

By the Committee on Education

581-01010-22

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1                   A bill to be entitled  
2       An act relating to a review under the Open Government  
3       Sunset Review Act; amending s. 1004.055, F.S., which  
4       provides exemptions from public records and public  
5       meetings requirements for specified data or  
6       information from technology systems owned, under  
7       contract, or maintained by a state university or a  
8       Florida College System institution and portions of  
9       meetings which would reveal such data and information;  
10      removing the scheduled repeal of the exemptions;  
11      providing an effective date.

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

14  
15       Section 1. Section 1004.055, Florida Statutes, is amended  
16 to read:

17       1004.055 Security of data and information technology in  
18 state postsecondary education institutions.—

19       (1) All of the following data or information from  
20 technology systems owned, under contract, or maintained by a  
21 state university or a Florida College System institution is  
22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
23 of the State Constitution:

24       (a) Records held by the university or institution which  
25 identify detection, investigation, or response practices for  
26 suspected or confirmed information technology security  
27 incidents, including suspected or confirmed breaches, if the  
28 disclosure of such records would facilitate unauthorized access  
29 to or unauthorized modification, disclosure, or destruction of:

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

31 2. Information technology resources, which include:

32 a. Information relating to the security of the university's  
33 or institution's technologies, processes, and practices designed  
34 to protect networks, computers, data processing software, and  
35 data from attack, damage, or unauthorized access; or

36 b. Security information, whether physical or virtual, which  
37 relates to the university's or institution's existing or  
38 proposed information technology systems.

39 (b) Those portions of risk assessments, evaluations,  
40 audits, and other reports of the university's or institution's  
41 information technology security program for its data,  
42 information, and information technology resources which are held  
43 by the university or institution, if the disclosure of such  
44 records would facilitate unauthorized access to or the  
45 unauthorized modification, disclosure, or destruction of:

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

47 2. Information technology resources, which include:

48 a. Information relating to the security of the university's  
49 or institution's technologies, processes, and practices designed  
50 to protect networks, computers, data processing software, and  
51 data from attack, damage, or unauthorized access; or

52 b. Security information, whether physical or virtual, which  
53 relates to the university's or institution's existing or  
54 proposed information technology systems.

55 (2) Those portions of a public meeting as specified in s.  
56 286.011 which would reveal data and information described in  
57 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I  
58 of the State Constitution. No exempt portion of an exempt

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59 meeting may be off the record. All exempt portions of such a  
60 meeting must be recorded and transcribed. The recording and  
61 transcript of the meeting must remain confidential and exempt  
62 from disclosure under s. 119.07(1) and s. 24(a), Art. 1 of the  
63 State Constitution unless a court of competent jurisdiction,  
64 following an in camera review, determines that the meeting was  
65 not restricted to the discussion of data and information made  
66 confidential and exempt by this section. In the event of such a  
67 judicial determination, only that portion of the transcript  
68 which reveals nonexempt data and information may be disclosed to  
69 a third party.

70 (3) The records and portions of public meeting recordings  
71 and transcripts described in subsection (1) must be available to  
72 the Auditor General; the Cybercrime Office of the Department of  
73 Law Enforcement; for a state university, the Board of Governors;  
74 and for a Florida College System institution, the State Board of  
75 Education. Such records and portions of meetings, recordings,  
76 and transcripts may be made available to a state or federal  
77 agency for security purposes or in furtherance of the agency's  
78 official duties.

79 (4) The exemptions listed in this section apply to such  
80 records or portions of public meetings, recordings, and  
81 transcripts held by the university or institution before, on, or  
82 after June 14, 2017.

83 ~~(5) This section is subject to the Open Government Sunset~~  
84 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
85 ~~on October 2, 2022, unless reviewed and saved from repeal~~  
86 ~~through reenactment by the Legislature.~~

87 Section 2. This act shall take effect October 1, 2022.