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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.

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

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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.