the owner of the
41 electronic device, software, or network by making the electronic
42 device, software, or network susceptible to future data
43 incidents or breaches. In addition, such records are likely to
44 contain proprietary information about the security of the
45 electronic device, software, or network at issue. The disclosure
46 of such information could result in the identification of
47 vulnerabilities and further breaches of the electronic device,
48 software, or network. In addition, the release of such
49 information could give business competitors an unfair advantage
50 and weaken the position of the entity supplying such proprietary
51 information in the marketplace.

52 Section 3. This act shall take effect on the same date that
53 SB ___ or similar legislation takes effect, if such legislation
54 is adopted in the same legislative session or an extension
55 thereof and becomes a law.